

VILLAGE OF GRAND BEACH
BERRIEN COUNTY STATE OF MICHIGAN

ORDINANCE NO. 2022-104

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION AND REGULATION OF RENTAL PROPERTIES FOR THE BENEFIT OF THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC.

The Village of Grand Beach Ordains:

Section 1. Purpose.

The Village Council finds that the Short-Term rental of dwellings within the Village of Grand Beach is a matter closely connected with the public health, safety and welfare of the community. The Village Council has enacted this regulatory ordinance to strike an appropriate balance between the interests of community residents, visitors to the community, and real property owners wishing to engage in Short-Term rental of dwellings. While visitors to the community who rent dwellings on a Short-Term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered in order to maximize the safety and well-being of all in the community. This ordinance is intended to strike the appropriate balance between competing interests.

Section 2. Definitions.

When used in this section, the following words and phrases shall have the meanings ascribed to them in this section:

Bedroom - A room intended for sleeping or placement of a bed, separated from other spaces in the Dwelling by one or more functional doors. The following spaces, which must be included in every Dwelling, do not qualify as bedrooms: (1) kitchens; (2) dining areas; (3) gathering spaces such as family rooms, dens, or living rooms; (4) corridors and (5) attics or basements without egress meeting standards in applicable building, residential, and fire codes. Bedroom as defined by Berrien County Health Department when determining septic system size for a home shall be the determining ruling for what defines a bedroom. When contested, the Berrien County Health Department at the owner's expense will inspect the property and determine the number of bedrooms per the septic system of the property.

Building Official - The official, as defined in MCL 338.2302, who is given authority to administer and enforce adopted building, electrical, mechanical, or plumbing codes for the Village of Grand Beach.

Code Enforcement Official - An individual or individuals appointed, employed or hired by the Village Council or by submission of its Council President and approved by the Village Council to enforce the Village Ordinance regarding the registration and regulation of the rental properties for the benefit of the health, safety, and welfare of the General Public in the Village of Grand Beach. The individual or individuals, appointed at the discretion of the Village Council, shall receive fees for the inspection, reinspection, complaint inspection, and billable court time. The Village reserves the right to increase or decrease the payable duties at any time under this Ordinance. When working in his/her appointed role for the Village, the Code Enforcement Official will be provided insurance coverage pursuant to the General Liability policy of the Village of Grand Beach.

Compensation - Money or other consideration given in return for occupancy, possession or use of a property.

Dwelling – A building, commonly referred to as a single-family home, designed for human occupancy that provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

Local Agent - An individual designated to oversee the Short-Term rental of a Dwelling in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the Village. The Local Agent or designee must live or maintain a physical place of business that allows them to be able to respond to any emergency situation within one hour. A property owner who meets these criteria may be the Local Agent.

Minimum Rental Period – No rental agreement shall be for less than a 6-night minimum stay beginning the day after Memorial Day weekend through the day before Labor Day weekend with a 2-night minimum stay requirement at all other times of the year.

Occupant/Renter - An individual, which shall include children over two (2) years of age, who lives in, sleeps in, or otherwise possesses a space in a dwelling regardless of whether legal relationship of the owner/agent exists. An individual present in a Dwelling during the term of a short term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. ET and 11:00 p.m. ET and will not stay overnight.

Off Street Parking – Parking in a garage, driveway or on-site gravel area including the Village easement directly in front of the site so long as it is off the roadway and not impeding the flow of traffic. A parking space must be at least nine feet wide and 19 feet long.

Resident Property - A lot or parcel within any of the Village’s residential zoning districts.

Short Term Rental - The rental of a Dwelling for compensation for a term of less than one year.

Single Family Home – A contiguous structure and out-structures (pool house, garage, sheds, etc.) that serve the purpose of housing a single group of people related by family and/or friendship.

Section 3 Annual Rental Registration Application Exhibit A

All Dwellings on Residential Property used for Short-Term rentals shall be registered with the Village on an annual basis. The short term rental of an unregistered Dwelling is prohibited under this Ordinance. To register a Dwelling used for Short-Term rentals, the property owner or agent of the owner shall provide and certify as true the following on a form provided by the Village (Exhibit A &B that may be amended from time to time). Upon initial registration, the Dwelling shall be subject to an inspection prior to approval. Each year a new registration must be submitted to the Village Clerk and the required registration fees paid to the Village:

1. Name, address, and telephone number of the Owner and Local Agent for the Dwelling.
2. The street address of the Dwelling.
3. The number of bedrooms in each Dwelling.
4. The number of off-street parking spaces provided for the Dwelling.
5. The maximum number of occupants to which the applicant intends to rent the Dwelling in any given rental period.

6. The length of the typical rental period for which the applicant intends to rent the property, which must not be less than a 6-night minimum stay beginning the day after Memorial Day weekend through the day before Labor Day weekend with a 2-night minimum stay requirement at all other times of the year.
7. A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or Local Agent will check those devices at least every 90 days.
8. A statement certifying that the property owner consents to inspections by the Village and will make the Dwelling available to inspections upon request.
9. A statement certifying that the property owner or a Local Agent will provide at least one copy of the Village's Rules and Regulations to the renters each time the Dwelling is rented.
10. Such other information as the Village deems appropriate.
11. Payment of an annual registration fee of \$300 per bedroom paid annually. Such registration fee shall cover the cost to the Village of annual inspections.
12. It is required that the property Owner obtain and keep in force Insurance covering Short Term Rental use of the Dwelling, naming the Village of Grand Beach as an additional insured. A copy of the insurance certificate must be filed with the Clerk's office.
13. Submit the property to and satisfactorily complete and arrange an inspection for compliance with applicable codes and ordinances at least once every year. Inspections are to be arranged by the Owner and performed by a Village of Grand Beach Code Enforcement Official.
14. The rental registration is non transferrable and if Ownership of the Dwelling changes a new inspection and registration fee is required.
15. A signed and fully executed Waiver of All Claims & Indemnification Agreement.

Section 4. Each Occurrence Rental Registration. (Exhibit B)

1. All Dwellings on Residential Property used for Short-Term rentals shall be registered with the Village on an annual basis (see section 3) and
2. For each occurrence the unit is rented a new registration form must be submitted to the Village Police Department by email. (Exhibit B).
3. All Owners of Dwellings on Residential Property used for Short-Term rentals shall sign a Waiver and Indemnification form provided by the Village as part of Exhibit B.

Section 5. Short-Term Rental Regulations.

1. Local Agent required. All Dwellings used for Short-Term rentals shall have a designated Local Agent. The Local Agent must inspect the dwelling at least once every 30 days while rentals occur. The Local Agent must ensure that the dwelling is kept up to all applicable building codes. The Local Agent must promptly address any issues that would affect health and safety of the renter or the Village of Grand Beach.
2. Contact information posted inside dwelling in prominent location. Each dwelling shall have posted in a prominent first floor location of any Dwelling used for Short-Term rentals the Village assigned numerical identification and the maximum occupancy of the Dwelling as permitted by this ordinance. This notice must be posted at all times.
3. Street address posted within Dwelling. The street address of the property shall be posted in at least two prominent locations within the Dwelling in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
4. The property must have a working land line phone to facilitate emergency first responder's location of the dwelling.

5. Maximum occupancy. The number of occupants in a Dwelling during a Short-Term rental shall not exceed the lesser of: (i) 16 total occupants; or (ii) 2 adult occupants per bedroom, plus two additional adult occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code. Total occupancy at any time, adults and children, shall never exceed four people per bedroom. Maximum occupancy shall be calculated by the owner on their initial registration and confirmed by the Code Enforcement Official after inspection. Per the NFPA 101 Life Safety Code, occupancy of more than 16 people is considered a Hotel use. Hotel uses are not allowed in Grand Beach.
6. No more than one rental is allowed on any given Dwelling/property at one time.
7. Short Term Rental Liability insurance shall include coverage for all amenities of the Dwelling including but not limited to pools, play structures and usage of golf carts.
8. All the following must be provided:

Smoke detectors and carbon monoxide devices. The owner or Local Agent of a Dwelling used for Short-Term rentals shall:

- i. Install and maintain an operational smoke detector in each bedroom and test such smoke detectors per manufacturer's guidelines but no less frequently than every 90 days to ensure that they are properly functioning.
 - ii. Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor and test such devices per manufacturer's guidelines but no less frequently than every 90 days to ensure that they are operational.
9. Fireworks. No fireworks shall be used on the premises of a Dwelling registered under this ordinance at any time it is being rented. Fireworks are not allowed on public property at any time.
 10. Zoning compliance. Short-Term rentals may be regulated in the Village Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with zoning requirements.
 11. Golf Carts. Use of any Golf Cart will comply with rules and regulations for their use as regulated by the State of Michigan and must have a Grand Beach Village parking sticker for use in the Village of Grand Beach. Short Term Rental insurance shall include coverage for golf cart usage.
 12. Garbage Cans. Any rental property registered for occupancy of 8 or more must have two (2) recycling garbage cans and two (2) regular garbage cans on site at all times. The owner/agent shall arrange and pay for the second garbage cans to be supplied by the garbage contracting company that the Village uses.
 13. Garbage and Recycling Instructions. Instructions to the renter for proper garbage and recycling disposal must be posted prominently in at least two prominent spaces within the home. Instructions to include all days and dates specific to that year. Garbage containers shall be clearly labeled "Garbage".
 14. Attics and basements. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Dwelling during a Short-Term rental, unless the property owner or Local Agent has given the Village, in writing, consent for the Village to inspect the premises to verify whether that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code and the applicable fire codes.
 15. Rules and regulations (exhibit C). A copy of the Village of Grand Beach rules and

regulations shall be provided for each rental. The owner/agent shall supply the copy to the renters and must obtain a statement signed by the renters that they have read and agree to the follow all rules and regulations of the Village of Grand Beach.

16. Two (2) car parking spaces must be provided in every instance of rental and one additional space must be provided for every four (4) occupant/renters. Parking on the front or side grass lawn area is strictly prohibited at any time.

Section 6. Violations; revocation of registration.

Violations as municipal civil infractions. Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations and fees of this article are subject to the following fines and costs:

1. Short-Term rental of unregistered dwellings. The fine for leasing an unregistered Dwelling in violation of section 1, 3 and 4 is the annual registration fee times three (3) for a first violation and the annual registration fee times six (6) for each subsequent violation.
- 2.. Maximum occupancy. The fine for exceeding the maximum occupancy in violation of subsection (3)(4) and (5) is the annual registration fee times five (5) for a first offense and times ten (10) for each subsequent offense.
3. Other provisions. Fines for other violations of this article are as follows: \$500.00 for a first offense, \$1,000 for a second offense, and \$2,000.00 for each subsequent offense.
4. Application for initial registration and inspection. The fees are enumerated in Section 3.11.
5. Annual Registration. This registration must be submitted every year.
6. Billable court time and Village Attorney Fees. The fee for the Code Enforcement Official's time in court is \$150.00 per hour, with Village Attorney Fees billed at the Attorney's current rate.
7. Unpaid fines and fees. All unpaid fines and fees that are delinquent after sixty (60) days will be certified by the Village Treasurer and placed on the property owner's tax bill for collection. All fines and fees are considered past due after sixty (60) days from the violation and will accrue interest charges at the rate of 1% per month. Further, the Village reserves the right to collect the fines and fees included herein, and to enforce the provisions of this Ordinance through any legal or equitable means available to the Village, including but not limited to filing a cause of action in Small Claims, District Court, or Circuit Court in Berrien County.

Section 7. Revocation of registration.

1. Offenses warranting revocation. The Village may revoke the rental registration for any Dwelling which is the site of at least 3 separate incidents (occurring on 3 separate rental periods) within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, Local Agent, or any renter for a violation of two or more of the Village's Code of Ordinances.
2. Revocation Procedure. Upon a determination by the Code Enforcement Official that the registration of a Dwelling is subject to revocation pursuant to subsection (6)(1), the Code

Enforcement Official shall issue a notice to the property owner and the Local Agent stating that the Village intends to revoke the rental registration. The notice shall inform the owner and Local Agent of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Village shall schedule the hearing with the Village Clerk and notify the owner and Local Agent in writing of a time and place for that hearing. The hearing will be with the Code Enforcement Official and if the ruling of that hearing is disputed, a subsequent hearing will be held with the Village Council. At the hearing, the owner and Local Agent may present evidence that the requirements for revocation provided in subsection (7)(1) are not satisfied, or that the property owner and Local Agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; (ii) the violation resulted from an act of God; or (iii) other circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.

3. Proof of Rental. The following constitutes presumptive evidence that a dwelling or dwellings are being used as a rental property.
 - a. The property is occupied by someone other than the owner or his/her immediate family or friends of the owner's family.
 - b. Persons residing in the Dwelling represent that they pay rent to occupy the premises.
 - c. A dwelling or dwellings which have been published as being available for rent or lease.
4. Revocation Period and Effect. Upon revocation of registration, a Dwelling cannot be re-registered for a period of 1 year and cannot be used for Short-Term rentals until re-registered. The Dwelling may be re-registered after the 1-year period if all the registration requirements of this ordinance and the zoning ordinance are satisfied, and if Short-Term rentals are still a permitted use under the zoning ordinance in the area where the unit is located.

Section 8. Adoption.

The Village Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect on January 1, 2023.

AYES: James Bracewell, Peter Doerr, Paul Leonard Jr., Deborah Lindley and Blake O'Halloran.

NAYS: None.

ABSENT: None.

Ordinance Declared Adopted.

Mary Robertson, Village Clerk

Certification

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting held on May 18, 2022, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary Robertson, Village Clerk