

**ORDINANCE NO. 353**

**AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE CODE OF ORDINANCES BY RESTATING CHAPTER 271 REGARDING RENTAL UNITS, REGISTRATION OF, IN ITS ENTIRETY**

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

**Section 1.** Chapter 271, Rental Units, Registration of, of the Village of Spring Lake Code of Ordinances is amended in its entirety to read as follows:

§ 271-1. 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:

**LANDLORD**

Any person who owns or controls a rental unit and rents such unit, either personally or through a designated agent, to any other person.

**OWNER**

The legal or equitable title holder of a rental unit or the premises within which the rental unit is situated.

**RENTAL UNIT**

Any dwelling unit containing one or more sleeping units, 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.

§ 271-2. Fees.

Fees for registration of rental units, inspections, and certificates of compliance shall be as established by resolution of the Village Council.

§ 271-3. Violations and penalties.1

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.

*[1] Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

*RAB Revised Date 02/06/19*

§ 271-4. Registration and designation of responsible local agent required.

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.

§ 271-5. 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. It shall be the responsibility of the owner to re-register the rental unit. Upon registration, a certificate of compliance shall then be obtained pursuant to § 271-10.

§ 271-6. Change in registration information.

The owner shall re-register a rental unit within 60 days after any change occurs in registration information. A new owner shall immediately re-register the rental unit as provided in this chapter.

§ 271-7. Re-registration.

An owner shall re-register a rental unit for each calendar year.

§ 271-8. 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 his or

her 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 individuals occupying the rental units;
- 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 any person who holds a lien on the rental unit or the real property on which the rental unit is located;
- H. The length of the lease for the rental units; and
- 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).

§ 271-9. 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 organization. Where more than one natural person has an ownership interest, the required information shall be provided for each such owner.

§ 271-10. Certificate of compliance required.

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 his or her designee, which certificate of compliance shall be issued in the name of the owner and issued for the specific rental unit. The certificate shall be issued for each building containing a 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:

- A. Registration of the rental unit with the Building Department; and
- B. Inspection by the Village Manager or his or her designee demonstrating compliance with all ordinances adopted by the Village and state law.

The certificate of compliance shall be valid for the current year and the following calendar year, unless otherwise revoked pursuant to this chapter.

§ 271-11. Biennial inspections.

Subsequent to the registration of a rental unit as required in § 271-4, the Village Manager or his or her 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. Once the rental unit is deemed to be in compliance with all ordinances adopted by the Village and state law, per an inspection in the current calendar year or the prior calendar year, a certificate of compliance shall be issued.

§ 271-12. [Reserved.]

§ 271-13. Prerequisites for issuance of certificate of compliance.

The Village Manager or his or her 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 inspection as required in § 271-11 and § 271-14 has determined that compliance has been secured with the minimum standards and other provisions of the ordinances adopted by the Village and with state law.

§ 271-14. Inspections.

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 the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner or the responsible local agent or both. No inspection shall be completed until the fee is paid in full.

§ 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:

- A. A copy of the current certificate of compliance; and
- B. The name, address, and telephone number of the responsible local agent.

§ 271-16. Revocation of certificate of compliance.

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

§ 271-17. 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.

§ 271-18. 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 this chapter or 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 this chapter and has been reissued a certificate of compliance.

§ 271-19. Expiration of certificate of compliance.

A certificate of compliance shall expire at the end of the next calendar year or on the repair date stated on a notice to repair, whichever comes first. Sixty 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. A rental unit which has not been previously certified shall be deemed to have an expiration date on the date the responsible local agent is notified to register the rental unit.

§ 271-20. Notification of expired certificate.

Sixty 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 the occupant of the rental unit. The notice shall state that:

- A. The rental unit does not have a valid certificate of compliance;
- B. It is unlawful for any vacant rental unit to be reoccupied or rented;
- C. Current tenants may no longer occupy the rental unit lawfully; and
- D. Current tenants may be entitled to escrow rent moneys as provided for under state law.

A placard containing this information will be posted on the rental unit. The placard may not be removed until a new certificate of compliance is issued.

§ 271-21. Renewal of certificate of compliance.

At least 30 days prior to the expiration of a certificate of compliance, the Village shall notify the owner or the responsible local agent or both to re-register the rental unit and to arrange for a compliance inspection. The owner shall be responsible for re-registering a rental unit and arranging a compliance inspection prior to the expiration date on the certificate of compliance.

§ 271-22. 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.

§ 271-23. 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, re-registration 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.

§ 271-24. 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.

§ 271-25. Reinspection.

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 § 271-24.

§ 271-26. 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 his or her 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 his or her 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 his or her designee in writing of the change in the ownership of the rental unit; or<sup>2</sup>
- E. 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.

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**Section 5. Effective Date.** This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: March 18, 2019

By: \_\_\_\_\_  
 Mark Powers  
 Its: President

By: \_\_\_\_\_  
 Marvin Hinga  
 Its: Clerk

## CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Rental Registration Ordinance was adopted at a regular meeting of the Village Council held on March 18, 2019. The following members of the Village Council were present at that meeting: Duer, Hanks, Miller, Petrus, Powers, TePastte and Van Strate. There were no members of the Village Council absent. The Ordinance was adopted by the Village Council with members of the Council Duer, Hanks, Miller, Petrus, Powers, TePastte and Van Strate voting in favor, and no members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on March 27, 2019.

---

Marvin Hinga, Clerk/Treasurer  
Village of Spring Lake

GRAPIDS 59146-3 539589v3