

**REGISTRATION OF RENTAL UNITS RESTATED ORDINANCE
VILLAGE OF SPRING LAKE, MICHIGAN
ord. no. _____ eff. _____**

**AN ORDINANCE TO REGULATE THE RENTAL OF PROPERTY IN
THE VILLAGE OF SPRING LAKE; TO ESTABLISH PENALTIES AND
SANCTIONS FOR VIOLATIONS OF THIS ORDINANCE; AND TO
ESTABLISH AN EFFECTIVE DATE.**

**THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, MICHIGAN,
ORDAINS:**

Section 1. Code Amendment. Chapter 271 of the Village of Spring Lake Code of Ordinances is restated in its entirety as follows.

§ 271-1. Findings and statement of purpose.

These standards in this chapter are intended to ensure compatibility with the other permitted uses and the residential character of the neighborhoods in which Rental Units are located. All Rental Units shall meet the standards contained in this chapter and shall be so located and constructed that the average neighbor, under normal circumstances, will not be aware of their existence.

These standards are also to provide for and protect the welfare of full-time residents and to discourage the purchasing of property for vacation rental uses when it would be inconsistent with the neighborhood in which the property is located.

§ 271-2. Rental registration and certificate of compliance required.

All Rental Units shall be registered and licensed with the Village prior to commencement of any Rental activity related to them.

§ 271-3. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BEDROOM – A room which is intended, arranged, and designed to be occupied by one or more persons primarily for sleeping purposes.

DWELLING – a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and one or more separate Bedrooms for sleeping.

FAMILY – as defined in Chapter 390, Zoning, of the Code of Ordinances, but also including any relative of that Family or of a member of that Family.

LANDLORD – Any person who owns or controls a Rental Unit and rents such unit, either

personally or through a Responsible Local Agent, to any other person.

LONG TERM RENTAL – The Rental or subletting of any Dwelling for a term of at least 28 days.

OCCUPANT(S) – An individual living in, sleeping in, or otherwise having possession of a space.

OWNER – The legal or equitable title holder of a Rental Unit or the premises within which the Rental Unit is situated.

PREMISES – The property, including any land and the improvements on the land, such as a building or other designated structure, on which the Rental is located or is proposed.

RENT or RENTAL – To permit, provide for, or offer possession or occupancy of a Dwelling, in which the Owner does not reside for a period of time, to a person who is not the legal Owner of record, pursuant to a written or unwritten agreement.

RENTAL UNIT – Any Dwelling containing one or more Bedroom, including but not limited to hotels, motels, bed-and-breakfast establishments, boardinghouses, or sleeping rooms, which are rented pursuant to an oral or written agreement, for monetary or other consideration, by the Owner or the Responsible Local Agent to any other person, whether by day, week, month, year, or any other term, when the renter is not acquiring an ownership interest in the Rental Unit.

RESPONSIBLE LOCAL AGENT – A person or other representative of an Owner; the agent's place of residence shall be within 60 miles of the Village. The agent shall be designated by the Owner as responsible for operating the Rental Unit in compliance with the ordinances adopted by the Village. All official notices of the Village may be served on the Responsible Local Agent, and any notice so served shall be deemed to have been served upon the Owner. An Owner may be the Responsible Local Agent if the Owner meets the residency requirement.

SHORT TERM RENTAL – The Rental or subletting of any Dwelling for a term of less than 28 days. This definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, other health-care related clinic, or housing for farm labor.

§ 271-4. Fees.

Fees for registration of Rental Units, inspections, and certificates of compliance shall be as established by resolution of the Village Council. These fees shall be subject to revision from time to time, as determined by the Village Council.

§ 271-5. Violations and penalties.

Any person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of this chapter shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to

be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

§ 271-6. Rental registration and designation of Responsible Local Agent required.

- A. No Owner shall lease, Rent, or otherwise allow a Rental Unit to be occupied unless the Rental Unit is registered with the Village, unless the Rental Unit has been issued a certificate of compliance per this chapter, and unless a Responsible Local Agent is designated for the Rental Unit. The Responsible Local Agent shall be legally responsible for operating the registered Rental Unit in compliance with the ordinances adopted by the Village, shall be responsible for providing access to the Rental Unit for the purpose of making any and all inspections necessary to ensure compliance with the ordinances adopted by the Village, and shall accept all legal notices or service of process with respect to the Rental Unit. The Responsible Local Agent shall maintain a list of the names and number of Occupants of each Rental Unit for which the agent is responsible.
- B. The Responsible Local Agent shall be available to accept telephone calls at all times that the Dwelling is rented. The Responsible Local Agent shall have a key to the Rental Unit and be capable of being physically present at the Premises within one hour to address issues, unless arrangements are made for another person to address issues within the same timeframe.

§ 271-7. Registration term and renewal of existing Rental Units.

Owners shall register any and all Rental Units within the Village and shall designate a Responsible Local Agent. Registration shall be completed immediately for each Rental Unit, before it is rented out, and renewed before each following January 1, except the first January 1 following initial registration. It shall be the responsibility of the Owner to reregister the Rental Unit. Upon registration, a certificate of compliance shall then be obtained pursuant to § 271-12.

§ 271-8. Change in registration information.

The Owner shall reregister a Rental Unit within 30 days after any change occurs in registration information. A new Owner shall immediately reregister the Rental Unit as provided in this chapter.

§ 271-9. Reregistration.

An Owner shall reregister a Rental Unit for each calendar year except the first full calendar year.

§ 271-10. Application for registration.

An application for registration of a Rental Unit shall be made in such form and in accordance with such instructions as may be provided by the Village Manager or designee and shall include at least the following information:

- A. The address of the Rental Unit;
- B. The names and addresses of all Owners;
- C. The name, address, and telephone number of the person authorized to collect rent

from the Occupants of the Rental Unit;

- D. The name, local address, and telephone number of the Responsible Local Agent;
- E. The number of Rental Units in each building;
- F. The authorization appointing a Responsible Local Agent signed by both the Owner and the Responsible Local Agent;
- G. The name, business address, and telephone number of any person who holds a lien on the Rental Unit or the Premises;
- H. Determination of the Rental Unit being used for Short Term Rental or Long Term Rental purposes;
- I. Verification that all state and local taxes levied and assessed against the Rental Unit that are due and payable at the time of the application have been paid (if not, the application shall be denied); and
- J. Any additional information necessary to determine compliance with all Village ordinances and state law.

§ 271-11. Inaccurate or incomplete registration information.

It shall be a violation of this chapter for an Owner or a Responsible Local Agent to provide inaccurate information for the registration of Rental Units or to fail to provide information required by the Village for such registration. In those cases in which the Owner is not a natural person, the Owner information shall be that of the president, general manager, or other chief executive officer of the Owner. Where more than one natural person has an ownership interest, the required information shall be provided for each such Owner.

§ 271-12. Certificate of compliance required.

- A. No person shall own, operate, lease, rent, or occupy a Rental Unit unless there is a valid certificate of compliance issued by the Village Manager or designee, which certificate of compliance shall be issued in the name of the Owner and issued for the specific Rental Unit. The certificate of compliance shall be displayed in a conspicuous place in each Rental Unit at all times. The certificate of compliance shall be issued only after both of the following are completed:
 - (1) Registration of the Rental Unit with the Village Manager; and
 - (2) Inspection by the Village Manager or designee demonstrating compliance with all Village ordinances and state law. This is including but not limited to the inspection stated in § 271-21.
- B. Once issued, the certificate of compliance shall be valid for the current calendar year and the following calendar year unless otherwise revoked pursuant to this chapter.
- C. The Village may issue a temporary certificate of compliance for any of the following reasons:

- (1) For a newly registered Rental Unit until such time as the Village is able to make a compliance inspection;
- (2) To enable the Village to balance its compliance inspection workload; or
- (3) To coincide with compliance time periods set forth in a notice citing violations of this code if such periods extend beyond the expiration date of a certificate.

§ 271-13. Exceptions.

The following circumstances do not require registration or a rental certificate of compliance under this Ordinance.

- A. Dwelling sales. Occupancy of up to 90 days by a prior Owner after the sale of a Dwelling under a Rental agreement following closing is permitted.
- B. Estate representative. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration, is permitted. The estate shall notify the Township of the Owner's name, date of death, and name of the person occupying the premises.
- C. Transitional housing. Occupancy at places of public accommodation, campgrounds, transitional housing operated by a non-profit entity, and bed-and-breakfast establishments is permitted.
- D. Family occupancy. Any member of a Family, as well as that Family member's guests, may occupy a Dwelling if that Family member's Family owns the Dwelling. Family occupancy also exempts Dwellings when occupied by Family guests, exchange students, visitors, medical caregivers, child caregivers, any person living within a household on a permanent basis, and any other individual related by blood or affinity whose close association is the equivalent of a Family relationship, if the occupancy does not provide remuneration to the Owner.
- E. Exclusive authority. Occupancy at places which the state has exclusive authority under state law to inspect and regulate is permitted.
- F. Condition of employment. Occupancy as a condition of employment (e.g., parsonages) is permitted.

§ 271-14. Prerequisites for issuance of certificate of compliance.

The Village Manager or designee shall not issue a certificate of compliance unless a current Rental Unit registration is in effect, the Responsible Local Agent is properly designated, any fees for registration plus any penalties are paid in full, and any inspection as required in §§ 271-21, 271-22 and 271-23 has determined that compliance has been secured with the minimum standards and other provisions of Village ordinances and state law.

§ 271-15. Posting.

The following information shall be posted in a conspicuous place either within each Rental

Unit or in a common area shared by all Occupants of a building with multiple Rental Units:

- A. A copy of the current certificate of compliance; and
- B. The name, address, and telephone number of the Responsible Local Agent.

§ 271-16. Renewal of certificate of compliance.

At least 30 days prior to the expiration of a certificate of compliance, the Village may notify the Owner or the Responsible Local Agent or both to reregister the Rental Unit and to arrange for a compliance inspection. The Owner shall be responsible for reregistering a Rental Unit and arranging a compliance inspection prior to the expiration date on the certificate of compliance, whether or not the Village gives notice to the Owner or the Responsible Local Agent or both.

§ 271-17. Expiration of certificate of compliance.

- A. A certificate of compliance shall expire at the end of the current calendar year (except the partial calendar year after initial registration) or on the repair date stated on a notice to repair, whichever comes first.
- B. Thirty days after such expiration date, it shall be unlawful for the Rental Unit in question to be occupied unless a new certificate of compliance has been issued.
- C. A Rental Unit which has not been previously certified shall be deemed to have an expiration date on the date the Owner or Responsible Local Agent is notified to register the Rental Unit.

§ 271-18. Notification of expired certificate.

- A. Thirty days after expiration of a certificate of compliance, the Village may issue a notice of expired certificate to the Owner, any Responsible Local Agent, and any Occupant of the Rental Unit. The notice shall state that:
 - (1) The Rental Unit does not have a valid certificate of compliance;
 - (2) It is unlawful for any vacant Rental Unit to be reoccupied or rented;
 - (3) Current Occupants may no longer occupy the Rental Unit lawfully; and
 - (4) Current Occupants may be entitled to escrow rent moneys as provided for under state law.
- B. A placard containing this information will be posted in or on the Rental Unit. The placard may not be removed until a new certificate of compliance is issued.

§ 271-19. Exceptions to requirement of certificate of compliance.

A certificate of compliance shall not be required for living or sleeping accommodations in jails, hospitals, nursing homes, school dormitories, convalescent homes, retirement homes, foster homes, or temporary group shelters provided by legal not-for-profit agencies which are inspected, certified, and/or licensed by other governmental agencies.

§ 271-20. Basis for inspections.

Inspections of Rental Units may be made to obtain and maintain compliance with the standards of this chapter and state law, based upon one of the following:

- A. A complaint received by the Village indicating that there is a violation of the standards or the provisions of the ordinances adopted by the Village or state law or both;
- B. An observation by the Village of a violation of the standards or the provisions of the ordinances adopted by the Village or state law or both;
- C. A report or observation of a Rental Unit that is unoccupied and unsecured or a Rental Unit that is fire damaged;
- D. The registration, reregistration, and certification of a Rental Unit as required by this chapter;
- E. The need to determine compliance with a notice or an order issued by the Village;
- F. Designation by the Village Council of an area where all Dwellings, accessory buildings, or yards are to be inspected uniformly or intensively or for specific violations;
- G. An emergency observed or reasonably believed to exist;
- H. A request for an inspection by the Owner; or
- I. As required by law when a Rental Unit is to be demolished by the Village or ownership is to be transferred to the Village.

§ 271-21. Required compliance inspection.

- A. Subsequent to the reregistration of a Rental Unit as required in § 271-9, the Village Manager or designee shall commence an inspection of the Rental Unit. However, the inspection shall not be required if the Rental Unit was inspected during the prior calendar year, was found to be in compliance, and the Village has no information to indicate that the Rental Unit is no longer in compliance.
- B. All facilities, areas, and units governed by this chapter shall be inspected. All facilities, areas, and units inspected shall comply with the standards of the ordinances adopted by the Village and with state law. If an inspection is scheduled and neither the Owner nor Responsible Local Agent appear, an inspection fee shall be assessed against the Owner. No inspection shall be completed until the fee is paid in full.
- C. For every inspection and reinspection of a Rental Unit performed to ensure conformity with this chapter, the Owner will be charged a separate fee except as provided in § 271-22.

§ 271-22. Complaint-initiated inspections.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the Owner. In all other situations the Owner shall be responsible for inspection fees.

§ 271-23. Inspection upon transfer of ownership.

- A. If there is a transfer of ownership for any Rental Unit, even if Owner-occupied, and a current certificate of compliance exists, an inspection by the Village Manager or designee shall be waived.
- B. If there is a transfer of ownership for any Rental Unit, even if Owner-occupied, and a current certificate of compliance does not exist, an inspection by the Village Manager or designee shall be required per this chapter. If the Rental Unit is not in compliance with this chapter and state law, a notice of violation shall be issued to both the transferor and the transferee.
- C. If ownership of any Rental Unit is transferred contrary to subsection A or B of this section, the certificate of compliance and Rental Unit registration shall be deemed to expire within 60 days of the transfer unless appropriate steps are taken to obtain a Rental Unit registration and certificate of compliance.
- D. If there is a transfer of ownership where violations are found during the inspection, the Rental Unit registration shall become invalid. The new Owner shall register the Rental Unit within 10 days of the date of transfer of the Rental Unit. Every person holding the registration prior to the transfer shall notify the Village Manager or designee in writing of the change in the ownership of the Rental Unit. The transferring Owner of a Rental Unit whose ownership is transferred shall notify the individuals residing in that Rental Unit, including an Owner-occupied Rental Unit, before any transfer of Ownership occurs.

§ 271-24. Revocation of certificate of compliance.

If the Village Manager or designee shall discover the failure of any Owner to comply with a notice of violation issued pursuant to the provisions of Village ordinances or pursuant to state law, the certificate of compliance may be revoked.

§ 271-25. Appeal of denial of registration or revocation.

Any Owner whose Rental Unit registration has been denied or whose certificate of compliance has been revoked may file an appeal to the Zoning Board of Appeals.

§ 271-26. Circumstances requiring vacation of unit.

Upon revocation of a certificate of compliance and a determination by the Zoning Board of Appeals that a Rental Unit is not in compliance with both Village ordinances and state law, the Owner or Responsible Local Agent of the Rental Unit shall immediately vacate it. No person shall thereafter occupy the Rental Unit for sleeping or living purposes until it complies with Village ordinances and state law and has been reissued a certificate of compliance.

§ 271- 27. Performance standards applying to Short Term Rental units.

In addition to the standards above, the following provisions shall apply to Short Term

Rental Units.

- A. The Owner or the Responsible Local Agent of each Short Term Rental Unit shall prominently display the following information in a conspicuous place within the Rental Unit:
 - (1) A full-size copy of the certificate of compliance inside the Rental Unit;
 - (2) A full-size copy of applicable Village ordinance sections including, but not limited to, rental registration, trash, noise, occupancy, and parking;
 - (3) The name and contact information for the Responsible Local Agent;
 - (4) Notification of the maximum occupancy permitted in the Rental Unit; and
 - (5) For a Rental Unit within a single family Dwelling, a copy of the certificate of compliance shall be posted visible from the street.
- B. The Owner shall provide the Responsible Local Agent's information in writing to the owners of real property within 300 feet of the Premises.
- C. The Owner or the Responsible Local Agent of each Short Term Rental Unit shall not advertise or permit an occupancy load that is greater than the maximum occupancy load limit permitted by Village ordinance or other applicable law or regulation.
- D. Occupants shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following:
 - (1) Any activity that violates Village noise regulations; or
 - (2) Any activity that violates Village or state firework regulations.
- E. The maximum occupancy for any Rental Unit shall be determined by the International Property Maintenance Code as referenced in the Michigan Building Code.

§ 271-28. Short Term Rental limitations.

In any zoning district, a Rental Unit may be rented for any time period, as often as the Owner decides, subject to the limitations and all other requirements of this chapter and the limitations and requirements of the zoning chapter of this Code.

§ 271-29. Violations and penalties applying to short term rentals.

In addition to the provisions in § 271-5, the Owner or Responsible Local Agent of a Short Term Rental shall be subject to fines and penalties. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations of this chapter are subject to the following fines. A citation for any of the following violations of this chapter will not preclude the Village from issuing citations for other or additional violations of this chapter.

- A. Short Term Rental of unregistered Dwellings: The fine for leasing an unregistered Dwelling in violation of this chapter is \$1,000 for a first violation and \$1,500.00 for each subsequent violation.
- B. Maximum occupancy: The fine for exceeding the maximum occupancy in violation of § 271-27.E is \$500 for a first offense and \$1,500.00 for each subsequent offense.
- C. Other provisions: Fines for other violations of this chapter are as follows: \$100 for a first offense, \$500 for a second offense, and \$1,500.00 for each subsequent offense.

§ 271-30. Revocation of a certificate of compliance for a Short Term Rental.

- A. Upon a finding by the Village Manager or designee of a first violation within any 12 month period, the certificate of compliance may be suspended for up to 30 days during which time the Premises shall not be Rented.
- B. Upon a finding by the Village Manager or designee of a second violation within any 12 month period, the certificate of compliance shall be suspended for 60 days during which time the Premises shall not be Rented.
- C. Upon a finding by the Village Manager or designee of a third violation within any 12 month period, the certificate of compliance shall be revoked and the Owner shall not again be issued a license for a period of 24 months, during which time the Premises shall not be Rented.

§ 272-31. Appeal rights for Short Term Rentals.

Any Owner whose application was denied or whose license was suspended or revoked by the Village Manager or designee may, within ten days following such decision, appeal to the Village Council. The Village Council shall determine whether to affirm, reverse, or modify the decision of the Village Manager or designee in accordance with this chapter.

- A. Notice. At least 14 days prior to the Village Council meeting to consider the appeal of the Owner, the Village Manager or designee shall send, by certified United States mail, written notice to the Owner of the date, time, and place at which the Village Council will consider the denial, suspension, or revocation. The Owner shall be provided an opportunity to be heard by the Village Council prior to its decision being made. All neighbors within 300 feet of the boundaries of the Premises must also be notified by United States mail of the date, time, and place of the Village Council meeting, at least ten days prior to the Village Council meeting.
- B. The decision. The decision of the Village Council shall be final. The Village Clerk shall notify the Owner, in writing, of the decision of the Village Council.
- C. Right to appeal. If the Village Council affirms the decision of the Village Manager or designee, denying an application or suspending or revoking a license, the Owner shall have the right to appeal the Village Council decision to the circuit court. The decision of the Village Council shall not be vacated during the pendency of any appeal to circuit court. The Owner has the right to seek a temporary vacation in circuit court.

§ 272-32. Village, state, and federal requirements.

Nothing contained within this chapter shall be construed to relieve a person of any duties and obligations imposed under any Village, state, or federal laws, rules, regulations, licenses, or permit requirements.

Section 2. Effective Date. This amendment to the Code of the Village of Spring Lake, Ottawa County, Michigan, was approved and adopted by the Village Council on _____, 2023, following a public hearing on _____, 2023. This amendment shall be effective upon publication as required by the Charter of the Village.

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Village of Spring Lake Registration of Rental Units Restated Ordinance was adopted at a regular meeting of the Village Council held on _____, 2023. The following members of the Village Council were present at that meeting: _____. The following members of the Village Council were absent: _____. The Ordinance was adopted by the Village Council with members of the Council: _____ voting in favor and _____ of the Council voting in opposition. Notice of Adoption of the Ordinance was published in the Grand Haven Tribune on _____, 2023.

Marvin Hinga, Clerk

Village of Spring Lake