

**VILLAGE OF ELK RAPIDS
RESOLUTION 20-04**

Establishing a Temporary Moratorium on New Short Term Rental Businesses

WHEREAS, the Village of Elk Rapids currently allows short-term rentals by right in the residential district; and

WHEREAS, the Village recognizes that short term rentals provide economic benefit, but also potentially impact the housing stock for year-round residents of the Village; and,

WHEREAS, the Village of Elk Rapids Planning Commission is working on an ordinance to create the legal framework for a comprehensive and balanced system of regulating short term rentals within the Village in the interest of public health, safety, and welfare; and

WHEREAS, this ordinance updating process will be inclusive of detailed regulations for the appropriate location, rules, and regulations within the various zones contained in the Village's Zoning Ordinance; and

WHEREAS, the Village has determined that there is a legitimate public interest in temporarily deferring new short term rental businesses in order to avoid the potential impact of a loss of housing stock for year round residents, which would be adverse to the general character of the community; and

WHEREAS, the Village also recognizes that indefinitely deferring new short term rentals could result in hardship to some future potential applicants;

THEREFORE BE IT RESOLVED, during the course of the Village's deliberations as to the appropriate regulations for all short term rentals, that no new short-term rental businesses be allowed and that a moratorium is hereby declared, effective immediately, for a maximum period of **180** days, subject to the Village's right to reduce the moratorium period if the Village determines that less time is needed for its deliberations.

BE IT FURTHER RESOLVED, during the period of this moratorium, there shall be no consideration or action taken by the Village, any elected official, any appointed official, or any employee on any request for any new short term rental.

BE IT FURTHER RESOLVED, this moratorium shall not prohibit the use of property for short term rental if the property has during the 2018, 2019 or current calendar year to date (March 2, 2020), been used for this purpose, and is able to provide evidence of this activity through EIN, tax documentation or other legally acceptable evidence; and

BE IT FURTHER RESOLVED, this moratorium shall not prohibit any short term rental business that has not by March 2, 2020 engaged in active rental, but can demonstrate reservations confirmed on or before March 2, 2020 and which reservations can be demonstrated through evidence such as EIN, tax documentation or other legally acceptable evidence of deposit and confirmation; and

BE IT FURTHER RESOLVED, a property that is being used as a short term rental and cannot provide such evidence as described above, if requested, shall be in violation of this moratorium and may be denied the opportunity for future registration as a short-term rental for one year; and

BE IT FURTHER RESOLVED, during the period of this moratorium, any entity or property owner alleging that the moratorium will result in a violation of applicable federal or state constitution or law

shall be entitled to an expedited hearing before the Village. At the conclusion of this hearing, the Village shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that this resolution on its face or as applied to the petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the moratorium violates applicable federal or state constitution or law, the Village shall grant relief from the moratorium to the extent necessary to cure the violation.

Moved by: _____ Supported by: _____

Ayes: _____ Nays: _____ Excused: _____

RESOLUTION 20-04 DECLARED ADOPTED.

By: _____
James Janisse, Village President
Village of Elk Rapids

CERTIFICATE

I, Caroline Kennedy, Assistant Village Manager/Clerk of the Village of Elk Rapids, do hereby certify that the above is a true and correct copy of a Resolution which was adopted by the Village Council of Elk Rapids on the 2nd day of March, 2020.

Dated: _____
Caroline Kennedy, Assistant Village Manager/Clerk