

VILLAGE OF SUTTONS BAY
Village Council Regular Meeting
420 N. Front Street, Suttons Bay, MI 49682
Monday, September 18, 2023 5:30 p.m.
Agenda

1. Regular Meeting Called to Order
2. Roll Call
3. Consent Agenda
 - a. Approval of Minutes-August 21, 2023
 - b. Payment of Invoices
4. Agenda Approval
5. Public Comment / Communication (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. VSB-2023-50 Short Term Rental Ordinance-Set for Public Hearing
 - b. Secondary Road Patrol Resolution 4 of 2023 Undersheriff Kiessel
8. Special Committee Reports/Staff Reports
9. Good of the Order (Council Member Comments)
10. Public Comment (please limit to no more than three (3) minutes)
11. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email suttonsbay@suttonsbayvillage.org as soon as possible.



VILLAGE OF SUTTONS BAY
 420 N. FRONT ST, SUTTONS BAY, MI 49682
 VILLAGE COUNCIL REGULAR MEETING
 MINUTES OF AUGUST 21, 2023

The meeting was called to order at 5:30 p.m. by President Lutke.

Present: Bahle, Case, Christensen, Lutke, Smith, Suppes and Yoder
 Staff present: Fay, Larrea and Deputy Donohue

Consent agenda

Lutke moved, Yoder seconded, CARRIED, to approve the consent agenda as presented. The Village Council meeting minutes of July 17, 2023 are approved. The payment of invoices is approved. Ayes: 7, No: 0.

Agenda approval

Yoder moved, Case seconded, CARRIED, to approve the agenda as presented. Ayes: 7, No: 0.

Public comment

Written public comment received from Kathy Egan.
 Public comments received from Larry Mawby and Bill Perkins.

VS-2023-45 Consideration of sewer lining contract

Case moved, Yoder seconded, CARRIED, to direct the Village Manager to finalize the attached contract for the reasons stated in Report VS-2023-45 and being made a part of this motion. Ayes: 7, No: 0.

VS-2023-47 Amendment Z-2023-05

Smith moved, Yoder seconded, CARRIED, to deny amendment Z-2023-05 to Zoning Ordinance 2 of 2018 to amend Table 5-3 Spatial Requirements maximum stories permitted from 2.5 to 3 stories in the South Gateway district as described in Report VS-2023-47, with a roll call vote. Ayes: Case, Christensen, Lutke, Smith and Yoder. No: Bahle and Suppes.

VSB-2023-47 Amendment Z-2023-06

Smith moved, Yoder seconded, CARRIED, to deny amendment Z-2023-06 to Zoning Ordinance 2 of 2018 to amend Section 9-7 Multi-Family Development, to change the maximum density permitted in a building from 8 units to 18, as described in Report VSB-2023-47 but modified striking “and eliminate the open space provision,” and being made a part of this motion, with a roll call vote. Ayes: Case, Christensen, Lutke, Smith and Yoder. No: Bahle and Suppes.

Special Committee Reports/Staff reports

Short Term Rental Committee Report – Smith stated the Committee has met one last time and that a report is forthcoming. The report will be distributed to Council and placed on the next Village Council agenda.

Good of the Order

Case had a question about the Bayshore Oil entry found on the Check Register. He would like the Village to consider an ordinance for non-motorized vehicle parking in the streets. He has concerns about E-bikes and scooters riding on sidewalks. He stated there are a significant number of dogs on Marina beach and perhaps we need more signs. He referred to Egan’s written public comment found in the packet, and further stated that what the Village does have is the best beach and sand piles in Leelanau County, crosswalks, new Village signs, North Park with its refreshing and non-congested use for launching boats, and good parking.

Christensen congratulated Debi Smith on the Citizen Planner certificate. She stated she would love to see a tree replacement plan and trees replaced in Marina Park. She noted an opportunity with Green Suttons Bay to move forward with more trees.

Smith stated she is looking forward to the 20 trees to be planted by Green Suttons Bay. She requested crosswalk markings at the schools prior to school starting.

Yoder clarified the tow rope at Bahle Hill was removed to prevent injury.

Bahle stated that something should be done about e-bikes ignoring traffic signs.

Larrea stated the EGLE public review period for Waterwheel Park is now complete. Activity there could begin in the next 30 days. A ZBA court hearing is on Monday. Elmers will begin work on S. Shore Drive on Wednesday and that it should be about a three- day project.

Public Comment

Public comment received from Kim Eike, Larry Mawby and Bill Perkins

The meeting adjourned at 6:08 p.m.

Meeting minutes submitted by Shar Fay, Clerk.

Check Date	Check	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING				
08/16/2023	46740	MICHIGAN ASSOCIATION OF PLANNING	2023 CONFERENCE	435.00
08/24/2023	46741	DC COLLECTIVE GROCER	2 GALS BLEACH	13.78
08/24/2023	46742	ART'S AUTO AND TRUCK PARTS INC	5W30 BLUE GREASE	0.00 V
08/24/2023	46743	AT&T MOBILITY	CELL PHONE-MULTIPLE ACCTS AUGUST 2023	494.86
08/24/2023	46744	BAYSHORE OIL & PROPANE	1714.6 GALS REC 90 + TAXES	12,962.22
08/24/2023	46745	BECKETT & RAEDER	PLANNING SERVICE THRU JUNE 30, 2023	1,699.65
08/24/2023	46746	DTE CLAIMS CENTER	GAS LINE DAMAGE 303 LINCOLN	607.19
08/24/2023	46747	EGLE	S4 EXAM WATER LICENSE-LOUIS BUFKA	70.00
08/24/2023	46748	FLEIS& VANDENBRINK ENGINEERING	PROJECT 860830 HARBOR HEIGHTS	22,683.62
08/24/2023	46749	GEI CONSULTANTS	PROJ# 2204115 SUTTONS BAY STREAM RESTORA	3,316.00
08/24/2023	46750	HERMAN BROTHERS' LAWN CARE	MOWING EXPENSE JULY 2023	1,495.00
08/24/2023	46751	THE HOME CITY ICE COMPANY	125 7LB BAGS ICE + DELIVERY	221.25
08/24/2023	46752	PRIORITY HEALTH	GROUP 784340 2023 SEPT PREMIUM	9,116.83
08/24/2023	46753	PURE WATER WORKS	2 5 -GAL + DELIVERY	9.00
08/24/2023	46754	SUTTONS BAY-BINGHAM FIRE	REIMBURSEMENT FUEL TAXES PAID	3.13
08/24/2023	46755	SECURITY SANITATION, INC	MARINA PORTA JOHN RENTAL THRU AUG 2023	1,460.00
08/24/2023	46756	SONDEE, RACINE & DOREN	PROFESSIONAL SERVICES JULY 2023	1,476.00
08/24/2023	46757	STANDARD INSURANCE COMPANY	POLICY 642946 0117 SEPT 2023 PREMIUM	502.67
08/24/2023	46758	WELLS FARGO FINANCIAL LEASING	CONT#603-0214439000 AUG 2023	72.92
08/25/2023	46759	KARL LANNEN	TREE REMOVAL- 515 ST JOSEPH 50%	0.00 V
08/25/2023	46760	KARLTON OUTDOORS, LLC	TREE REMOVAL 515 ST JOSEPH 50%	700.00
08/30/2023	46761	BAYSHORE OIL & PROPANE	900 GALS REC 90 @ 4.09 PER GAL	4,270.50
08/30/2023	46762	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE AUGUST 2023	663.28
08/30/2023	46763	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE MONTH 2023	182.35
08/30/2023	46764	GIFFELS WEBSTER	MASTER PLAN MMEETING AND PREP	2,021.25
08/30/2023	46765	LEELANAU COUNTY EQUALIZATION	GIS ON FLU MAP	80.00
08/30/2023	46766	TRAVERSE OUTDOOR, INC	REPLACE SPRINKLER HEAD 421 ST JOSEPH	138.20
08/30/2023	46767	DOROTHY PETROSKEY	REIMBURSE OFFICE EXPENSES	65.94
09/08/2023	46768	ART'S AUTO AND TRUCK PARTS INC	STANDARD CASULE-2013 GMC SIERRA	22.75
09/08/2023	46769	LEELANAU ENTERPRISE	SYNOPSIS 8/21/2023 MEETING	97.39
09/08/2023	46770	BADGER METER INC	BEACON HOSTING 598 UNITS	35.88
09/08/2023	46771	BAYSHORE OIL & PROPANE	1052.7 GALS REC 90 @ 4.09 PER GAL	9,076.23
09/08/2023	46772	DANBROOK ADAMS RAYMOND	PROFESSIONAL SERVICES AUG 2023	425.00
09/08/2023	46773	GOOD NATURE GARDENS, INC	GARDEN MAINTENANCE THRU AUGUST 2023	250.00
09/08/2023	46774	MATTS LLC MATT'S UNDERGROUND UTIL	PROJ #2023-6649-DEER PATH WATER TAP IN R	10,103.05
09/08/2023	46775	MICHIGAN PIPE & VALVE	BUFF BOX REPAIR LID	120.00
09/08/2023	46776	JACOBS ENGINEERING GROUP, INC	CUST# 120525 OCTOBER 2023	16,249.00
09/08/2023	46777	PURE WATER WORKS	WATER DELIVERY/DEPOSIT	33.50
09/08/2023	46778	LEELANAU CTY ROAD COMMISSION	UNLEADED/DIESEL FUEL AUG 2023	1,280.28
09/08/2023	46779	SECURITY SANITATION, INC	PORTA JOHN WATERWHEEL SEPT 2023	110.00
09/08/2023	46780	SONDEE, RACINE & DOREN	CLIENT # 6027-00 SERVICE THRU AUG 2023	1,080.00
09/13/2023	46781	BRAMER AUTO SUPPLY	CUST# 8571 FUSE FOR MOWER	14.97
09/13/2023	46782	ART'S AUTO AND TRUCK PARTS INC	CUST # 20090 DELVAC 15W40	109.20
09/13/2023	46783	NORTHERN BUILDING SUPPLY, LLC	CUST# NLVIL10 MULTIPLE INVOICES	336.55
09/13/2023	46784	FERGUSONS LAWN EQUIP.	CUST# 7057 STARTER/SOLENOID SHIFT	301.75
09/13/2023	46785	AIRGAS USA, LLC	CYLINDER RENTAL AUGUST 2023	44.39
09/13/2023	46786	ELMER'S	PULVERIZE & PAVE S SHORE-DITCHING	28,355.00
09/13/2023	46787	INTEGRITY SOFTWARE SYSTEMS	MARINA POS SUPPORT	110.00
09/13/2023	46788	MR CLEAN	SERVICES FOR JULY & AUGUST 2023	680.00
09/13/2023	46789	NORTHERN SPRINKLERS	LAKE PUMP TURN ON 6 ZONES	132.00
09/13/2023	46790	SECURITY SANITATION, INC	MARINA PORTA JOHN RENTALS OCTOBER 2023	1,068.00

GEN TOTALS:

(2 Checks Voided)

Total of 49 Disbursements:

134,795.58

Check Date	Check	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING				
08/18/2023	18953(E)	STATE OF MICHIGAN - TREASURY	MARINA SALES TAX - JULY 2023 PD AUG	1,630.49
08/23/2023	18954(E)	DTE ENERGY	MULTIPLE ACCOUNTS AUGUST 2023	505.64
08/23/2023	18955(E)	CHARTER COMMUNICATIONS	ACCT#005326901 AUG 2023	137.98
08/23/2023	18956(E)	GFL ENVIRONMENTAL	ACCT# 002105665 326 FRONT	249.75
08/23/2023	18957(E)	GFL ENVIRONMENTAL	ACCT#002105665 326 FRONT AUGUST V2023	249.75
08/23/2023	18958(E)	GFL ENVIRONMENTAL	002105664 1520 RICHTER RD JULY 2023	292.04
08/23/2023	18959(E)	GFL ENVIRONMENTAL	ACCT#002105664 1520 RICHTER AUGUST 2023	292.04
08/23/2023	18960(E)	VISION SERVICE PLAN	ACCT# 30017164 001 SEPTEMBER 2023	205.06
08/23/2023	18961(E)	AMAZON	X LARGE RAIN JACKET	129.99
08/23/2023	18962(E)	FIRST INTERNET BANK OF INDIANA	FIPFC - SUTTONS BAY, MI 2018- 3013-39801	69,125.00
08/28/2023	18967(E)	FIFTH THIRD BANK	BANK FEES AUGUST 2023	191.45
08/30/2023	18963(E)	ADOBE	MNGR SOFTWARE AUG 2023	21.19
08/30/2023	18964(E)	CHARTER COMMUNICATIONS	ACTT# 8284131220008513 146 S SHORE DR	202.96
08/30/2023	18965(E)	ON TIME TELECOM, INC	ROBO CALL CHLORINATION	80.00
08/30/2023	18972(E)	STATE OF MICHIGAN - TREASURY	MARINA GAS SALES TAX AUG 2023	1,020.98
09/01/2023	18966(E)	FIFTH THIRD BANK	BANK FEES AUGUST 2023	0.00
09/05/2023	18968(E)	CERRYLAND ELECTRIC	ACCT# 8364410 SEPT 2023	123.37
09/05/2023	18969(E)	AMAZON	DESK ORGANIZERS	30.86
09/05/2023	18970(E)	PITNEY BOWES	ACCT# 3317+57413 3RD QTR LEASE	140.10
09/05/2023	18971(E)	PITNEY BOWES - PURCHASE POWER	ACCT# 8000-9090-0222-9933 SEPT 2023	200.00
09/12/2023	18973(E)	CONSUMERS ENERGY	MULTIPLE ACCCOUNTS SEPT 2023	4,972.52
09/12/2023	18974(E)	AMAZON	MARINE SHORE POWER ADAPTER	159.99
09/12/2023	18975(E)	AMAZON	APC BATTERY SURGE PROTECTOR	189.99
09/12/2023	18976(E)	AMAZON	TRAILER JACK/TRAILER FOOT	53.33
09/12/2023	18977(E)	MICHIGAN RETAILERS SERVICES	ID# 46597-001 OCTOBER 2023	508.55
09/13/2023	18978(E)	AMAZON	X LARGE WATERPROOF PANTS	129.99
09/13/2023	18979(E)	GFL ENVIRONMENTAL	ACCT# 002105665 326 FRONT SEPT 2023	249.75
09/13/2023	18980(E)	GFL ENVIRONMENTAL	ACCT# 002105664 1520 RICHTER SEPT 2023	292.04
09/13/2023	18981(E)	CHARTER COMMUNICATIONS-NATL	ACCT# 103479401 SEPT 2023	127.97

GEN TOTALS:

(1 Check Voided)

Total of 28 Disbursements:

81,512.78

		<h2>VILLAGE OF SUTTONS BAY</h2> <h3>REPORT VSB -2023-50</h3>	
Prepared:	September 13, 2023	Pages:	1 of 1
Meeting:	September 18, 2023	Attachments:	<input checked="" type="checkbox"/>
Subject:	STR Ordinance – Committee Recommendations		

PURPOSE

To continue discussion on the STR ordinance.

OVERVIEW

The Village Council formed a committee to address Short Term Rental’s prior to the decision to amend the ordinance in 2022. At that time, it was determined that a need existed to discuss various second and third tiered issues, such as, parking, trash removal, enforcement etc. These issues were discussed as indicated in the attached notes, while the proposed changes to the ordinance are indicated in yellow highlights.

From an enforcement perspective, staff has been in contact with Granicus regarding their host compliance platform. Several communities in this area use Granicus to monitor short term rentals and they appear to be pleased with the service. We will continue to investigate this service and hope to provide you with an update at the meeting.

RECOMMENDATION

The amended ordinance should be discussed and if deemed appropriate a motion to hold a public hearing would follow.

Short Term Rental Committee Notes

March 15, 2023

Discussion regarding parking. Decision was that no changes were necessary due to on-street parking being available and that there is not a current issue. Ordinance does require parking on site and concern that additional parking requirements would not be able to be met by some that currently have a license.

Questions about current enforcement process

Discussion regarding the number of people that should be allowed during the day vs. occupancy at night. Decided that Village would not regulate number of people gathering during the day. Enforcement would fall under "cultural events, special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the licensed premises for more than the number of permitted occupants"

Concerned about noise. Language should be added to address noise.

Committee would like to have an update about short term rentals in the next newsletter.

March 22, 2023

Committee would like information on the number of complaints received in the last 3 years and types of complaints. Need to make public aware of the complaint process.

Code of conduct should be required to be posted.

Map of zoning districts and current short term rentals to be provided at next meeting to determine if the number should be regulated based on zoning district.

May 1, 2023

Reviewed draft ordinance with changes that have been discussed previously. Added language about noise restrictions, updated violation process, and other edits.

Committee agreed that parking and large gatherings did not need to be updated at this time.

Enforcement should require a certified letter be sent to owner.

Changes to ordinance are ready to be forwarded to Council for review.

May 31, 2023

Reviewed final draft of the Ordinance. Discussed noise, parking, enforcement and how the website should be easier to find information on short term rentals. Brief review of the Suttons Bay Township ordinance regarding parking and noise. Determined that no changes were necessary.

August 9, 2023

1. Allowing in Commercial District

Discussion about if there should be no cap in the Downtown area for short term rentals. Concerns about reducing permanent long term housing in the downtown area and village. Parking concerns during times when parking is not allowed on-street. Could lead to dead downtown during certain seasons when STRs are not rented, concerns about keeping the downtown vibrant with a good mix of long term and temporary housing. No changes made.

2. Garbage

Trash service is required per the Ordinance (Section 4.F) already, this would be an enforcement issue if the owner is not removing trash. Some use bags instead of totes and owner may decide to pick up and take to their own garbage if they live nearby. No changes made.

3. Parking

Committee discussed if additional parking is needed. Currently do not feel that there is a parking issue for most units. People can park on-street legally, enforcement issue if they are parking illegally. Ordinance already require that spaces are provided but how can an owner require a tenant to park in those spaces when there are other legal parking options. If additional parking is required, concerns about parking in grass or paving yards to provide for parking requirements. No changes made.

Committee briefly discussed enforcement and is interested in 3rd party company that can provide documentation for enforcement. The Committee is pleased that the website is already being updated to provide information about short term rentals.

**ORDINANCE ____ OF 2023
 AMENDING THE
 SHORT TERM RENTAL ORDINANCE
 Ordinance No. 1 of 2017**

AN ORDINANCE TO REGULATE SHORT TERM RESIDENTIAL RENTALS WITHIN THE
 VILLAGE OF SUTTONS BAY

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

“Bathroom” means a room containing a toilet or urinal, a sink, and a bathtub or shower.

“Bedroom” means a separate room intended to be used for sleeping purposes.

“Cap” means the maximum number of dwelling units for commercial use for a period of less than thirty (30) consecutive days in exchange for consideration allowed with the Village limits.

“Dwelling unit” means a residential building or separate and discrete portion of a residential building that includes independent living facilities for one or more persons and includes permanent provision for living, eating, cooking, and a separate bathroom(s) and bedroom(s). Dwelling unit does not include hotels, motels, bed and breakfasts, or similar uses.

“Efficiency dwelling unit” means a dwelling unit that does not contain a separate bedroom(s) for sleeping.

“Habitable space” means the space in a dwelling unit used for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not habitable spaces.

“Grandfathered license” means a valid short term rental license issued pursuant to Section 4 or Section 7 existing on November 21, 2022.

“Occupancy” means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

“Occupant” means any individual sleeping in a dwelling unit, or having possession of a space within a dwelling unit.

“Operator” means any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

“Person” means an individual, firm, corporation, association, partnership, limited liability Company, or other legal entity.

“Rent” or “Rental” means to permit, provide for, or offer possession or occupancy of a dwelling unit for commercial use for a period of less than thirty (30) consecutive days in exchange for consideration.

“Tenant” means a person who is not the legal owner of record and who is renting a dwelling unit.

Section 2. License Required.

No person shall permit or allow a dwelling unit or efficiency dwelling unit to be rented or used within the Village without first registering the rental property and obtaining a license from the Village pursuant to the requirements of this Ordinance. A license granted in accordance with this Ordinance is not transferrable.

Section 3. Application and Fee Requirements.

An Operator seeking a license under this Ordinance shall submit a complete application to the Village Manager or his/her designee and pay such fee determined from time to time by resolution of the Village Council. The application shall be on a form prepared by the Village and shall, without limitation, include: the address of the subject parcel containing the dwelling unit to be rented; proof of the Operator’s ownership of, or the legal right to rent, a dwelling unit; name and contact information of the local representative or rental agency responsible for ensuring compliance with the terms of the license (if other than the Operator); the proposed maximum occupancy of the dwelling unit; the signature of the Operator affirming that the dwelling unit will be operated in conformance with all applicable ordinance requirements; such other information reasonably necessary for the Village Manager to determine whether the applicable standards for approval contained in Section 4 have been met; and, affirmation by the Operator that the application is true, accurate and complete and authorizing the inspections under Sections 4 and 5. It is a violation of this Ordinance for an Operator to provide inaccurate information for the licensing of a dwelling unit, to fail to provide information required by this section, or to fail to license a dwelling unit that is subject to this Ordinance. An Operator or his/her local representative or rental agency must be available twenty-four hours a day during any rental period. For purposes of this section, “dwelling unit” shall be defined to include an “efficiency dwelling unit.”

Section 4. Standards for Approval.

Provided the cap has not been exceeded, not later than 30 days after receiving a completed application and any accompanying fee, the Village Manager or designee shall approve, deny, or approve with conditions, an application for a short term rental license. The basis for any denial shall be provided in writing to the applicant.

A. A dwelling unit or efficiency dwelling unit subject to this Ordinance must comply with all of the following requirements:

1. All bedrooms within a dwelling unit shall meet the following minimum requirements:
 - (a) Every bedroom intended to be occupied by one person shall contain at least 70 square feet of floor area, and every bedroom intended to be occupied by two persons shall contain at least 100 square feet of floor area. In calculating the floor area of a bedroom having a sloped ceiling over all or part of the bedroom, only that portion of the bedroom with a clear ceiling height of seven (7) feet or more shall be included.
 - (b) Except in dwelling units having only one (1) bedroom, the bedrooms shall not constitute the only means of access to other bedrooms or habitable space and shall not serve as the only means of ingress or egress from other habitable spaces.
 - (c) Every bedroom shall have access to at least one bathroom on the same story as the bedroom or on an adjacent story without passing through another bedroom.

B. The maximum occupancy of a dwelling unit subject to this Ordinance may not exceed the lesser of:

1. Two (2) persons per bedroom (not including pre-school aged children)
2. Ten (10) persons (not including pre-school aged children)

The occupancy limits set forth in this subsection shall be applied so as to include the entire licensed premises and shall, without limitation, include the occupancy of tents, campers or similar facilities anywhere on the premises.

C. The use of outdoor yard areas, open decks, pools and the like shall not result in producing adverse off-site noises, odors, other external disturbances, or other nuisances as regulated by the Village or state law.

D. **Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM.**

E. Cultural events, special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the licensed premises for more than the number of permitted occupants.

F. Trash disposal must be provided. Trash must be contained in properly sealed receptacles appropriately sized to avoid overflow or vermin attraction.

G. The Operator shall minimally comply with the applicable parking requirements under

- the Village Zoning Ordinance and parking spaces shall be located on the licensed premises. Parking areas must be easily identifiable as a designated parking area and improved to such a degree to function as a parking area and support the use. Boats, recreational vehicles, trailers and similar personal property may not be parked, stored, or used in an unimproved front yard area of the licensed premises.
- H. The licensed premises shall meet all applicable building, health, fire and related safety codes at all times. Emergency contact information and phone numbers shall be posted within the dwelling unit where they visible clearly visible by or on the primary access door used by the occupants of the dwelling.
 - I. Any sign on the licensed premises must comply with applicable provisions of the Village's Zoning Ordinance.
 - J. The Operator will provide notice of the short term rental dwelling unit and phone number(s) of the Operator, **who is the 24 hour contact**, to all properties within two hundred feet (200') of the boundaries of the licensed premises. Proof of notice shall be required as part of the **original** permit application **and all renewals**.
 - K. An Operator shall post the standards set forth herein in a prominent place within the licensed premises ~~(Section 4.A.7)~~ and shall include them as part of any rental agreement.
 - L. No more than one dwelling unit or efficiency dwelling unit is permitted per lot or parcel.
 - M. The licensed premises shall remain in compliance with all applicable Village ordinances including, without limitation, the Village Zoning Ordinance.
 - N. Subject to the provisions of Section 7, a license shall be valid for three (3) years (January 1 through December 31) unless (1) there is a change in the ownership of or the Operator for the licensed premises or (2) the dwelling unit is physically altered such that habitable space within the unit is increased, decreased, or redistributed among living, sleeping, eating, or cooking areas. Upon the occurrence of subsections 1 or 2, the license shall automatically expire.
 - O. A dwelling unit permitting the occupancy of one (1) to five (5) tenant(s) shall comply with the following additional requirements: The dwelling unit shall have a living room of no less than 120 square feet, and a dining room of no less than 80 square feet. A dwelling unit with combined living room and dining room spaces shall have no less than 200 square feet and shall be located within the dwelling unit so as to function as a combination living room / dining room.
 - P. A dwelling unit permitting the occupancy of six (6) to ten (10) tenants shall comply with the following additional requirements: The dwelling unit shall have a living room of no less than 150 square feet and a dining room of no less than 100 square feet. A dwelling unit with combined living room and dining room spaces shall have no less than 250 square

feet and shall be located within the dwelling unit so as to function as a combination living room / dining room.

- Q. An efficiency dwelling unit permits the occupancy of a maximum of two (2) tenants and shall comply with the following additional requirements: The dwelling shall have habitable space of no less than 220 square feet. The dwelling shall contain a kitchen that includes a sink, cooking appliance, and refrigeration appliance. The dwelling unit shall contain no less than one (1) bathroom.
- R. Upon the written request of an applicant for a license, the Village Manager may waive or modify identified standards set forth in this Section 4 based on his/her review of factors affecting the public health, safety and welfare including, but not limited to, the following: the presence of unique characteristics affecting the licensed premises; the ability to reasonably comply with the standards; the visual and aesthetic impact of the proposed waiver from the standards; the existing character of the adjacent area; public comment; the scale and scope of deviation from the standards relative to the existing character of the area; and whether granting the waiver will adversely impact public safety. Following his/her review, the Village Manager may grant, deny or grant with conditions a request to waive or modify the standards and shall provide the basis for his/her decision to the applicant in writing. The applicant shall be responsible to pay all actual costs of the Village associated with the request to waive or modify the standards.

Section 5. On-Going Inspections and Revocations.

- A. An inspection may be made by the Village during the term of a license following reasonable notice to the Operator. An inspection shall be made by the Village, following reasonable notice to the Operator, in response to a complaint regarding a licensed premises received from an adjacent property owner or a tenant of the licensed premises. The inspection shall be conducted to determine whether there is any observed violation of applicable fire, safety or similar codes or Village ordinances. Following written notice of a violation, re-inspections shall be made as necessary to ensure noted violations have been corrected.

In the event inspections or re-inspections result in the issuance of three or more separate code or ordinance violations within a 12-month period, the license shall be revoked, the owner and Operator (if different) shall be notified that the approved license is revoked and the basis for the same, and the owner and Operator (if different) shall be subject to any and all applicable penalties for failing to comply with this Ordinance. The owner or Operator (if different) shall have the right to appeal such revocation, setting forth in writing the basis for its appeal and submitting its appeal within ten (10) calendar days of its receipt of the notice of revocation from the Village.

- C. An appeal shall initially be heard by the Village Manager who shall have ten (10) calendar days following receipt of the appeal to review the action appealed from and to make his or her determination based on a review of the relevant facts, applicable laws and utilization of

the standards set forth herein. In making his or her review and determination, the Village Manager shall consider, without limitation, the following factors: the presentation (if any) of the appellant; the nature and severity of the violations at issue; the impact of those violations on the tenants of the licensed premises; the impact of those violations on adjacent properties; and mitigating circumstances put forward by the owner and Operator (if different). The Village Manager may affirm the revocation, overturn the revocation or take such other action as he or she deems appropriate and consistent with the terms of the Village's ordinances and codes. The Village Manager's decision and the basis for the same shall be reduced to writing and a copy provided to the owner and Operator (if different).

- D. The owner or Operator (if different) shall have the right to appeal a determination of the Village Manager as set forth above, setting forth in writing the basis for its appeal and submitting its appeal within ten (10) calendar days of its receipt of the determination by the Village Manager. An appeal under this subsection shall be heard by the Village Council's Administration and Public Safety Committee or a successor committee which shall have twenty (20) calendar days following receipt of the appeal to review the action appealed from and make its determination based on a review of the relevant facts, applicable laws and utilization of the standards set forth herein. In making its review and determination, the Committee shall consider the same factors as set forth in Subsection 5.B. (2). The Committee's decision shall be final and the Committee may affirm the revocation, overturn the revocation or take such other action as it deems appropriate and consistent with the terms of the Village's ordinances and codes. The Committee's decision and the basis for the same shall be reduced to writing and a copy provided to the owner and Operator (if different).

Section 6. Conditions.

The Village Manager or designee may impose reasonable conditions on a license issued under this Ordinance as necessary to ensure compliance with the standards for approval provided in Sections 4 and 5.

Section 7. Short Term Rental Licensing Implementation and Renewal Process.

~~A. Rentals registered or licensed with the Village under a predecessor to this Ordinance must be brought into compliance with this Ordinance no later than December 31, 2017, and such new license shall thereafter be valid for the three-year period set forth in Section 4.~~

- A. All other rentals in the Village must be licensed in accordance with the provisions of this Ordinance prior to being used for rental purposes.
- B. Notwithstanding any other provision of this Ordinance, all rentals within the Village must comply with the occupancy restrictions set forth in Subsection 4.A. (2) from and after the effective date of this Ordinance.
- C. The cap on licenses in the Village is 45.

- D. Licenses may be renewed by the Operator's submission, not less than 30 days prior to the expiration of the existing license, of an application for renewal on such form as prepared by the Village and the payment of any associated fee as set by resolution of the Village Council from time to time. Licensed premises for which a renewal application is submitted shall be subject to inspection by the Village and the Village may require improvements or modifications to the licensed premises consistent with the terms of this Ordinance as a condition of approving a renewed license. Licenses obtained by renewal shall be valid for a three-year period as set forth in Section 4 and shall otherwise be subject to all provisions of this Ordinance.
- E. Grandfathered licenses shall remain valid as set forth and subject to Section 4. B and shall be permitted to be renewed as set forth in subsection E of this Section provided that all terms and conditions of this Ordinance are otherwise met and the grandfathered license has not been revoked or expired even if the cap set forth in subsection D of this Section is exceeded.

Section 8. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance and nuisance per se and is further deemed to be offensive to the public health, safety and welfare and shall be subject to abatement in the manner permitted by law or in equity.

Section 9. Administrative Liability. No Village officer, official, agent, employee or member of the Village Council shall be personally liable or responsible for any damage which may occur to any person or entity as a result of any act or decision performed (or not performed) in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 10. Violations.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars, the costs of prosecution, and such other relief as authorized by law. Each day this Ordinance is violated shall be considered a separate violation.

For the each violation of a license by a license holder within a calendar year, the Village shall issue a written warning notice of violation mail to the property owner and operator via First Class Mail and Certified Mail. The property owner and operator shall acknowledge receipt of the written notice within 7 days. Failure to acknowledge the violation, does not waive responsibility by the owner and operator.

If there are one or more violations each year during any three (3) consecutive year period, or three (3) violation in a single calendar year, the license shall be revoked.

An owner may appeal a decision to revoke a license to the Village Council within 30 days of the date

the written note of revocation was issued.

Section 11. Enforcement Officials.

The Village Manager or his/her designee and law enforcement officials of the Leelanau County Sheriff's Department are hereby designated as authorized local officials who are empowered to issue municipal civil infraction notices or citations pursuant to this Ordinance.

Section 12. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the circuit court to abate or eliminate a violation of this Ordinance.

Section 13. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 14. Repeal.

This Ordinance shall repeal any and all ordinances or parts of ordinances in conflict herewith including, without limitation, Ordinance No. 3 of 2005.

Section 15. Effective Date.

This Ordinance shall become effective following publication of the Ordinance, or a synopsis of the Ordinance, in a newspaper of general circulation within the Village.

VILLAGE OF SUTTONS BAY

By: _____
Steve Lutke, Village President

By: _____
Shar Fay, Village Clerk

Date of Council Approval:

Date of Publication:

Effective Date:

VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN

RESOLUTION 4 OF 2023

RESOLUTION SUPPORTING SECONDARY ROAD PATROL

At a regular meeting held by the Village Council on September ___, 2023 at 5:30 pm at the Village Hall, 420 N. Front Street, PO Box 395, Suttons Bay MI, the following resolution was offered for adoption by motion of _____, and supported by _____.

WHEREAS, The Village of Suttons Bay is a General Law Village established under Public Act 3 of 1895; and

WHEREAS, The Village of Suttons Bay provides for the health, safety and welfare of its residents and visitors alike; and

WHEREAS, the Village dissolved its police Department in March of 2014 and entered into contract with the Leelanau County Sheriff Department in June of 2014; and

WHEREAS, the Village of Suttons Bay is a tourist destination and the Leelanau County Sheriff Department is able to provide secondary road patrol services through a state funded position, which is intended to improve the safety of all secondary roads within Leelanau County; and

WHEREAS, the Secondary Road Patrol (SRP) as outlined in Public Act 416 of 1978, Section 51.76 will focus on traffic related issues which will benefit the residents of the Village as well as those visiting our area.

NOW THEREFORE BE IT RESOLVED, Pursuant to Public Act 416 of 1978, Section 51.76 (3) the Village of Suttons Bay Village Council, would like to request that the Leelanau County Sheriff Department continue to provide secondary road patrol (SRP) services for the Village of Suttons Bay.

Ayes:

No:

CERTIFICATION

I, Shar Fay, Clerk of the Village of Suttons Bay, do hereby certify that the above is a true and correct copy of a Resolution which was adopted by the Village of Suttons Bay at a Village Council Regular meeting held on the ___ day of September 2023.

Shar Fay, Clerk

Date