

AN ORDINANCE TO AMEND TITLE XI OF THE
BUSINESS REGULATIONS SECTION OF CITY
ORDINANCES SPECIFICALLY TO ADD CHAPTER
120 BY ENACTING A NEW SECTION THAT PROVIDES
FOR THE REGULATION OF VACATION HOME
RENTALS WITHIN THE CITY OF CHEBOYGAN.

CHAPTER 120

VACATION HOME RENTALS
CITY OF CHEBOYGAN, MICHIGAN
Effective March 29, 2010

1. The City of Cheboygan hereby enacts or ordains the following:

§120.01 PURPOSE AND LOCATION

The purpose of this chapter is to regulate use of a dwelling where the dwelling is rented or sold for any term less than 30 days and licensed pursuant to this City Ordinance. The locations of such Vacation Home Rentals, as defined in Chapter 154.002 shall be allowed in: R-2 two-family residential; R-M multi-family residential; T-1 tourist service; B-4 general business; and O-1 office building district.

§120.02 DEFINITIONS

(A) "Vacation Home Rental" is the use of a dwelling where the dwelling is rented or sold for any term less than 30 days and licensed pursuant to City Ordinance.

(B) "Owner" any person who has equitable or legal title to any premises, dwelling or dwelling unit.

(C) "Dwelling: is a residential unit not otherwise recognized or regulated as a hotel, motel, bed and breakfast, assisted living facility, medical facility or foster home.

§120.03 LICENSE REQUIRED.

No person shall operate a Vacation Home Rental without first obtaining a license to do so as required by this chapter. Only an Owner shall be allowed to hold a license under this chapter.

§120.04 CONDITIONS FOR ISSUANCE.

A Vacation Home Rental license shall be issued subject to the following conditions, which conditions, are in addition to conditions contained elsewhere in these Codified Ordinances:

- (a) All vacation home rental properties shall possess at least 50 feet of separation on each side of the vacation home rental structure from any adjacent dwelling.
- (b) An off street parking plan shall be submitted and approved by the Zoning Administrator which provides one (1) parking space for each bed.
- (c) Each owner of a Vacation Home Rental shall provide the name, address and phone number of a contact person who can be on the Vacation Home Rental site within one (1) hour to respond to problems.

- (d) All Vacation Home Rentals shall comply with all other applicable sections of the City of Cheboygan Code of Ordinances.

§120.05 PROCEDURE FOR APPLICATION.

Any property owner wishing to operate a Vacation Home Rental shall file a Vacation Home Rental license application with the City Clerk.

§120.06 LICENSE FEE.

The annual license fee shall be established by resolution of the City Council.

§120.07 INSPECTIONS.

A Vacation Home Rental shall meet all conditions of this chapter and other applicable ordinances and laws and may be subject to inspection as duly authorized by the City Manger.

§120.08 COMPLAINTS; APPEALS.

If a written complaint is filed alleging that the Owner of a Vacation Home Rental or any person occupying a Vacation Home Rental has violated any provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the property owner, together with a notice that an investigation will be made as to the truth of the complaint. The property owner shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation within ten (10) days from the date of notice. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.

If a permit is denied or revoked by the City Clerk, the applicant or holder of a permit may appeal to the City Manager within ten (10) days from the date of the action appealed from. The City Manager shall hold a hearing and make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial or revocation are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk shall be sustained and the applicant may appeal the City Manager's decision to the City Council within ten (10) calendar days from the City Manager's determination. Review by the City Council shall be under the same standards of review as the determination by the City Manager and shall be in accordance with rules of procedure established by the City Council. The City Council's decision may be reviewed by a court of competent jurisdiction.

§120.99 REVOCATION OF LICENSE.

A license shall be revoked by the City Clerk if, upon receipt of written information or upon the Clerk's own investigation, the Clerk has reason to believe any of the following has occurred:

1. (a) The Vacation Home Rental has received two (2) or more citations within a calendar year for a violation of any ordinance of the City of Cheboygan, any statute of the State of Michigan, or federal law.
- (b) The Owner of a Vacation Home Rental has made a false material statement in the

application or has otherwise become disqualified for the issuance of such permit.

- (c) The Owner of a Vacation Home Rental, operator, manager or other authorized agent or any person occupying or visiting a Vacation Home Rental property has violated any provision of this Chapter, the City of Cheboygan Code, any statute of the State of Michigan, or federal law.
- (d) The license may be revoked should any person occupying or visiting a Vacation Home Rental park any motor vehicle, trailer or other attachment to a motor vehicle on city street right-of-way at any time.
- (e) The Owner of a Vacation Home Rental has conducted business in any manner adverse to the protection of the public health, safety or welfare of the City of Cheboygan.

Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the property owner in person or by certified mail addressed to his or her place of business or residence address set forth in the application. Immediately upon the giving of such notice, the permit shall become null and void.

- 2. The City Clerk for the City of Cheboygan shall publish a notice of adoption of this amendment to ordinance in the matter required by MCL 117.3(K) and shall at the same time publish the fact that complete copies of the Code as hereby amended are available at the office of the Clerk for inspection by and distribution by purchase to the public from 9:00 AM to 4:00 PM, Mondays through Fridays.
- 3. Any ordinance or part of ordinances in conflict herewith are subordinate hereto and this ordinance shall be deemed controlling.
- 4. This Ordinance is effective as of 20 days of the date of passage by the City Council.

CLERK'S CERTIFICATE

Kenneth Kwiatkowski, City Clerk for the City of Cheboygan, does hereby certify that the foregoing amendment to Ordinance was adopted at a regular meeting of the City Council of the City of Cheboygan on the 9 day of March, 2010, and notice thereof was caused to be published in the Cheboygan Daily Tribune on the 12 day of March, 2010; and, also, the fact that complete copies of the Code as hereby amended are available at the Office of the City Clerk for inspection by and distribution to the public from 9:00 AM to 4:00 PM, Mondays through Fridays.


Kenneth Kwiatkowski, City Clerk

