

SHORT TERM RENTAL PERMIT SAFETY & SECURITY PROGRAM

Section 2-1-3-11.02 This section amends the Residential District Zoning Regulations that existed before January 1, 2018 that prohibited short term rentals and establishes regulations for short term rentals and create a Short-Term Rental Permit Safety and Security Program for the Town of Michiana Shores. [Reference Public Law 73-2018, SEC 1, codified as Ind. Code 36-1-24-1].

STATEMENT OF PURPOSE AND INTENT

The short term rental (STR) safety & security program is established to protect the public health, safety, and welfare of all Michiana Shores residents and guests by ensuring short-term rental units are safe for guests, are of a proper size relative to the number of overnight occupants, that all guests are aware of the applicable Michiana Shores ordinances relative to parking, quiet hours, fireworks and public safety. The Town of Michiana Shores acting within all guidelines of IC 36-1-24-1 (State of Indiana Code pertaining to all regulations of Short-Term Rentals) will require Zoning Variance approval by Board of Zoning Appeals per defined Town process to obtain a permit for all short-term rentals of secondary residences.

The State of Indiana requires all owners of short-term rentals to register with the State of Indiana as a merchant for the collection of taxes effective July 1, 2019.

A. Short-term Rentals

1) **Defined.** Short-term rental means the rental of any of the following property types for terms of less than thirty (30) days at a time through a short-term rental platform, or any other manner of contract for use both public or private. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. The term does not include property that is used for any nonresidential use. Short term rental of an accessory structure on a lot where the owner maintains a primary residence must comply with this section and is not excluded.

- a. A single-family home;
- b. A dwelling unit in a single-family home
- c. A detached accessory structure, including a guest house or other living quarters that are intended for human habitation,
- d. A dwelling unit in a two-family or multifamily dwelling; or
- e. A dwelling unit in a condominium, cooperative, or time share;

2) Use Standard.

- a. **A short-term rental of an owner-occupied primary residence is a permitted residential use without requiring a Zoning Variance or permit. This must be the owners full time legal residence of record.**
- b. For short-term rental properties that are not owner occupied and are a secondary residence, and or not a full-time residence an approved Zoning Variance is required.
- c. Short-term rentals shall be operated in accordance with Indiana State Law.
- d. Short-term rental property owners that are not primary residences as defined by the State of Indiana MUST register with the State of Indiana as a merchant for the collection of taxes. The Town of Michiana Shores cannot approve any Zoning Variance or authorize any permit until proof of State filing is supplied in accordance with State law.

B. Permit Application and Approval Process

- 1) **File with the State of Indiana as a retail merchant for short-term rentals** The Town of Michiana Shores cannot approve any Zoning Variance or grant any permit until proof of filing as a Merchant with the State of Indiana is complete.
- 2) **Apply for a Zoning Variance or Special Use with the Michiana Shores Zoning Board per Town Code 2-1-3-1 et seq.**
- 3) **Apply for a Permit with Michiana Shores after a Zoning Variance or Special Use has been approved. Fill out the required data sheet for submittal to the Town Council for review and approval /discussion at the next regularly scheduled meeting. Applications are available at the Town Clerk office during regular business hours or online at www.townofmichianashores.com . Completed applications need to be filed with the Town Clerk during regular business hours. All permit applications must have the following completed in advance of filing. Failure to file complete information will result in delays.**
 - a) **Inspection.** As part of the application for a Permit a home safety inspection is required. A licensed LaPorte County home inspector, or other Indiana licensed home inspector with business operations in adjacent counties must confirm the safety

and integrity of the property proposed for short-term rental. All inspection costs and scheduling are handled directly by the property owner.

- i) The purpose of the Inspection Report and Inspection Certificate issued to the owner or the property manager (if applicable) is to verify that the rental unit is safe and habitable for occupancy with respect to: electrical systems, plumbing systems, water and sanitary system, including hot water, heating and ventilation systems, bathroom, toilet facilities, doors, windows, stairways, hallways, functioning smoke detectors, fire extinguishers, lead hazards, indoor air quality, proper exits, and set total occupancy limit based (Bullet b)
- ii) The completed and signed report will be submitted with the Permit application.
- b) Maximum Occupancy: The home inspection will also verify the following that will be submitted with the executed Permit application.
 - i) 2 persons per Bedroom (defined as a 4-wall area with a closet and in alignment with the LaPorte County property tax records of the property as posted on the LaPorte County Beacon: <https://beacon.schneidercorp.com>);
 - ii) PLUS an additional 2 people per functioning toilet;
 - iii) AND a maximum occupancy limit of 10 people regardless of specifics.

4) Town Council Approval of Permit Application. All complete applications will be reviewed and discussed for approval at a regularly scheduled Town Council meeting. Incomplete applications will be returned with details needed prior to resubmission. Approved applicants will be notified and issued a 12-month Short Term Rental permit.

a) Review Criteria:

- i) The establishment, maintenance, or operation of the Permitted STR will not be detrimental to or endanger the public health, safety, morals, or general welfare.
- ii) The Permitted STR will be designed, constructed, operated, and maintained to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
- iii) The establishment of the Permitted STR will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District
- iv) Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Permit will not result in excessive additional requirements at public expense for such public facilities and services.
- v) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
- vi) The Permitted STR will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
- vii) The Permitted STR will be in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.
- viii) The listing of a Permitted STR as a permitted use does not constitute an assurance or presumption that such Permit will be approved. Rather, each Permit shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth herein, to determine whether approval of the Permit is appropriate at the location and in the manner proposed.
- ix) The Owner of the STR attests that they will not rent the premises to any group where the onsite person of record (primary renter) is less than 25 years old.

5) Obtaining / Maintaining a Permit: All approved Zoning Variances for Short-Term rentals will require the purchase of a permit. Data provided for the Permit shall transfer and fully apply to the Permit. The initial permit fee is \$150.00 payable to the Town of Michiana Shores. Annual renewals require no additional fee.

- a) Approved permit holders are required to follow all Indiana Laws and update the Town of Michiana Shores of all changes as recited and reflected and identical to those in IC 36-1-24-11 to and including IC 36-1-24-17.
- b) Approved permit holders will be issued a high visibility permit that must be placed within clear site of the roadway (mounted in window or door) for review by Town Officials and/or residents denoting the property as an approved short-term rental property. 24 Hour contact info must be displayed.

6) Permit Revocation: Any issued permit is subject to revocation for repeated violations of the Town of Michiana Shores town code and applicable ordinances (see IC 36-1-24-10, IC 36-1-24-14)

- a) If three (3) or more citations issued from the Town Council, Building Commissioner, Town Police Chief or any designee of the Town Council are issued to an owner for a permitted short-term rental property within a calendar year, the issued permit for that permitted property is automatically REVOKED for a period of one (1) year after the date of revocation. A violation related to illegal activity at the STR premises will result in automatic revocation bypassing the (3) citation requirement. Citations include any violation of Town of Michiana Shores Ordinances, and also include the following applicable to all short-term rental guests:

- I. NO rentals to any group under the age of 25 without someone older than 25 as the responsible party.
 - II. NO parking of Recreational Vehicles of any sort by the short-term renter, and/or NO use of a Recreational Vehicle for additional occupancy on dwelling lot.
 - III. NO use of tents, removable structures, hammocks or any other outdoor sleeping device to increase site occupancy.
 - IV. NO loose dogs, and NO more than 2 dogs per property by the short-term renter.
 - V. NO outdoor restroom (toilet) facilities to augment dwelling capacity.
 - VI. NO parties or events at the property involving more people than allowed by the noted maximum occupancy.
 - VII. The property cannot be advertised for parties or events. A citation will be issued for any violation of this policy.
 - VIII. NO loose garbage or debris. All refuse must be in proper pickup receptacles.
 - IX. NO parking in yards, grass or non-designated parking area by the short-term renter.
 - X. Fireworks use ONLY in accordance with Michiana Shores Code & Ordinance and NOT during quiet hours.
 - XI. NO storage of bikes, wagons, beach toys, watercraft (boats, jet skis, etc.), trailers, coolers, or any other loose items in front of the house or obstructing the view of any property owners.
 - XII. NO use of illegal drugs or substances.
 - XIII. NO prostitution.
 - XIV. NO yard sales or vending of any manner on the property by the short-term renter.
 - XV. NO parking or storage of any commercial vehicles or equipment by the short-term renter or their guests at any time.
 - XVI. Short Term rental guests must be mindful of the neighborhood character and not trespass or disrupt other properties if requested to modify behavior by other property owners.
 - XVII. Quiet hours commence at 10PM Central time Sun-Thu and 12AM Central time Fri-Sat
 - XVIII. Notice of Citations will be sent to the property owner. If three (3) citations are issued the short-term rental permit is revoked for 12-month. Permits will be automatically revoked for illegal activity at property.
 - XIX. Residents wishing to report any violations of the above conditions can call the Police to file a report and/or have an officer sent to the property, OR file a detailed report with the Town Council including dates, pictures and details of the violation, OR with any designee of the Town Council as applicable. These will be reviewed monthly, or in a special session with proper notice if serious issues are noted.
 - XX. Permits must be displayed as noted in Section 5(b). Failure to display will count as a citation after 1 warning.
- b) Any approved permit will be revoked for any property not in good standing relative to payment of required sales and use tax pursuant to IC 6-2.5-4-4; IC 6-2.5-4-18; IC 6-9-29; 45 IAC 2.2-4-8; 45 IAC 2.2-4-9
 - c) A hearing will be had for any permit that is revoked, but until final disposition the short-term rental cannot be rented. Hearings will take place during regularly scheduled Town Council meetings.
 - d) An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked. However, a new permit may not be issued until any outstanding fines are paid.
 - e) No person shall maintain, or allow occupancy of, a short-term rental unit in the Town without compliance with the provisions of this Article. Failure to comply with the provisions is a violation of this Article.
 - f) The provisions in this Article shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe stricter standards than are provided herein.
- 7) Penalties & Fines: Engaging in short-term renting of a non-primary residence without Permit approval in place beforehand is a direct violation of Town of Michiana Shores ordinances and State of Indiana Law.**
- a) An owner that rents a short-term rental without obtaining a valid permit is in direct violation of Michiana Shores Ordinance.
 - b) Each short-term rental transaction that the short-term rental owner completes without a permit constitutes a separate violation of this section.
 - c) The fine for renting without a valid permit is \$2500.00 per each occurrence.
 - d) Fines will be paid to The Town of Michiana Shores. No property can be rented short-term that has outstanding fines unpaid.

B. General Provisions

1. **Repeal of Conflicting Provisions:** The provisions of any or all other Ordinances, Resolutions or Town Code provisions in conflict with the Provisions hereof are of no further force or effect and hereby superseded and repealed.
2. **Severability Provision:** If any part of the Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.
3. **Emergency Enactment Clause:** The Town Council hereby declares that an emergency exists for the immediate taking effect of the provisions of this Ordinance so that it shall become and remain in full force and effect immediately following its passage and adoption by the Town Council and as otherwise provided for by law.
4. **Publication Requirements:** Notice of Enactment of this Ordinance is required by publication within the timeframe required by law.

APPENDIX I - Application

Michiana Shores Indiana - Short Term Rental Permit Application

This application is for Short-Term Rentals (STR) and is required for rentals where rooms are occupied for less than thirty (30) consecutive days. A separate application is required for each STR property with approved zoning variance.

Items that MUST be submitted with the application:

1. Application fee of \$150 (non-refundable if application is not approved)
2. A sketch or narrative describing the location of the available parking spaces.
3. Signed Inspection report including items noted in the Michiana Shores STR Ordinance
4. Customer Account Number OR written confirmation from the State of Indiana showing proof of an account for Hotel Occupancy Tax collection.
5. Approved Zoning Variance from Town of Michiana Shores
6. Signed Acknowledgement by all property owners that they understand all of the STR requirements and will adhere to all parts (Appendix I)

Submitting the application:

In person: Completed applications may be submitted in person during normal business hours by the Town Clerk.

APPLICATION FOR SHORT TERM RENTAL (STR) PERMIT

1. APPLICANT INFORMATION

Applicant Identity:

Owner

Tenant (If tenant, written permission to operate STR from the owner must be attached)

Applicant's Name:
Applicant's Address:
Telephone: Email:

OWNER INFORMATION *Same as Applicant*

Owner's Name:
Type of Ownership:

Corporation <input type="radio"/>	LLC <input type="radio"/>	Single Member-LLC Partnership <input type="radio"/>	Individual-Sole Proprietor <input type="radio"/>
Owners' Address:			
Telephone:		Email:	

DESIGNATED OPERATOR'S INFORMATION *Same as Applicant*

Designated Operator's Name:	
Designated Operator's Address:	
24 Hour Telephone:	Email:

2 MERCHANT OCCUPANCY TAX ACCOUNT INFORMATION

Provide the Hotel Occupancy Tax Account Number for the property :

3. PREMISES INFORMATION

Physical address of short-term rental (*only one unit per application*) :

Street Address Unit Number (if applicable)

Legal Description:

Type of Structure:

Residential (Single Family) Residential (Two Family/Multi)

Number of Off-Street Parking Spaces:

(*Minimum vehicle spaces = 1 per unit*)

List of short-term rental platforms the property will be advertised through (ex. Airbnb, HomeAway, VRBO, etc):

Applicant/Owner states that to the best of their knowledge, the property meets the requirements for a Short-Term Rental:

(*Please initial each applicable statement as evidence of fact and compliance*)

___ The designated operator shall be available by phone at all times the Short-Term Rental is in use.

___ The unit has a working smoke detector and carbon monoxide detector in or outside of sleeping areas, and on all habitable floors.

___ The unit has a properly maintained and charged "2A:10B:C" fire extinguisher.

___ The unit provides a posting which provides emergency contact information and a floor plan indicating fire exits and escape routes, which shall be posted in a prominent location

___ The unit provides a posting which provides all required tenant notifications required by Michiana Shores Ordinances

___ The unit has a posting clearly visible in property interior which indicates that the maximum number of adults occupying the short-term rental is two per bedroom

___ Every sleeping area has at least one operable emergency escape and rescue opening per all applicable state and/or city-adopted codes, regulations, and ordinances

___ There is no overnight sleeping in outdoor areas

___ The Michiana Shores permit number shall be included in all advertisements and/or online listings for the short-term rental.

___ Approved permit holders will be issued a high visibility permit that must be placed within clear site of the roadway (mounted in window or door) for review by Town Officials and/or residents denoting the property as an approved short-term rental property.

I hereby certify under penalty of perjury that the information included in this application is true to the best of my knowledge, that I will adhere to all items noted and I have checked to determine that no deed restrictions apply to this property that conflict with this request.

Applicant's Name Printed Applicant's Signature

Designated Operator's Name Printed Designated Operator's Signature

Owner's Name Printed Owner's Signature

TOWN OF MICHIANA SHORES APPROVAL:

Date of Meeting for Application Discussion _____

Permit Approved: Y _____ N _____

If Permit is denied, explain reason and potential remedy:

Signed / Michiana Shores Town Council President: _____
Date: _____

Signed / Michiana Shores Attesting Town Council Member: _____ Date: _____

Permit Application Appendix I

Michiana Shores Short Term Rental Owner Affirmation Statement:

As the owner of an approved short-term rental within the Town of Michiana Shores I attest that I will follow all rules and regulations if an STR permit is issued and will ensure all guests renting the property are aware of each. I am aware of the ramifications of non-compliance and will

abide by the findings of the Town Council and/or Law Enforcement as applicable relative to violations.

I understand each of the following:

Permit Revocation: Any issued permit is subject to revocation for repeated violations of the Town of Michiana Shores town code and applicable ordinances (see IC 36-1-24-10, IC 36-1-24-14)

If three (3) or more citations issued from the Town Council, Building Commissioner or Town Police Chief are issued to an owner for a permitted short-term rental property within a calendar year, the issued permit for that permitted property is automatically REVOKED for a period of one (1) year after the date of revocation. A violation related to illegal activity at the STR premises will result in automatic revocation bypassing the (3) citation requirement. Citations include any violation of Town of Michiana Shores Ordinances, and also include the following applicable to all short-term rental guests:

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- XX. Permits must be displayed as noted in Section 5(b). Failure to display will count as a citation after 1 warning.

SIGNED:

Property Owner: _____ Date:

Property Owner: _____ Date:

Property Address: _____

Short Term Rental Permit Michiana Shores

- **Permit #:** _____
- **Issued:** _____
- **Occupancy Limit:** _____
- **24HR Contact Info / Responsible Party:**
Name: _____
Contact #: _____