JOINT PLANNING COMMISSION / VILLAGE COUNCIL WORKSHOP
SHORT TERM RENTAL ORDINANCE
TUESDAY, MAY 26, 2020, 6:00 P.M.
MEETING HELD VIA ZOOM PLATFORM

PLANNING COMMISSION MEETING TO FOLLOW DIRECTLY AFTER WORKSHOP

AGENDA

THE PURPOSE OF THIS JOINT PLANNING COMMISSION / VILLAGE COUNCIL
MEETING IS AS FOLLOWS:

1. PROPOSED ORDINANCE 502 – SHORT TERM RENTAL DISCUSSION
   A. ORDINANCE SECTION BY SECTION DISCUSSION

2. CITIZEN COMMENT

ZOOM INFORMATION TO BE ANNOUNCED
MEMBERS OF THE PUBLIC:

Please see the attached instructions for participating electronically in this meeting. The Village will be using Zoom webinar to conduct meetings until the state’s Stay Home/Stay Safe order is lifted. Please read all instructions before joining the meeting.

Before the start of the meeting

1. Zoom virtual meeting will start 30 minutes before the posted meeting start time
2. All participants will be placed in a virtual waiting room until the meeting moderator (Host) starts the virtual meeting
3. Video/Audio Settings
   a. Planning Commission members and village staff will be unmuted immediately (by the meeting moderator) upon joining the meeting
   b. Meeting attendees will have their video turned off and we will not see their faces.
   c. The meeting moderator is the only person who is able to unmute meeting participants during the meeting
4. Information you need to know:
   a. Recorded Meeting: This meeting is being recorded
   b. Public Participants: All meeting participant’s audio will be muted and their individual video broadcast will be turned off when they join the virtual meeting.
   c. Violations: According to the Attorney General, disruptive behavior maybe be subject to criminal charges under MCL 752.797 and MCL 750.540. Disruptive behavior may result in being muted, being returned to the waiting room, or being removed from the meeting.
   d. Public Comments:
      i. The chair will announce that we have reached public comment.
      ii. Participants wishing to speak will “raise their hand”
      iii. The chair will greet the person, ask them to state their first/last name, home address and limit their comments to 3 minutes
      iv. The moderator will unmute them
      v. After their comments have been concluded, the moderator will mute the participant

NOTE: We will complete steps 2-5 until all public comments have been heard.

After the meeting adjourns

1. Meeting Moderator will save the meeting recording

How the public can participant in the meeting

Virtual meeting link is included with agenda materials (below)

Options to join

- Click on meeting link - no need to setup a FREE Zoom account
- Use Zoom app or web site – only need meeting ID and password

**Topic: Village Council/Planning Commission Workshop**

**When: May 26, 2020 06:00 PM Eastern Time (US and Canada)**

Please copy and paste the link below into your browser to join the webinar:

https://us02web.zoom.us/j/81718565213?pwd=UGR2dWFZcFptaHRadkNDQ3VJWHdhUT09

Password: 482130
Or iPhone one-tap:
  US: +13126266799,81718565213# or
     +16465588656,81718565213#

Or Telephone:
  Dial (for higher quality, dial a number based on your current location):
    US: +1 312 626 6799 or
        +1 646 558 8656 or
        +1 301 715 8592 or
        +1 346 248 7799 or
        +1 669 900 9128 or
        +1 253 215 8782

Webinar ID: 817 1856 5213
International numbers available: https://us02web.zoom.us/u/kJ8Vy4yfF

Zoom webinar functions best from a personal computer or tablet.
For cell phone users, *9 allows you to raise your hand, *6 toggles mute
Please join about 15 minutes early to assist the village in this new endeavor and please be patient. We anticipate growing pains with this process.

HEARING IMPAIRED: FOR THOSE REQUIRING ASSISTANCE, PLEASE NOTIFY THE VILLAGE NO LATER THAN MONDAY, MAY 4 SO THAT WE CAN NOTIFY YOU AS TO HOW TO ACCESS THIS ASSISTANCE.
To: President Janisse and Village Trustees
   Chair Ragland and Planning Commission Members

From: Caroline Kennedy, Asst. Village Manager/Clerk

Date: May 18, 2020

Re: Short-Term Rental Process – Ordinance Background

- **2019 Council Strategic Plan – Goal 1: Create housing choices for Village residents.** Conduct housing market analysis and inventory, identify desired housing types and potential development sites; consider developing STR regulations; review zoning ordinance to reduce obstacles to housing development.

- STR industry experiences rapid growth (chart below) and Networks Northwest data indicates 20% of Michigan’s short-term rentals are concentrated in Northwest Michigan.

![Chart showing number of guests staying with Airbnb hosts during the summer, with a peak of 17M in 2015.](image)

- Virtually every MML, MME and MAP professional conference in the past several years hosts educational sessions on this evolving issue. Staff and at least one council member have attended multiple seminars.

- Staff and Planning Commission Chair (and others) read articles/reports from resort areas that are many years ahead of us on this issue including: Breckenridge, Sedona, New Orleans and Hawaii. All areas report an increase in housing prices, a shortage of housing for local workforce, and a resulting labor shortage for local businesses—similar to our region.

- Networks Northwest 2019 housing target market analysis indicates significant and specific market demand in Elk Rapids for family/workforce housing.
• We recognize the value of STRs in our community and we strive for balance in our housing market. Many Northwest MI communities currently regulate STRs. The existing Village of Elk Rapids ordinance allows STRS by-right in residential districts with no regulation. This positions the village as more attractive to the investor market. Given the above information, the 2019 Council Strategic Goals, and the village’s current position, the Planning Commission determined it was time to address regulation.

• Staff studied numerous local ordinances from across the state and focused on the following five: Harbor Springs, Suttons Bay Township, Ludington, Grand Haven, South Haven. Additionally, staff participates in a legislative group that tracks and works on this issue at a state level.

• Each of the five ordinances above contain common components for consideration. Staff created a matrix of key components with staff recommendation, presented to Planning Commission in November 2019 and direction on these items was discussed (attached).

• In February 2020 the Charlevoix ordinance became available. This was an easier document to work with for three reasons: 1) it contained most components discussed in November; 2) we did not need to synthesize cut-and-paste sections from multiple ordinances; and, 3) our village attorney was familiar with the work. In this same meeting, the Planning Commission discussed and sent a communication to Council recommending a moratorium.

• Council adopted a moratorium March 2, 2020 allowing the village time to craft an ordinance to its own standards without additional units being grandfathered in.

• Staff and Planning Commission next worked to ensure all components previously identified in the matrix were addressed in the new draft, and to amend it to meet the specific needs of the village. The PC meeting focused on tackling questions and details in each section of the ordinance.

• Proposed changes and a rationale document (explaining the changes), were provided at the May 5, 2020 meeting. PC thoroughly reviewed each section and made clean-up recommendations, which brings us up to date with the current draft: Proposed Ordinance #502 (S-1), as amended 5-5-20.

• Every Planning Commission meeting provided for full public comment, written and verbal with many suggestions incorporated. At several meetings 20-30 stakeholders attended and offered comment.

• The current draft incorporates changes the Planning Commission recommended based on their own judgment and the feedback of stakeholders participating in the process.

• Prior to vote by the Village Council a Public Hearing will be legally noticed and scheduled.
<table>
<thead>
<tr>
<th></th>
<th>City of Harbor Springs</th>
<th>Suttons Bay Township</th>
<th>City of South Haven</th>
<th>City of Ludington</th>
<th>City of Grand Haven</th>
<th>Staff Recommendations</th>
<th>Staff Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration</td>
<td>Annual</td>
<td>Annual</td>
<td>Based on type: business - annual personal - 2 years</td>
<td>Every 3 years</td>
<td>Annual</td>
<td>Based on Service costs and staff time</td>
<td>Different fees for business and personal along with annual fees to cover contracted services and staff time</td>
</tr>
<tr>
<td>Fee</td>
<td>$100</td>
<td>$200</td>
<td>$500/yr -business &amp; $100/2yrs -personal</td>
<td>$40</td>
<td>Contract with an inspector</td>
<td>Considering adopting a property maintenance code.</td>
<td></td>
</tr>
<tr>
<td>Inspection / Bring up-to-code</td>
<td>Inspection upon written complaint (needs smoke detectors)</td>
<td>Yes and fines for violating code (smoke detectors, egress windows)</td>
<td>Yes, Every 3 years. Need to meet property maintenance code</td>
<td>Yes, every 3 years. Issued by building official.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Agent</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes, only for non-owner occupied</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good Neighbor Guide</td>
<td>Yes, displayed</td>
<td>Yes, displayed</td>
<td>Yes, displayed</td>
<td>Yes, displayed</td>
<td></td>
<td>These are typically required for guests to know village ordinances such as fireworks and quiet hours. Also have contact information if there are issues.</td>
<td></td>
</tr>
<tr>
<td>Occupancy Limits</td>
<td>Formula - 2/room plus 2/floor (16 max)</td>
<td></td>
<td></td>
<td>Determined by certificate of compliance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trash</td>
<td>Must be in bins and only at curb on pick-up days</td>
<td>Trash provision and septic/sewer inspection.</td>
<td>Must be in bins and only at curb on pick-up days</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>Spaces must be stated in application</td>
<td>Must be in a garage, driveway or improved area</td>
<td>References Parking Ordinance</td>
<td>Minimum 2 spaces on a paved surface</td>
<td>Amount of off-street parking can be required. On-street parking in the public right of way is regulated by the General Code.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit Limit</td>
<td>150 /year</td>
<td>1:4 ratio of housing units</td>
<td>2/block; 100-total &amp; Limited 1/owner</td>
<td>80 total/year or based on a 6% cap</td>
<td>Based on estimated current units operating. Existing units would be grandfathered in.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homestead vs Non-homestead</td>
<td>Different fees, inspections and use limits</td>
<td>STR only applies to those not claiming 100% residency</td>
<td>Different fees, and use limits based on 100% residency</td>
<td>This is a mix of South Haven and Ludington.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condo-Units</td>
<td>Not counted toward cap/limit</td>
<td></td>
<td>Yes, Count Condos</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Comparison Matrix - Short-Term Rental Ordinances

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Applies to Residential Only</th>
<th>Limited Residential and Business</th>
<th>Limited areas. Downtown needs special use permit.</th>
<th>Should promote this for residential units located in business districts.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prohibited</strong></td>
<td>Fireworks / quiet hours</td>
<td>Special events, fireworks, and noise.</td>
<td>Campers, tents or similar shelters</td>
<td>Fireworks &amp; Noise</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Special events, fireworks, and noise.</td>
<td></td>
<td>Cross reference existing ordinances such as noise &amp; fireworks</td>
</tr>
<tr>
<td><strong>Violation</strong></td>
<td>1st = 30 day suspend &amp; $250 fee, 2nd = 60 day suspend $400, 3rd = 12 Mo susp.</td>
<td>Warning, Fine and then Revoked Permit</td>
<td>Fees or $500 &amp; $1,500 and revoked permits</td>
<td>1st = $250, 2nd = $500, 3rd = $1,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revoked after 3 incedents in a year</td>
<td></td>
<td>Mix of increasing fines and permit revoked after 3 violations</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Renting for 2 or less weeks per year does not require a permit.</td>
<td>Have a yearly review by council to determine impact of ordinance</td>
<td>Requires Special Use Permit approval</td>
<td>Currently accessory dwelling units cannot be used as a STR. No other accessory structures, garages, campers, etc shall be used as STR on the property.</td>
</tr>
</tbody>
</table>
An amendment to the Zoning Code of the Village of Elk Rapids regulating various aspects of short-term rental properties.

The people of the Village of Elk Rapids ordain:

Section 1: Purpose

The Village Council finds the rentals of dwelling units in the Village of Elk Rapids provides value to our local economy but also brings with it externalities affecting the year-round quality of neighborhoods, housing supply, school enrollment, and health and safety. The Village of Elk Rapids has enacted this ordinance to strike a regulatory balance between the interest of community residents, business owners, visitors, and property owners.

The Village has different expectations for noise, occupant loads, and transient activity in its residential neighborhoods than it does in commercial, and even mixed-use zones where hotels may be permitted. The renting of a home on a short-term basis is substantially more like a business than traditional residential use.

Section 2: Definitions

As used in this chapter, the following words and phrases shall have the meaning hereafter ascribed to them:

Attrition: The reduction of saturation or total number of business unit short-term rentals through a natural process such as non-renewal of license; discontinued use as a business unit short-term rental as defined in this ordinance, for a period of 12 consecutive months, even if licensed; upon sale or transfer of property; or upon revocation of license.

Baseline: That portion of a building, which is more than 50% below finished grade. A basement shall not be counted as a story.

Bedroom: A room intended for sleeping or placement of a bed separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: Kitchens; dining areas; gathering spaces such as living...
rooms, dens, family rooms, and attics or basements without egress meeting standards in applicable
building, residential, and fire codes.

*Business Unit:* A residential dwelling unit that may be rented for more than 28 interrupted days
in a calendar year. Month to month or yearly rentals are not classified as a business unit per this
chapter.

*Calendar year:* January 1st to December 31st.

*Compensation:* Money or other considerations given in return for occupancy, possession, or use
of a property.

*Dwelling Unit:* A self-contained unit within a building that is designed for human occupancy and
provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and
sanitation. “Dwelling Unit” does not include Bed and Breakfasts, timeshare/fractional ownership, hotels
and motels, and boarding houses.

*Enforcement Officer:* The person appointed by the Village who shall carry out various functions
of this chapter or cause other officials, inspectors, or relevant professionals to carry out various
functions in order to implement and enforce the terms of this Ordinance.

*Good Visitor Guide:* Materials prepared by the Village’s Planning and Zoning Department for
display at all short-term rentals.

*Local Agent:* An individual designated to oversee the short-term rental of a dwelling unit in
accordance with this article, and to respond to calls and complaints from renters, citizens, and the
Village’s representatives within 60 minutes 7 days a week, 24 hours a day, either in person or by
telephone. If necessary, the local agent must be able to be on site within 60 minutes.

*Occupant:* Individual 24 months of age or older.

*Personal Unit:* A residential dwelling unit rented for no more than six different times up to a
total of 28 days per calendar year when the owner is not present, or for an unlimited period of time
when the property owner is present and living on the premises. Annual rental of 7 days or less is exempt
from registration. A person or entity may only have one designated Personal Unit.

*Saturation:* The number of business units allowed per defined area. No more than two short-term
rentals per linear block or segment of street. See diagram below.

As amended 5-5-20 by Village of Elk Rapids Planning Commission
Short-term rental (“STR”): The rental of a dwelling unit for compensation for a term of 1 to 28 consecutive nights in all residentially zoned districts [DISCUSS: B1, B2, ANY COMMERCIAL DISTRICT?], exclusive of annual rental of 7 days or less.

Section 3: Registration and licensing required

A. All dwelling personal and business short-term rental units, except those which are duly registered as a principle residence exemption under Section 211.7cc of the General Property Tax Act, [ATTORNEY CONSULT] which are used for short-term rentals for more than 7 days per calendar year shall be registered and licensed with the Village as stipulated in this chapter.

B. The advertisement or rental of an unregistered dwelling personal or business short-term rental unit for a total of more than 7 total days during a calendar year is prohibited.

C. Registration and licenses shall be issued by calendar year after the initial registration period has been implemented.

D. All short-term rental licenses shall expire at the end of the calendar year and must be renewed on or before the end of the calendar year.

E. When a short-term rental property is sold, or transferred, the license(s) will expire upon sale and is not transferable; licenses will revert to the Village after expiration, including property sale or transfer, revocation, or twelve (12) consecutive months of rental inactivity and will be redistributed according to this chapter.
F. The Enforcement Officer shall develop a form(s) to properly carry out this ordinance. The registration form(s) shall collect not less than the following information and other items as the enforcement officer may deem necessary for implementation of this ordinance:

a. Name, permanent address and telephone number of the property owner and/or local agent for the dwelling unit;
b. The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address;
c. The number of bedrooms in each dwelling unit and in the dwelling as a whole;
d. The number of days the dwelling unit is available for short term rental each calendar year;
e. The identification of the number of available parking spaces on the actual property, in accordance with village parking ordinance. [EXCEPTIONS MAY BE MADE IN REGISTRATION PROCESS FOR LACK OF ON-SITE PARKING; TO BE CONSISTENT WITH B&B AND OTHER ORDINANCES--KYLE.]
f. A signed statement certifying the following:
   i. each bedroom has a working smoke alarm, each floor has a working carbon monoxide detector and the local agent will check those devices no less than every 6 months.
   ii. the property owner or a local agent will provide at least one copy of the required information provided in the Village’s Good Visitor Guide materials to the renters each time the dwelling unit is rented;
   iii. which year was the dwelling unit was first used as a short-term rental last year, how many days it was rented in the previous calendar year, and documented proof of operation as a short-term rental under definition of this ordinance; and
   Consult attorney on documentation to be required
   iv. all adjacent neighbors are provided with 24-hour contact information of the local agent for complaints.
   \[g. A list of all websites and other media where unit is advertised; and\]
   \[h. Designate if a dwelling is a Personal Unit or Business Unit; and\]

G. Upon determination that a STR applicant has met all registration and regulation requirements, a license shall be issued by the Enforcement Officer.
H. [CREATE SECTION FOR FEES IN ONE PLACE] There shall be a fee for registration collected at the time of registration. An additional fee shall be collected at time of licensing. Council shall set a fee(s) from time to time by resolution; such fee(s) may vary depending on the type of property, dwelling, or other distinction Council may deem advisable.

Section 4: Registration process and procedure

A. Upon adoption of this chapter, preference for registrations shall be determined as follows:
   a. First, properties whose principle owner at the time of registration was and remains a person whose principle residence is in the Village or Elk Rapids and who can demonstrate the property has been rented as a STR within the past calendar year.
   b. Second, properties whose principle owner at the time of registration was not or is not currently a person whose principle residence is in the Village of Elk Rapids and who can demonstrate the property has been rented as an STR within the past calendar year.
   c. Third, properties which do not fall under either of the above categories.
   d. Fourth, all other properties which might qualify for registration and licensing.

B. New applications will be placed on a waiting list in order when a complete application is received by the Village.
   a. An applicant whose principle residence exemption is for a property located in the Village of Elk Rapids will receive preference.
   b. If the applicant is contacted and offered to register and refuses, they will be removed to the bottom of from the waiting list.

C. A non-refundable deposit, to be set by the Village Council from time to time, is required to be on the waiting list.
   a. Council shall, from time to time by resolution, set the deposit fee. [MOVE TO FEE SECTION?]

D. The Enforcement Officer is empowered to develop a method for registration in accordance with this provision.

E. Short-term rental shall follow regulations found within the Village of Elk Rapids General Code of Ordinances.

Section 5: Types of Short-Term Rentals

As amended 5-5-20 by Village of Elk Rapids Planning Commission
A. Personal Units. Personal Units may be rented for periods of not less than 7 days up to a total of 8 to 28 days per calendar year when the owner is not present or for an unlimited period of time when the property owner is present and living on-site which shall not be capped in number across the Village, and shall not count toward the cap total number of units for saturation.

a. An owner can register only one Personal Unit. Additional units under one ownership must be registered as a Business Unit.

B. Business Units. Business Units may be rented without restriction on days rented per year in all residential zones [DISCUSS COMMERCIAL AND CENTRAL BUSINESS DISTRICTS].

a. No restriction is placed by the Village on properties within a homeowner’s association.

b. A cap shall be considered and set on total units by Council on or before December 1, 2020, and any changes made on or before December 1 in subsequent years.

Section 6: Regulations

A. Local agent required. All dwelling units used for short-term rentals shall have a designated local agent.

B. Contact information posted. A notice shall be posted in a prominent location within any dwelling unit used for short-term rentals stating in easily readable font, (in at least 16-point type) the name of the local agent and a 24-hour telephone number at which the agent can be reached.

C. Compliance with codes. The dwelling unit must meet all applicable Residential Building, Health Department, Nuisance and Safety Codes as necessary to protect the safety of occupants.

D. All short-term rental owners and tenants are subject to the Village of Elk Rapids General Code of Ordinances. [COMBINE WITH E. IN SECTION 4]

E. Maximum occupancy. Short-term rentals shall be permitted maximum occupancy of 2 persons per bedroom plus two persons per finished and legal floor for dwelling as described in this chapter and as may be verified by inspections from time to time.

a. No rental shall be permitted for more than 10 persons.

b. Notwithstanding part a, those units in validated operation and registered with the Village prior to the date of the first registration deadline which may have clearly indicated occupancy exceeding 10, but not exceeding two per bedroom plus two persons per finished and legal floor for dwelling may continue with said occupancy limit, assuming all other conditions, such as parking, are met, until one of the following applies: the license expires; the property is sold, conveyed, or ownership otherwise

As amended 5-5-20 by Village of Elk Rapids Planning Commission
As amended 5-5-20 by Village of Elk Rapids Planning Commission

changes; or the license is permanently revoked. Upon such condition, the occupancy limit shall be reduced to 10 persons in conformity with part a.

c. No dwelling unit used as a short-term rental may be built or modified hereafter to exceed the limitation of 10 persons as described above.

d. No overnight lodging outside of dwelling allowed.

F. Parking Restrictions. Vehicle parking must be in compliance with the Village Code of Ordinances. contained on the property in the garage, finished drive or improved parking area, such as gravel.

KYLE TO FINALIZE

G. Advertising. No person shall advertise a short-term rental, unless the advertisement includes the license number and the maximum occupancy permitted in the unit. [INCLUDE PARKING?]

H. Fees. Short-term rentals shall pay a registration and license fees, and waiting list deposit fee if applicable, as Village Council may, from time to time, establish by resolution, to account for costs related to enforcement, community impact, and other customary fees and costs associated with short-term lodging which may already be allowed within the Village.

I. Inspections and conditions. The Enforcement Officer may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in this chapter

Section 7: Saturation.

A. Saturation is considered no more than two business units per linear block or segment of street. [SEE DIAGRAM IN DEFINITIONS]

B. Any area linear block or segment of street exceeding saturation, as defined herein, at time of adoption of this ordinance will be reduced through attrition.

Section 8: Violations

A. A person who violates any provision of this Chapter is responsible for a municipal civil infraction in the amount of XXX. Each day on which any violation of the Chapter continues constitutes a separate offense and shall be subject to penalties as a separate offense.

B. Tenants are responsible for Village of Elk Rapids General Code of Ordinance violations, such as but not limited to, noise, fireworks, and parking.

C. Property owners are responsible for violations relating to false or misleading statements in the registration process, and such items as, but not limited to, local agent not responding to
complaint/call within specified time period; and advertising and/or hosting greater occupancy
than permissible. Additionally, an owner will receive a violation anytime tenant(s) receive three
total violations within one calendar year. Any of the following conduct is also a violation of this
ordinance:

i. Any advertising or leasing of a short-term rental without first having obtained a short-
term rental license.

ii. The property owner or tenant has failed to comply with any of the provisions within this
ordinance, specifically Section 6: Regulations.

iii. Provision of false or misleading information in the registration process.

D. The penalties for violations specified in subsection (A) above, are as follows:

i. A first violation within any calendar year, shall result in a fine as set by resolution of the
Village Council from time to time.

ii. A second violation within the same calendar year, shall result in a municipal fine as set
by resolution of the Village Council from time to time.

iii. A third violation within the same calendar year shall result in revocation of the license.
As of one day following the documentation of the third violation, no additional bookings
may be made of the rental through the year-end. If there is a short-term rental license
waiting list, revocation of a license will cause the property owner to be placed at the
bottom of the waiting list.

iv. If a property owner receives one or more violations each year during any three
consecutive years, the permit may be revoked permanently. An owner may appeal a
decision to revoke a permit to the Short-term Rental Board of Appeals. [CONSULT
ATTORNEY]

E. If a complainant files a false report, they are subject to the applicable municipal civil infraction
for filing a false report. For all complaints not requiring immediate police response,
complainants are encouraged to document the violation with photographs and/or recorded
video, to report the violation, including any documentation, during the same or following
business day, and to utilize the 24/7 Hotline, if one is established.

Section 9: Revocations and Appeals.
A. Council shall create and appoint a Short-term Rental Commission consisting of X members, including representation of the short-term rental industry to hear appeals of license revocation. FLESH THIS OUT, PENDING ATTORNEY REVIEW

B. Appeal Procedure. Upon a determination by the Enforcement Officer that the license of a dwelling unit is subject to revocation pursuant to division XXX above, the Enforcement Officer shall issue a notice to the owner, agent and all property owners within 100 300 feet of the registered STR stating that the Village intends to revoke the rental license.

a. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the license should not be revoked. If a hearing is requested and the hearing fee is paid within 14 days of the service of the notice, the Village shall schedule the hearing before the Short Term Rental Zoning Board of Appeals and notify the owner and agent in writing of a time and place of that hearing. KYLE, TO CONSOLIDATE IN FEE SECTION, IF POSSIBLE

b. At the hearing, the owner and agent may present evidence that the requirements for revocation provide in Section 8 Division ##, above, are not satisfied, or that the property owner and agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstance. Extenuating circumstance may include circumstance that the owner or the owner's agent could not reasonably anticipate and prevent and could not reasonably control.

c. The Short Term Rental Board of Appeals shall independently determine whether there is competent, material and substantial evidence establishing a violation of division (##), and/or whether there is competent, material and substantial evidence establishing that extenuating circumstances exist.

Section 10: Supersede previous provisions

Section 11: Enactment

This chapter shall become effective 30 days after approval and publication by the Village Council pursuant to the General Law Village Act. [ENSURE CONSISTENT WITH GLV]

Section 12: Severability Clause