

20.1400

**REGULATE THE RENTAL OF PROPERTIES
IN GRAND HAVEN CHARTER TOWNSHIP
ord. no. 605 eff. February 15, 2023**

**AN ORDINANCE TO REGULATE THE RENTAL OF PROPERTY IN GRAND
HAVEN CHARTER TOWNSHIP; TO ESTABLISH PENALTIES AND
SANCTIONS FOR VIOLATIONS OF THIS ORDINANCE; AND TO ESTABLISH
AN EFFECTIVE DATE.**

**THE CHARTER TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN
ORDAINS:**

20.1401

Sec. 1 PURPOSE

The standards in this Ordinance are intended to ensure compatibility with the other permitted uses and the residential character of the neighborhoods in which rentals are located. All rentals shall meet the standards contained in this Ordinance 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 Short-Term Rental uses when it would be inconsistent with the neighborhood in which the property is located.

20.1402

Sec. 2 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

- (a) *Bedroom* means a room which is intended, arranged, and designed to be occupied by one or more persons primarily for sleeping purposes.
- (b) *Dwelling* means 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 sleeping.
(amend by ord. no. 617, eff. July 31, 2023)
- (c) *Limited Short-Term Rental* means the Rental or subletting of any Dwelling with a principal residence exemption, (aka PRE) for any one or two Rental periods of at least six but not more than 14 days, not to exceed 14 days total in a calendar year. This definition absolutely prohibits Rentals of less than six days.
(amend by ord. no. 617, eff. July 31, 2023)
- (d) *Long-Term Rental* means the Rental or subletting of any Dwelling for a term of at least 28 days.
- (e) *Maximum Occupancy* means the maximum number of allowable Occupants for the Dwelling, as established by Section 6(l) of this Ordinance.
(amend by ord. no. 617, eff. July 31, 2023)

- (f) *Occupant* means an individual living in, sleeping in, or otherwise having possession of a space.
- (g) *Owner* means a person holding legal or equitable title to the Premises. An Owner may designate an agent to perform duties or receive notice under this Ordinance.
- (h) *Premises* means the property, including any land and the improvements on the land, such as a building or other designated structure, on which the Short-Term Rental or Limited Short-Term Rental or Long-Term Rental is located or is proposed.
- (i) *Rent or Rented* means 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.
- (j) *Rental Unit* means any Dwelling which is leased, made available for rental purposes, or occupied by a person(s) other than the Owner (with or without monetary compensation).
- (k) *Short-Term Rental* means 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.

20.1403

Sec. 3 RENTAL REGISTRATION REQUIRED

All Rental Units, unless otherwise provided in this Ordinance, shall be registered with the Township on an annual basis.

- (a) *Initial Registration.* Any new Rental Unit shall be registered within 30 days of occupancy by the tenant(s). Following initial registration, the Township will arrange for the inspection of the Premises and upon a successful inspection and the payment of any applicable fee will issue a rental certificate of compliance as permitted by this Ordinance. All Rental Units subject to this Ordinance shall, following its effective date, be registered according to the following schedule:
 - (1) The Owner of an existing Rental Unit used for Short-Term Rentals shall register the Rental Unit no later than June 22, 2023.
(amend by ord. no. 617, eff. July 31, 2023)
 - (2) The Owner of an existing Rental Unit on Premises containing four or fewer Rental Units and used for Long-Term Rentals shall register the Rental Units no later than October 22, 2023.
(amend by ord. no. 617, eff. July 31, 2023)
 - (3) The Owner of an existing Rental Unit on Premises containing more than four Rental Units and used for Long-Term Rentals shall register the Rental Units no later than January 22, 2024.
(amend by ord. no. 617, eff. July 31, 2023)
- (b) *Annual Registration Renewal.* All Rental Units subject to this Ordinance shall reregister on an annual basis.

- (c) *Registration upon Transfer of Ownership.* A registered Rental Unit that is sold, transferred, or conveyed shall be registered by the new Owner within 30 days of the date of the execution of the deed, land contract, or other legal instrument of conveyance.
- (d) *Registration Fee.* An initial and annual application fee shall be assessed to the Owner for registration of a Rental Unit. The Township shall establish by resolution, and may amend from time to time, the applicable application fee.
(amend by ord. no. 617, eff. July 31, 2023)
(amend by ord. no. 618, eff. November 26, 2023)
- (e) *Registration Information.* The Owner of a Rental Unit shall submit and keep updated the following registration information to the Township on forms prescribed by the Community Development Department:
 - (1) The address(es) of the Premises of the Rental Unit(s);
 - (2) The number of Rental Units;
 - (3) The Owner's name, address, and telephone number;
 - (4) The name, address, and telephone number of a contact person designated by the Owner;
 - (5) The date of registration of the Rental Unit, if previously registered;
 - (6) The name of the person filing the registration;
 - (7) Bedroom sizes and locations;
 - (8) Instructions as to parking locations;
 - (9) For a Limited Short-Term Rental, written notice to the Township's Community Development Department of the exact rental days, at least 60 days before those rental days commence; and
(amend by ord. no. 617, eff. July 31, 2023)
 - (10) Any additional information necessary to determine compliance with local and state law.
- (f) *Current and Accurate Information.* An Owner of a Rental Unit who fails to provide timely and accurate registration information shall be in violation of this Ordinance.

20.1404 Sec. 4 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) *Qualified Occupancy.* The following relatives of the owner of a Dwelling may occupy the Dwelling, if the Dwelling is a detached single dwelling as defined in the Township’s zoning ordinance, as amended:
 - (1) Child (established by birth certificate or court order; driver’s license establishing the residence of the child; marriage license for a stepchild and any other government document that shows this relation); and
(amend by ord. no. 618, eff. November 26, 2023)
 - (2) Parent (established by birth certificate and driver’s license establishing the residence of the parent and any other government document that shows this relation).
(amend by ord. no. 618, eff. November 26, 2023)
- (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.

20.1405.1 Sec. 5 INSURANCE REQUIREMENTS

As part of a registration application, and as may be requested from time to time thereafter, the Owner of a Rental Unit shall provide the Township with satisfactory proof of continuing commercial insurance coverage of at least \$1,000,000 and dwelling fire insurance coverage of at least \$10,000.

20.1406 Sec. 6 PERFORMANCE STANDARDS

All Short-Term and Limited Short-Term Rentals shall be subject to the following performance standards.

- (a) The Owner shall provide off-street parking on the Premises to accommodate all Occupants’ vehicles, including motor vehicles and trailers, in compliance with the Township’s Zoning Ordinance, as amended or restated.
(amend by ord. no. 617, eff. July 31, 2023)
- (b) A Short-Term Rental will not be approved if the Premises contains an accessory dwelling unit (ADU), as defined in the Township’s Zoning Ordinance, as amended or restated.
- (c) The Owner shall provide the Occupant with the following information prior to occupancy and post such information in a prominent and visible location within seven feet of the main entrance to any Rental Unit:
 - (1) The name of a contact person and a telephone number at which the contact person will be available to accept calls during any time that the Dwelling is Rented;
 - (2) Notification of the Maximum Occupancy permitted in the Dwelling;
 - (3) Notification and instructions as to the parking locations;

- (4) A copy of this Ordinance and the Township Noise Control Ordinance, as may be amended from time to time; and
 - (5) Notification that an Occupant may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provision of this Ordinance.
- (d) The owner shall post the following information in a prominent and visible exterior location that is within seven feet of the main entrance to any Rental Unit;
- (1) The name of a contact person and a telephone number at which the contact person will be available to accept calls during any time that the Dwelling is Rented; and
 - (2) Notification of the Maximum Occupancy permitted in the Dwelling.
- (e) The Owner's contact person must be available to accept telephone calls at all times that the Dwelling is Rented. The contact person must have a key to the Dwelling and be capable of being physically present at the Dwelling within one hour to address issues, unless arrangements are made for another person to address issues within the same timeframe.
- (f) The Owner shall provide the contact person's information in writing to the owners of property within 300 feet of the Premises.
- (g) The appearance of the Dwelling shall not conflict with the residential character of the neighborhood. The Dwelling shall be properly maintained as required by applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.
- (h) Occupants shall not encroach on neighboring properties.
- (i) Owners shall provide sufficient waste receptacles substantially screened from public and neighboring view; and the Premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
- (j) Campfires shall be maintained in designated fire pits and comply with applicable fire codes and other applicable laws and ordinances.
- (k) 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 Township noise regulations; and
 - (2) Any activity that violates state or Township firework regulations.
- (l) The maximum occupancy for any Rental Unit is 12 individuals, subject to any applicable local, state, or federal laws, regulations, or ordinances, and subject to the International Property Maintenance Code as referenced in the Michigan Building Code that is enforced by the Township per Ordinance No. 454, as amended. Campers and tents to provide additional occupancy on the Premises are not permitted. The occupancy of any Short-Term Rental or Limited Short-Term Rental served by a septic tank rather than a public sanitary sewer system shall not exceed any limitations established by the Ottawa County Health Department.

- (m) A lock box, acceptable for the Township's Fire Chief or the Fire Chief's designee, shall be provided for every Dwelling used as a Short-Term Rental or Limited Short-Term Rental.
- (n) Any Dwelling occupied as a Short-Term Rental shall have public water service and public sanitary sewer service, or if it does not have either or both, any water well or septic system serving the Dwelling must be inspected by and approved by the Ottawa County Department of Public Health for use as or with a Short-Term Rental. Specifically, any water well serving the Dwelling must be upgraded from a residential class II to class III. No Dwelling used as a Short-Term Rental may have a shared water well or shared septic system with another building, unless approved by the Ottawa County Department of Public Health for use with a Short-Term Rental.

20.1407 Sec. 7 INSPECTIONS

The Township may conduct inspections for health and safety and to obtain and ensure compliance with this Ordinance and with the International Property Maintenance Code.

- (a) *Circumstances for Inspection.* A Rental Unit may be inspected under any of the following circumstances:
 - (1) As part of the rental compliance certification process;
 - (2) Upon receipt of a complaint or report that the Premises are in violation of this Ordinance;
 - (3) If the Township has reason to believe that the Premises are in violation of this Ordinance on the basis of the exterior of the Rental Unit or Premises;
 - (4) Upon receipt of information that a Rental Unit is not registered with the Township as required by this Ordinance;
 - (5) To determine compliance with a notice or housing order issued by the Township;
 - (6) Upon the observance of an emergency situation or if an emergency situation is reasonably believed to exist;
 - (7) In accordance with any other requirement of law; and
 - (8) For advisory inspection purposes when requested by the Owner.
- (b) *Inspection.* During the inspection, the enforcing officer shall identify and note any violations of this Ordinance or any other provision of state or local law. Upon identification of any violations, the enforcing officer shall issue a violation notice and direct the Owner to correct the violation within a reasonable amount of time. The time frame for correction of any violation may be extended at the Township's discretion upon request. The refusal of an inspection permitted by this Ordinance is a violation of this Ordinance.
- (c) *Inspection and Administrative Fee.* The Township shall establish by resolution, and may amend from time to time, a schedule of inspection fees that shall not exceed the real costs of inspecting a Rental Unit. The Township shall also charge an administrative late fee if an inspection fee is not paid within 30 days from the billing date. The Township shall establish by resolution, and may amend from time to time, the amount of any administrative late fee. If an enforcing officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.

Sec. 8 RENTAL CERTIFICATE OF COMPLIANCE

An Owner shall not lease, rent, or otherwise allow a Short-Term or Long-Term Rental Unit to be occupied unless there is a valid and current rental certificate of compliance or a temporary rental certificate of compliance for the Rental Unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date and is non-transferable.

- (a) *Issuance.* The Township shall issue a rental certificate of compliance to the Owner of a Rental Unit which is determined to be in compliance with this Ordinance following an inspection. Compliance shall mean the following:
- (1) There are no violations of this Ordinance or any other provision of state or local law existing at the time of the most recent inspection;
 - (2) The enforcing officer did not discover any uncorrected violations of this Ordinance or any other provision of state or local law since the prior rental certificate of compliance or temporary certificate of compliance, if any, was issued; and
 - (3) The Owner has paid all inspection and registration fees required by this Ordinance.
- (b) *Long-Term Rentals.* A rental certificate of compliance for Long-Term Rentals shall have a term of three or six years as provided herein:
- (1) A six-year certificate of compliance will be issued from the date of initial inspection based upon the following conditions:
 - (i) There are no violations of this Ordinance or any other provision of state or local law at the time of the most recent inspection;
 - (ii) The enforcing officer did not discover any violations of this Ordinance or any other provision of state or local law since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued; and
 - (iii) The property owner has timely paid all inspections and registration fees required by this Ordinance.
 - (2) A newly constructed Rental Unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.
 - (3) A three-year certificate of compliance will be issued from the date of the initial inspection based upon the following conditions:
 - (i) All violations of this Ordinance or any other provision of state or local law noted on an initial or subsequent inspection have been corrected; and
 - (ii) Inspection and registration fees have been paid as required by this Ordinance, but were not timely paid.
 - (3) A newly constructed Rental Unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.
- (c) *Short-Term Rentals.* A rental certificate of compliance for Short-Term Rentals shall have a term of three years.
- (d) *Temporary Rental Certificate of Compliance.* When a rental certificate of compliance is required, the Township may issue a temporary rental certificate of compliance if the Township is unable to complete a required inspection prior to the expiration of an existing rental certificate of compliance provided that there are no known violations to be uncorrected and no inspection or other fees outstanding. The Township may issue a temporary rental certificate of compliance for

a newly-registered Rental Unit. A temporary rental certificate of compliance shall be valid until the enforcing officer completes the required inspection and issues an order granting or denying a rental certificate of compliance. An inspection must be conducted within 60 days of the expiration of an existing rental certificate of compliance, the registration of a new Rental Unit, or issuance of a temporary rental certificate of compliance, whichever is later.

- (e) *Renewal.* At least 30 days before the expiration of a rental certificate of compliance, the Owner shall notify the Township of the need to arrange for a compliance inspection. The Owner shall be responsible for arranging for the compliance inspection in advance of the expiration date on the rental certificate of compliance.
- (f) *Noncompliance.* Any change in the use or construction of a Dwelling that results in noncompliance with local or state law, as determined by the Community Development Department, shall void the rental certificate of compliance.
- (g) *Notice.* The Township shall immediately notify the Owner and any Occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the Owner and Occupant(s) of their right to appeal and the appeal procedure.

20.1409 Sec. 9 RENTAL LIMITATIONS

A Dwelling that is issued a rental certificate of compliance or temporary rental certificate of compliance under this Ordinance may be Rented subject to the following limitations.

- (a) In any zoning district, a Dwelling may be Rented for any time period, as often as the Owner decides, subject to the limitations and all other requirements of this Ordinance.
- (b) Any Short-Term Rental, including any Limited Short-Term Rental, must satisfy the requirements of the Township's Zoning Ordinance, as amended or restated.
- (c) Short-Term Rentals, other than Limited Short-Term Rentals, are not permitted in any subdivision (including a supervisor plat), planned unit development, or site condominium unless Short-Term Rentals are specifically provided for and allowed according to the restrictive covenants or master deed provided to the Township during the application process for the development in question, which restrictive covenants or master deed is approved by the Township and recorded with the Ottawa County Register of Deeds.
- (d) Short-Term Rentals are not permitted for any Dwelling that is served by a private road serving eight or more Premises, according to the Township's Private Roads and Driveways Ordinance, as amended or restated, unless the Dwelling is included in the Short-Term Rental Overlay Zone.

20.1410 Sec. 10 SUSPENSION, EXPIRATION, OR REVOCATION OF CERTIFICATE OF COMPLIANCE

In addition to any other penalty authorized by law, a rental certificate of compliance may be suspended or revoked if the Community Development Department finds by competent, material, and substantial evidence, and after written notice of the charges to the Owner and an opportunity for the Owner to be heard, that the Owner has violated or failed to fulfill the requirements of this Ordinance. Written notice of the charges and notice of hearing before the Community Development Department shall be personally served on the Owner or served on the Owner by certified mail, no less than 21 days before the hearing.

- (a) Upon a finding by the Community Development Department of a first violation within any 12 month period, the rental certificate of compliance may be suspended for up to 30 days

during which time the Premises shall not be Rented. In deciding whether or not to suspend a rental certificate of compliance, the Community Development Department will consider the severity of any violation, the rental history of the Owner, and any other factors deemed relevant by the Community Development Department.
(amend. ord. no. 617, eff. July 31, 2023)

- (b) Upon a finding by the Community Development Department of a second violation within any 12 month period, the rental certificate of compliance shall be suspended for 60 days during which time the Premises shall not be Rented. In deciding whether or not to suspend a rental certificate of compliance, the Community Development Department will consider the severity of any violation, the rental history of the Owner, and any other factors deemed relevant by the Community Development Department.
(amend. ord. no. 617, eff. July 31, 2023)
- (c) Upon a finding by the Community Development Department of a third violation within any 12 month period, the rental certificate of compliance shall be revoked and the Owner shall not again be issued a rental certificate of compliance for a period of 24 months, during which time the Premises shall not be Rented. In deciding whether or not to suspend a rental certificate of compliance, the Community Development Department will consider the severity of any violation, the rental history of the Owner, and any other factors deemed relevant by the Community Development Department.
(amend. ord. no. 617, eff. July 31, 2023)
- (d) Appeal from denial, suspension, or revocation of a rental certificate of compliance is allowed, as provided in Section 11.
- (e) If the Community Development Department suspends a six-year or a three-year rental certificate of compliance, or if a six-year or a three-year rental certificate of compliance has expired or been revoked, then the Community Development Department shall notify the Occupant(s) of the suspension, expiration, or revocation.

20.1411 Sec. 11 APPEAL

Any Owner whose rental certificate of compliance was denied, suspended, or revoked by the Community Development Department may, within ten days following such decision, appeal to the Township Board. The Township Board shall determine whether to affirm, reverse, or modify the decision of the Community Development Department in accordance with this Ordinance.

- (a) *Notice.* At least 14 days prior to the Township Board meeting to consider the appeal of the Owner, the Community Development Department shall send, by certified United States mail, written notice to the Owner of the date, time, and place at which the Township Board will consider the denial, suspension, or revocation. The Owner shall be provided an opportunity to be heard by the Township Board prior to its decision being made.
- (b) *The decision.* The decision of the Township Board shall be final. The Township Clerk shall notify the Owner, in writing, of the decision of the Township Board.
- (c) *Right to appeal.* If the Township Board affirms the decision of the Community Development Department denying an application for or suspending or revoking a certificate of compliance, the Owner shall have the right to appeal the Township Board decision to the circuit court. The decision of the Township Board shall not be vacated during the pendency of any appeal to circuit court. The Owner has the right to seek a stay in circuit court.

- (d) *Committee option.* The Township Board may, in its discretion, appoint a committee to hear an appeal under this Section 11. If the Township Board elects this option, the committee shall process this appeal in accordance with this Section 11, except that the committee shall function as the Township Board for purposes of the appeal under this Section 11.

20.1412 Sec. 12 TOWNSHIP, STATE, AND FEDERAL REQUIREMENTS

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

20.1413 Sec. 13 SEVERABILITY AND CAPTIONS

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

20.1414 Sec. 14 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

20.1415 Sec. 15 VIOLATIONS/PENALTIES

Any person violating the provisions of this Ordinance shall be responsible for a municipal civil infraction. The penalty for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeat violations of this Ordinance by a person. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by a person within six months of a prior violation of this Ordinance, and for which the person admits responsibility or is determined to be responsible. The penalty for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The penalty for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent, an authorized Township official, any law enforcement officer of the Ottawa County Sheriff’s Department or the Michigan State Police, and the Township Attorney are authorized to issue municipal civil citations for violations of this Ordinance.

(amend ord. no. 617, eff. July 31, 2023)

20.1416 Sec. 16 REPEAL OF ORDINANCE NO. 595

Ordinance No. 595 is repealed, as is any other ordinance to the extent the other ordinance is inconsistent with the terms of this Ordinance.

20.1417 Sec. 17 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on January 9, 2023, after its introduction and first reading on December 12, 2022, and after its publication in the manner provided by Public Act 359 of 1947, as amended. This Ordinance shall take effect 30 days after its publication following adoption.

(amend by ord. no. 617, eff. July 31, 2023)

(amend by ord. no. 618, eff. November 26, 2023)