

Milton Township Board

Special Meeting

Monday, September 29, 2025 at 9:00 am

Agenda

1. Call to order
2. STR Ordinance Update
 - a. Moratorium extension
3. Public Comment
4. Adjourn

Date: 09.25.2025

From: Sara Kopriva, AICP
To: Milton Township

Project: Vacation Rental Ordinance

Attached is an updated ordinance based on previous discussions that the Board has had. There are some outstanding questions that the Board needs to answer to finalize the draft.

i
initiative

August 1st the vacation rental complaint hotline was activated. This hotline allows for 24/7 reporting of potential violations. We have received one complaint via the hotline that was anonymous. While anonymous complaints can be received and reviewed, unfortunately if the Township ends up in court to seek compliance, we will need names and contact details so that individuals can testify to what they witnessed at the sites.

Questions for Board Discussion:

1. Should vacation rentals continue to be allowed in the Township?
2. Should there be a cap on the number of rentals allowed?
Currently there is no cap and approximately 35 licenses in the Township
3. Should the number of nights and/or weeks be regulated in the Village District?
Currently the maximum of 6 weeks of annual rental and 7 night minimum do not apply to vacation rentals in the Village District.
4. Does the Township want to adopt a large gathering ordinance to regulate events on private property?
Currently the Township does not have an ordinance to do this. While events on properties with a vacation rental license are not allowed, properties that are not a vacation rental, are not limited on event activity.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734.663.2622 pn
734.663.6759 fx

www.br32.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 pn
231.347.2524 fx

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

231.933.8400 pn
231.944.1709 fx

Grand Rapids Office
100 Cesar E. Chavez Ave
SW Suite 300
Grand Rapids, MI 49503

616.585.1295 pn

113.000 MILTON TOWNSHIP VACATION RENTAL ORDINANCE

Adopted:

Effective:

An ordinance to preserve the peace, welfare, order, health and safety of people and property in Milton Township; to prescribe standards, owner responsibilities, permitting, and enforcement for Vacation Rentals as well as penalties for the violation of the provisions of this ordinance; and to repeal all conflicting ordinances or parts of ordinances.

MILTON TOWNSHIP, located in Antrim County, Michigan ORDAINS:

113.101 Title

This Ordinance shall be known as the Milton Township Vacation Rental Ordinance.

113.102 Purpose

The Milton Township Board finds and declares as follows:

- A. It is the intent of the Milton Township Vacation Rental Ordinance to establish standards for transient lodging activities within dwelling units so that these activities will not be detrimental to the character and livability of surrounding neighborhoods.
- B. Vacation Rentals provide a community benefit by expanding the number and type of transient lodging facilities available to support the local economy.
- C. Vacation Rentals should not be established as income and/or profit producing enterprises in residential neighborhoods.
- D. Township staff have received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Vacation Rental properties.
- E. The transitory nature of Vacation Rentals makes ongoing enforcement difficult.
- F. The provisions of this ordinance are necessary to prevent the continued burden on County and Township services and impacts on residential neighborhoods posed by Vacation Rental properties.

113.103 Applicability

All requirements, regulations and standards imposed by this ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in the Milton Township Zoning Ordinance. Further, this ordinance

does not negate additional requirements of deeds, homeowners' associations or rental agreements.

113.104 Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking and sanitation purposes.

Incident. A lessee's noncompliance with Ordinance 113.107 Rental Standards.

Local Contact Person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any complaints that violate this ordinance in a timely manner.

Managing Agent or Agent. A person, firm, or agency representing the owner of the Vacation Rental, or a person, firm or agency owning the Vacation Rental.

Owner. The person or entity that holds legal or equitable title to the private property.

Parking. Located outside of the road right-of-way and on the parcel where the vacation rental is located. ~~An onsite~~ designated parking area that is legally available to the Dwelling Unit for overnight parking of a motorized vehicle and/or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Vacation Rental Standards Violation. Two confirmed incidents that occur within seven days with the same lessee.

Vacation Rental. A property containing a Dwelling Unit that is occupied by any person, other than the primary Owner, for monetary consideration, for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. A Vacation Rental does not include a Bed and Breakfast permitted and operated in accordance with the Milton Township Zoning Ordinance.

113.105 Limitations on the Number of Vacation Rental Weeks Allowed

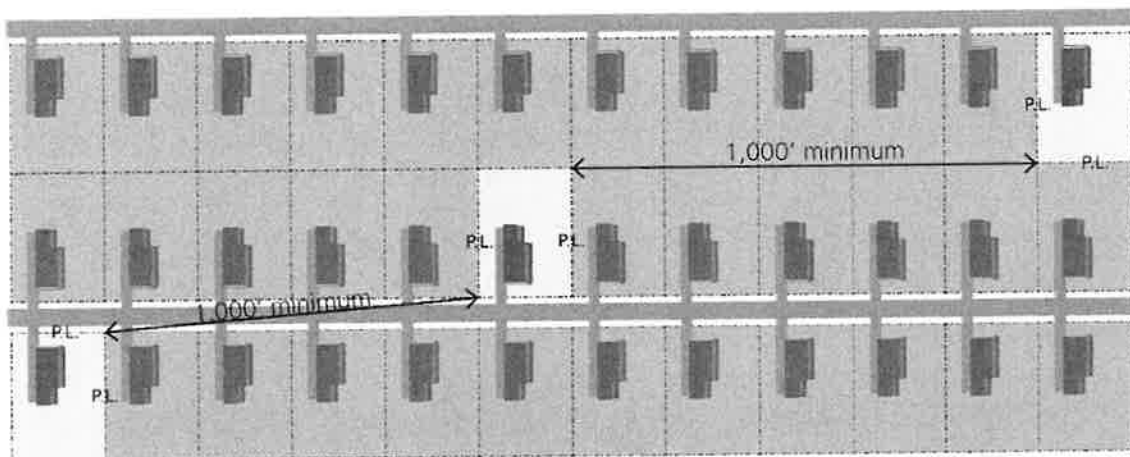
- A. Shall not be rented for more than six (6) weeks during a calendar year.
- B. Shall not be rented for more than two (2) weeks during a four (4) week period unless leased to one renter for a minimum of three (3) and up to four (4) consecutive weeks.

C. Shall have a minimum length of rental period of seven (7) days.

D. Vacation Rental within the Village zoning district are exempt from this section.

113.106 Limitations on Density and Proximity of Vacation Rentals

- A. Vacation Rentals shall be permitted in a manner that limits the total number of rentals within neighborhoods. The following separation distance and density thresholds shall apply:
- a. Minimum spacing of 1,000 feet between Vacation Rentals measured nearest property line to nearest property line. This limitation shall not apply to applications to renew vacation rental licenses issued prior to the effective date of this ordinance, and continuously renewed annually according to this ordinance, but will apply if any such license expires or is terminated or voided and a new license is thereafter sought.



Minimum Required Separation between Vacation Rental Properties

113.107 Vacation Rental Standards

All Vacation Rentals require a permit and must meet the following standards:

- A. Each Owner of a Vacation Rental must designate a Local Person, Property Manager or Agent, as a Local Contact Person who has access and authority to assume management of the unit and take remedial measures.
1. The Local Contact Person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time.
 2. The name, working cell phone number and email address of the Local Contact Person must be provided by the Owner or Local Contact Person to all

neighbors within a three hundred (300) foot radius of the subject property boundaries.

3. An Owner meeting the requirements of 1 through 2 above may designate themselves as the Local Contact Person.

B. The overnight occupancy of the Vacation Rental does not exceed the lesser of:

1. Two (2) individuals per bedroom.
2. Ten (10) individuals

C. At no time shall be more than fourteen (14) individuals on the property.

D. All parking associated with a Vacation Rental shall be entirely on-site. ~~There shall be 1 parking space per room plus 1 additional space.~~

~~D.~~

E. Special events, outdoor events, lawn parties, weddings, reunions or similar activities are not allowed.

F. If the Owner allows pets, they shall be secured on the property or on a leash at all times.

G. The owner shall maintain a properly functioning water, septic system and/or sewer connection, as determined by the Health Department of Northwest Michigan. If public or private sanitary sewer is available, the property shall connect to the system prior to obtaining a permit.

H. Where public sanitary sewer or public water service are not available, the property shall have a properly functioning septic sewage system and/or well, as validated by an Existing System Evaluation from the Health Department of Northwest Michigan.

I. Fireworks of any kind are not allowed on Vacation Rental properties except:

- December 31 – 11 a.m. until 1 a.m. on January 1.
- Saturday and Sunday immediately preceding Memorial Day - 11 a.m. until 11:45 p.m. on both days.
- June 29 to July 4 - 11 a.m. until 11:45 p.m. each day.
- July 5, if that date is a Friday or Saturday, - 11 a.m. until 11:45 p.m.
- Saturday and Sunday immediately preceding Labor Day – 11 a.m. until 11:45 p.m. each day.

~~Renters shall abide by the Milton Township Anti Noise Ordinance as amended, at all times.~~

- J. Quiet hours shall be from 10:00 p.m. to 8:00 a.m. Noise during quiet hours must be limited to no greater than a conversational level at the property line.
- K. All advertising, or any other information provided for Vacation Rentals, shall conform to the approved occupancy limits and other standards. The availability of the rental unit to the public shall not be advertised on the property.
- L. No trespassing on neighboring properties.
- M. The Owner shall post these standards in a prominent place within the Vacation Rental and include them as part of all Vacation Rental contracts.
- N. The overnight occupancy of tents, recreational vehicles and/or boats on Vacation Rental properties are prohibited. Trailers and boats may be parked in a designated on-site parking space during the rental period.

113.108 Owner Responsibilities

- A. The Owner must ensure the required standards under Section 113.107 and any State laws pertaining to noise or disorderly conduct are abided by.
- B. It is not intended that the Owner or Local Contact Person act as a peace officer or place himself or herself in harm's way.
- C. The Owner shall maintain a Vacation Rental occupancy log dating back 3 years, with documentation of all renters' names, contact information, and dates of rental. The Owner shall promptly provide said information upon reasonable request by the Zoning Administrator.
- D. The Owner shall include the license number associated with the vacation rental in all advertisements of the rental.

113.109 Enforcement Procedures

- A. Once an alleged incident is reported to the Vacation Rental Local Contact Person, the Local Contact Person shall report the alleged incident to the Milton Township Zoning Administrator's office within 72 hours.¹
- B. Within 48 hours of receipt of the alleged incident report, the Zoning Administrator will discuss the alleged incident(s) with the complainant(s), the Vacation Rental Local Contact Person and the Vacation Rental property Owner.

¹ If multiple alleged incidents occur over a weekend, a separate message shall be left in the voice mail box of the Zoning Administrator after each alleged incident report to the Vacation Rental Local Contact Person.

- C. When the Zoning Administrator receives a direct complaint, the Zoning Administrator shall contact the Vacation Rental Local Contact Person within 72 hours and attempt to discuss the incident and resolution. as soon as possible to discuss the incident.
- D. The Zoning Administrator shall determine whether an incident did or did not occur and inform all parties involved of that disposition. In the process of determining whether an incident occurred, the Zoning Administrator may require the Owner to provide those records maintained under Section 113.107 and may hold and use those records as evidence if the Zoning Administrator determines it is appropriate to issue a citation or seek judicial relief under Sections 113.113 or 113.114.

113.110 Vacation Rental Application and Permit

- A. Any Dwelling Unit rented for less than 30 consecutive days requires a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Vacation Rental property.
- C. Property owners may make application for a new Vacation Rental permit at any time during a calendar year. Vacation Rental permits shall be valid for one (1) year from November 1 to October 31. All permits expire on October 31 of each year. Failure to submit a renewal application by October 25 will result in the application being processed as a new application. New applications will be processed throughout the year expiring on October 31 regardless of when issued.
- D. A complete application must be submitted prior to receiving a Vacation Rental permit or a renewal. Below is a list of required information.
 - 1. A fully completed and signed Vacation Rental Permit Application form provided by the Township.
 - 2. Contact information of a Local Contact Person available by cell phone 24 hours a day, seven days a week whenever the unit is utilized as a Vacation Rental.
 - 3. Vacation Rental rules, if any, in addition to those required by this ordinance.
 - 4. Scaled Floor plan of the Vacation Rental unit including use description of each room.
 - 5. Maximum number of occupants to be accommodated while in use as a Vacation Rental.
 - 6. A copy of the Vacation Rental contract that includes a complete listing of the standards in Section 113.107, Vacation Rental Standards.

7. A copy of a current system evaluation of the water and wastewater system from the Health Department of Northwest Michigan, dated within twelve (12) months of application. Renewals shall require a new evaluation every five (5) years.
 8. The owner shall provide a Septic and Well Status Report from the Health Department of Northwest Michigan which clearly indicates:
 - a. The septic system is in working condition and meets the isolation from surface water and ground water requirements.
 - b. The number of bedrooms the system is designed to accommodate and maximum occupancy of the dwelling.
 - c. A satisfactory review with no contaminants of the water supply.
 9. For renewals, previous 3-year rental logs
- F. A complete application must be submitted prior to receiving Renewal of an approved Vacation Rental Permit. All materials as required under Section 113.110.D, above, except that the property owner may submit duplicate materials for all items as provided with the initial application if these items have not changed since the time of the initial application.
- G. The Milton Township Board shall review associated costs with administrating this ordinance on a periodic basis and may establish a commensurate permit fee.

113.111 Approval or Denial and Issuance of Permit

- A. Upon finding the following, the Zoning Administrator shall issue a new or renewal permit for a Vacation Rental by October 31 for any application filed per Section 113.110 for a new Vacation Rental Permit or Vacation Rental Permit Renewal received prior to October 25:
 1. The application demonstrates no conflicts with the Number of Vacation Rental Weeks Allowed under Section 113.105;
 2. The application demonstrates no conflicts with Limitations on Density and Proximity of Vacation Rentals under Section 113.106,
 3. The application demonstrates compliance with Vacation Rental Standards per Section 113.107,
 4. The application is complete per the requirements of Section 113.110, and
 5. For past permittees who have had their permits revoked, the application is not being made within a required permit revocation probationary period described in Section 110.114.B.8 of this Ordinance.
- B. If the Zoning Administrator finds that any requirement under Section 113.111.A. has not been met, the application shall be denied. The applicant shall be notified in writing of the denial.
- C. For existing permittees, if, at the time of renewal, the application does not meet one or more of the requirements of Section 113.111.A. of this ordinance and the application is denied, the Zoning Administrator shall promptly notify the permittee.

Upon receiving such notice, all rental activity shall immediately cease and shall not resume until the Zoning Administrator verifies that the Vacation Rental fully complies with this ordinance. The permit holder shall have sixty (60) calendar days from the renewal deadline to cure any deficiencies, unless the Zoning Administrator extends the cure period upon good cause shown. Requests to extend the cure period must be delivered in writing to the Zoning Administrator before the expiration of the cure period. If the permit holder cannot demonstrate full compliance with Sections 113.107 – 113.111 of this ordinance at the end of the cure period, the Vacation Rental permit will not be renewed and will be deemed expired.

- D. If an application is denied, the Zoning Administrator shall issue written notice to the applicant within five (5) business days of the denial the reasons explaining the denial.

113.112 Appeal of a Decision on Approval or Denial of a Permit Application

1. Any aggrieved party may appeal any decision made by the Zoning Administrator to the Milton Township Board of Trustees who will conduct, review, and dispose of the appeal accordingly on the basis of competent, material, and substantial evidence.
2. The Township Board of Trustees shall adopt by resolution the procedural rules and standards for the review of the decision to approve or deny an application for a Vacation Rental Property by the Zoning Administrator.
3. The applicant shall, within thirty (30) days from the date of the issued or denied application, provide a written statement in support of the appeal to the Milton Township Clerk. The Appeal Statement shall include:
 - a) The specific reasons why appellant believes the decision to approve or deny the Vacation Rental permit was in error and a reference to the provision(s) of the Vacation Rental Ordinance upon which appellant relies;
 - b) Evidence in support of appellant's position; and
 - c) The specific relief sought by appellant from the Milton Township Board.
4. The appeal statement shall be distributed by the Clerk to the other members of the Township Board.
5. The appellant may appear before the Board to orally present his/her appeal. After discussion, the Board shall determine by vote whether the appellant has established a prima facie case that the permit issuance or denial decision appealed was erroneous.
6. If the Township Board determines that a prima facie case has not been established, it will so notify the appellant and the appeal will be denied.

7. If the Township Board determines that a prima facie case has been established or that extenuating circumstances exist, they may overturn the Zoning Administrator's decision with or without conditions.

113.113 Permit Violations (per 113.110)

A. The following conduct is a violation of the Vacation Rental Ordinance:

1. An Owner has failed to comply with the requirements of this ordinance including reporting complaints received.
2. An Owner has provided false or misleading information during the permit application process.
3. An Owner continues to rent beyond the revocation date of their permit.

B. The penalties for violations specified in subsection A. are as follows:

1. The first violation within any twelve (12) month period shall result in a notice of violation delivered to the property Owner by certified mail.
2. The second violation within any twelve (12) month period shall result in a municipal civil infraction and a fine of up to \$1,500.
3. The third and/or subsequent violation(s) within any twelve (12) month period shall result in a municipal civil infraction and a fine of up to \$5,000 and/or up to 90 days in jail.

C. All Owners, regardless of their interest in the property, shall be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.

113.114 Revocation Standards (per 113.107)

A. The Township shall revoke a Vacation Rental permit for the following reasons:

1. Two (2) Vacation Rental Standards violations occur within a twelve (12) month period.
2. A Vacation Rental has been rented in excess of the number of weeks allowed for rental specified in 113.105 Limitations to the Number of Vacation Rental Weeks Allowed.

3. An Owner was found to have provided false or misleading information during the permit application process.
4. An owner has failed to provide a Vacation Rental activity log when requested.
5. The Owner will be notified of the decision to revoke a Vacation Rental permit by the Zoning Administrator by personal contact and certified letter. The effective date of revocation will be the earlier of these notifications

B. Revocation Appeal and Procedures:

1. An Owner may appeal a decision to revoke a permit to the Milton Township Board.
2. The Vacation Rental Owner shall, within five (5) business days from the date of revocation, provide a written statement in support of the appeal to the Milton Township Clerk. The Appeal Statement shall include:
 - a) an explanation of the issue(s) and the procedural history;
 - b) the specific reasons why appellant believes the decision to revoke the Vacation Rental permit was in error and a reference to the provision(s) of the Vacation Rental Ordinance upon which appellant relies;
 - c) evidence in support of appellant's position; and
 - d) the specific relief sought by appellant from the Milton Township Board.
3. The appeal statement shall be distributed by the Clerk to the other members of the Township Board.
4. The Zoning Administrator will, within ten (10) business days from receipt of the appeal statement, provide a written staff report to all Board members that documents the procedural actions that were taken that led to the permit revocation, including any supporting evidence.
5. The Owner may appear before the Board to orally present his/her appeal. After discussion, the Board shall determine by vote whether the appellant has established a prima facie case that the revocation decision appealed was erroneous.
6. If the Township Board determines that a prima facie case has not been established, it will so notify the appellant and the appeal will be denied.
7. If the Township Board determines that a prima facie case has been established or that extenuating circumstances exist, they may reinstate the permit with or without conditions.

8. Upon revocation, a twelve (12)-month permit revocation probationary period will begin. An Owner may reapply for a Vacation Rental permit no sooner than twelve (12) months after revocation.

C. Civil Action. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this Ordinance

D. Any other failure to abide or comport by the standards and requirements of this Ordinance shall be considered a Standards Violation.

113.115 Private Actions to Enforce

A. Any Person who has suffered or alleges to have suffered damage to person or property for a violation of this ordinance may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the Owner. The prevailing party in this litigation is entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

B. Nothing in this ordinance creates any right of action against the Township or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of Vacation Rental within the township.

113.116 Transfer of ownership.

A. Transfers Prohibited. Except as expressly provided herein, vacation rental licenses are nontransferable, and a vacation rental license issued under this ordinance shall become void upon the attempted transfer of a license or transfer of ownership of the dwelling unit for which the license is issued. In the event of an unauthorized transfer, a new vacation rental license must be obtained by the new owner of the dwelling unit from the Township before vacation rentals may be resumed in the dwelling unit.

B. "Transfer" Defined. As used in this Ordinance, a "transfer" of a vacation rental license shall include the following:

a. Any transfer, sale, or other conveyance of a vacation rental license to a person or entity other than the owner or license holder;

b. Any transfer, sale, or other conveyance of the Premises;

c. Any change in ownership or transfer, sale, or other conveyance of an interest or membership in the corporate entity which is the

owner of the Premises or the short- term rental license; or

- d. Any change in the trustee(s), beneficiary, or beneficiaries of the trust which is the owner of the Premises or the vacation rental license.

C. Permitted Transfers. Notwithstanding the above, the Township recognizes that as a matter of public policy it is equitable and consistent with the intent of this ordinance to enable transfers of vacation rental licenses in certain limited circumstances, which include transfers to immediate family members and reallocations of entity interests holding a short- term rental license among existing entity owners. Consistent with these policy goals, short- term rental licenses may be transferred under the following circumstances, provided that a transfer application conforming to the requirements and regulations set forth in this ordinance and indicating the relationship of the transferor to the transferee is first submitted to and approved by the Township:

- a. For vacation rental licenses held by an individual, that individual may transfer their vacation rental license to an immediate family member.
- b. For vacation rental licenses held by a corporate or other entity, owners or members of that entity may transfer their interest in the entity to i) an immediate family member; or ii) another member of that same entity.
- c. For vacation rental licenses held by a trust, a conveyance to i) a beneficiary of that trust; or ii) a beneficiary's immediate family member. The trustee of the trust may also be modified to remove an existing trustee or designate an immediate family member of the trustee as the new trustee.

B.D. Waiver. For transfers not expressly authorized herein, a license holder may make a written application to the Zoning Administrator for a waiver from this ordinance's prohibition on transfers. Such application must demonstrate that the proposed transfer is essentially a transfer to an immediate family member or an existing owner of the license and is otherwise consistent with the purpose and objectives of this ordinance on good cause shown to the Zoning Administrator. The Zoning Administrator shall approve or deny such applications.

113.1167 Severability

In the event that any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is found to be 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.

113.1178 Effective Date

This ordinance shall become effective thirty (30) days following publication.

Amended:

Effective Date:

Suggested revisions to Zoning Ordinance to connect the two ordinances:

117.204

Dwelling Unit Rentals. In Milton Township, any dwelling unit may be leased or rented provided:

- A. The zoning district permits single-family dwellings.
- C. The minimum length of stay is thirty (30) days unless permitted as a Vacation Rental.
- D. Vacation Rentals are subject to the rules and procedures of Chapter 113.000 of the Milton Township Code of Ordinances (Milton Township Vacation Rental Ordinance).
- E. All other requirements and standards of this Ordinance including signs are met.

117.222

Vacation Rental. A property containing a Dwelling Unit that is occupied by any person other than the primary Owner for monetary consideration, for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. A Vacation Rental does not include a Bed and Breakfast permitted and operated in accordance with the Milton Township Zoning Ordinance.