

**VILLAGE COUNCIL
VILLAGE OF MACKINAW CITY
Cheboygan and Emmet Counties, Michigan**

Trustee J. Lemanski supported by Trustee P. Michalak, moved the adoption of the following Ordinance:

ORDINANCE NO. 212

**AN ORDINANCE TO AMEND SECTIONS 51.003 AND 51.005 OF THE
COMPILED CODE OF THE VILLAGE OF MACKINAW CITY TO
PROVIDE REGULATIONS FOR RENTAL DWELLINGS IN THE
VILLAGE**

The Village of Mackinaw City ordains:

Sec. 1. Amendment of Compiled Code. Sections 51.003 and 51.005 of the Compiled Code of the Village of Mackinaw City (Ord. No. 163, Effective September 27, 2017), are amended to read as follows:

Sec. 51.003. General Prohibition; Registration of Rental Dwellings.

- (a) *General Prohibition*: Short-term rentals are prohibited in the R1, R2 and R3 zoning districts under the Village zoning ordinance.
- (b) *Registration Required*: All owners of rental dwellings shall annually register the rental property with the Village on an application in a form provided by the Village Clerk. At the time an application is filed, a registration fee in an amount established from time to time by resolution of the Village Council shall be paid in full. All currently compliant owners of rental dwellings per this ordinance shall be exempted from paying annual registration fees unless a change in registration information or new ownership occurs.
- (c) *Annual Registration*: The annual registration date shall be January 1 of each year.
- (d) *Registration of New Rental Dwellings*: The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy. If indicated in the resolution establishing the registration fee, the fee may be pro-rated for a registration of less than one year. Otherwise the established fee shall be due.
- (e) *Change in Registration Information*: The owner of a rental dwelling(s) already registered with the Village shall re-register within 30 days after any change occurs in registration information. At the time, an application to re-register is filed, a registration fee in an amount established from time to time by resolution of the Village Council shall be paid in full.
- (f) *New Ownership of Registered Rental Dwelling*: A new owner of a registered rental dwelling shall reregister the dwelling within 30 days of assuming ownership. At the

time, an application to re-register is filed, a registration fee in an amount established from time to time by resolution of the Village Council shall be paid in full.

(g) *Registration of Rental Dwellings*: Application for registration or re-registration shall be made in accordance with such instructions as may be provided with the registration application which shall include:

- (1) The address of the rental dwelling.
- (2) The number of rental dwelling units.
- (3) The name, residence address, business address, business phone number, and personal phone number of the owner and/or the local agent, if applicable.
- (4) The address where the owner and/or the local agent, if applicable, will accept notices or orders from the Village.
- (5) Verification that all state and Village taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section.
- (6) A diagram or sketch of the floor plan of the rental dwelling sufficiently detailed to identify the square footage of living rooms, dining rooms, bedrooms and other habitable areas.
- (7) The number of off-street parking spaces.
- (8) Verification that the owner and/or local agent, if applicable, will permit and arrange for inspection of the rental dwelling as required by this ordinance.

(h) *Inaccurate or Incomplete Registration Information*: It shall be a violation of this ordinance for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

(i) *Designation of Local Agent*: If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the Village, during periods of occupation by a tenant(s) or an occupant(s), the owner shall designate a responsible local agent (residing within either Emmet, Cheboygan or Mackinac County, MI) who shall be legally responsible for operating such rental dwelling in compliance with this ordinance, this code of ordinances, and other applicable laws or regulations. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

(j) *More Than One Owner or Ownership By Entity*: Where more than one person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, director(s), partner(s), member(s), executor, trustee(s), or other chief executive officer(s) of the organization.

Sec. 51.005. Penalties.

(a) Any violation of this ordinance shall be a Tier 1 municipal civil infraction punishable by a fine, identified in a Fine Schedule in an amount set from time to time by resolution of the Village Council. Each violation shall be separate for purposes of penalties, and in the case of a continuing violation, each day shall be deemed a separate violation.

(b) *Additional Penalty*: In addition to the penalties provided in subsection (a) above, any owner, local agent, tenant or occupant may be cited for other acts or omissions that violate this code of ordinances or state law.

Sec. 2. Effective Date. This Ordinance shall take effect 20 days after its adoption, or upon publication, whichever occurs later.

Yeas: Trustees: E. Lieghio, S. Newman, J. Lemanski, P. Michalak, B. Mollen

Nays: Trustees: None

Abstain: Trustees: None

Absent: Trustees: T. Chastain and G. Ranville

Ordinance declared adopted.

Scott Newman, Village President

Lana Jaggi, Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on March 7, 2019, with notice provided as required by law.

March 7, 2019

Lana Jaggi, Clerk