

- Q. Wetlands: For reasons of safety, health, ecology, and environmental preservation, there shall be no dredging or filling of wetlands as that term is defined by Michigan Statute without approval of the Board.
- R. Division of Land in a Recorded Plat: The partition or dividing of any lot, outlet, or other parcel of land within the jurisdiction of the Corporation shall comply with all applicable requirements of the law, and shall be approved by the Board.
- S. Non-conforming Uses: The non-conforming use of land which existed, when these Rules and Regulations became effective, may be continued provided that:

a. No such non-conforming use shall in any way be enlarged, increased, extended, or moved either on the same lot or to another lot.

b. If such non-conforming use or any portion thereof is discontinued or changed, any further use shall be in conformity with these Rules and Regulations.

c. If such non-conforming use ceases to exist for any reason for a period of more than thirty (30) days, any subsequent use shall conform to these Rules and Regulations.

d. Any non-conforming building or mobile dwelling, which has been destroyed or damaged by fire, explosion, Act of God, or public enemy, may be restored to the same non-conforming use as existed before damage, subject to approval of the Board. No new mobile dwelling may be placed on any property.
- T. Practical Difficulties and Unnecessary Hardships: The Board, acting as a Board of Appeals, and on recommendation of the Building and Site Plan Review Committee, may permit variation or modification of any requirement of these Rules and Regulations provided, that the purpose and spirit of the Rules and Regulations shall be observed, public safety secured, and substantial justice done.
- U. Littering: No littering of road rights-of-way, the waterfront access and launch site, park or other property within the boundaries of the Corporation is allowed. Persons found to be littering will be assessed a fee of \$25.00 for each offense.
- V. Rental properties: Short term rental properties on the peninsula as defined under Long Lake Township (LLT) Ordinance No. 178 regulations, are those being rented for a rental period of less than thirty days, must be certified by LLT and then registered with the Long Lake Peninsula Association (LLPA) annually. The Board will establish registration requirements, set registration fees, assessments and violation fines which will be reviewed and amended annually as needed, before opening the annual registration period. The Board may add a short-term rental cap as part of this annual review. Members must be in good standing with no other violations or outstanding dues to obtain or maintain a short term rental registration. Rental properties with violations are subject to a denial of registration or revocation of registration. Members failing to register prior to renting their property will be subject to the established fine. Members are liable for any expenses incurred by the LLPA which are determined to have been caused by their tenant. Such expenses shall include but not be limited to; physical damage to property owned by LLPA, legal fees and fines. Short term rentals may be rented for periods less than 7 days, but are limited to one rental in any 7-day period. Maximum rental occupancy is the lesser of: (a) the number of occupants allowed by LLT, or (b) 2 occupants per bedroom.
Property owners wishing to rent their property must provide the following documentation to the LLPA prior to renting:

1 Copy of Short-Term Rental Certificate from Long Lake Township (LLT)

2 Copy of your insurance policy listing LLPA as having an Additional Interest

ISSUE #1

MARKUP #1 ->

MARKUP #1 · STATUTORY FINING & HEARING DEFECT

BOARD & COUNSEL REVIEW

Sec. V (p. 13): Clause sets a 7-day minimum lease floor, whereas Traverse City enforces a 30-day minimum stay. Because municipal zoning ordinances and HOA covenants operate as dual concurrent restrictions, the stricter standard governs (Effective Minimum = MAX(30 days City, 7 days HOA) = 30 days). Rentals of 7 to 29 days are illegal under Traverse City code despite appearing permitted by the HOA text.

Statutory / Legal Reference: Traverse City Codified Ordinances Ch. 862 & Zoning Ch. 1332 (commercial vacation home rentals under 30 days prohibited in R-1a, R-1b, and R-2 residential districts; Tourist Homes require owner occupancy and annual city...

Statutory Comparison: When a state does not preempt local short-term rental regulation and a municipality imposes a 30-day minimum stay, private HOA covenants cannot authorize an owner to violate municipal zoning law. Conversely, if the HOA were stricter than the city, the HOA covenant would govern. Under this dual-compliance rule, both laws apply simultaneously and the effective minimum rental duration is 30 days.

CURRENT WORDING IN DOCUMENT:

set registration fees, assessments and violation fines which will be reviewed and amended annually as needed, before opening the annual registration period. The Board may add a shortterm rental cap as part of this annual review.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

"No Lot or Unit may be leased or rented for a term of less than 30 consecutive days (or such longer minimum period as may be required by applicable Traverse City municipal ordinance)."