

**STATE OF MICHIGAN
COUNTY OF BERRIEN
VILLAGE OF BERRIEN SPRINGS**

RENTAL SAFETY VERIFICATION PROGRAM

ORDINANCE NO. 386

AN ORDINANCE TO PROVIDE FOR AND PROTECT THE PUBLIC SAFETY, HEALTH AND GENERAL WELFARE OF CITIZENS AND RESIDENTS OF THE VILLAGE OF BERRIEN SPRINGS BY REQUIRING REGISTRATION, INSPECTION AND ISSUANCE OF A PERMIT FOR RENTAL DWELLING UNITS AS THAT TERM IS DEFINED IN SAID ORDINANCE. TO PROVIDE REQUIREMENTS FOR RENTAL DWELLING UNITS AND TO PROVIDE FOR PENALTIES AND REMEDIES FOR VIOLATIONS OF THE PROVISION OF THIS ORDINANCE.

I. PURPOSE AND SCOPE

The Berrien Springs Village Council determines that a significant component of residential housing in The Village of Berrien Springs is provided for by leased or rented structures. It is therefore essential in providing for the health, safety and general welfare of citizens and residents of The Village of Berrien Springs that residential rental dwelling units independent or in any structure be maintained in a condition to promote the health, safety, and general welfare for those occupying such units and structures and to that end that such units and structures be registered with the Village, so as to be identified as residential rental dwelling units, and periodically inspected to insure the maintenance to be as required by the codes and ordinances in effect in The Village of Berrien Springs. This determination pertains, also, to short-term rental units which present additional concerns and considerations regarding health, safety and general welfare that must be addressed.

It is the purpose of this Ordinance to require all leased or rented residential rental dwelling units in The Village of Berrien Springs to be registered with the Village and for a valid and current rental permit as set forth in this Ordinance to be in effect at all times a rental dwelling unit is being occupied by a tenant. It is the further purpose of this Ordinance that a rental permit only be available for those leased or rented residential rental dwelling units which comply with this Ordinance and the codes and ordinances effective in The Village of Berrien Springs.

This Ordinance shall apply to all residential rental units occupied by persons pursuant to any oral or written rental or lease agreement or for other valuable consideration or compensation. Such residential rental units shall include, but not be limited to, single family dwellings, multiple family dwellings and short-term rentals and boarding houses as permitted by The Village of Berrien Springs Zoning Ordinance.

II. DEFINITIONS

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

- A. AGENT: The individual or entity managing the rental property on behalf of the owner of the rental dwelling unit. An owner may act as his or her own agent. An agent includes all short-term rental agents.
- B. BEDROOM: A room intended for sleeping or placement of a bed, separated from other spaces in the rental dwelling unit by one or more functional doors. The following spaces, which must be included in every rental dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; (3) gathering spaces such as family rooms, dens, or living rooms; and (4) attics or basements without egress meeting standards in applicable building, residential, and fire codes.
- C. BUILDING OFFICIAL: The individual designated by the Village who administers and enforces various technical and building codes in effect in the Village.
- D. COMPENSATION: Money or other consideration given in return for occupancy, possession or use of a rental dwelling unit.
- E. COMPLEX: A single building with more than two rental dwelling units.
- F. DWELLING: A building containing two or less rental dwelling units.
- G. FIRE CHIEF: The chief designated by The Village of Berrien Springs.
- H. FIRE CODE: The International Fire Code as adopted by and in effect in the Village.
- I. GOOD NEIGHBOR GUIDELINE: Materials prepared by the Village that include (1) a summary of the Village's fireworks ordinance, and (2) a reminder that the rental property may be located in a residential neighborhood and that neighbors may not be vacationing, and (3) a statement informing the renters that neighboring property owners may contact the local agent and local police to report any issues relating to the property. In general, the purpose of the Good Neighbor Guideline will be to provide to tenants sufficient information to follow so as to not invade or interrupt the normal and peaceful enjoyment of the citizens and residents of The Village of Berrien Springs.
- J. IMMEDIATE FAMILY: Spouses, children, stepchildren, brothers, sisters, half-brothers and half-sisters, parents and stepparents, and grandparents.
- K. FAMILY: See the Village Zoning Ordinance, Article XXVII, Definitions and Use of Terms, Section 27.01 – Definitions.
- L. MAXIMUM OCCUPANCY: The maximum number of tenants permitted to reside and sleep in a rental dwelling unit as provided in this Ordinance. According to the International Fire Code (as adopted by the Village), a minimum of 200 square feet per occupant is required.

- M. MIXED USE PROPERTY: A lot or parcel located within an area of the Village where both multi-family residential and commercial development is permitted.
- N. OCCUPANT: An individual at least 24 months of age who is living in, sleeping in, or otherwise having possession of a rental dwelling unit and an individual present in a rental dwelling unit 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 of 8:00 a.m. and 11:00 p.m. and will not stay or sleep overnight.
- O. OWNER: The individual or entity who is the legal or equitable titleholder and/or who controls the premises occupied as a rental dwelling unit.
- P. PERMIT: A rental dwelling unit permit or provisional rental unit permit issued by the Village of Berrien Springs.
- Q. PROPERTY MAINTENANCE CODE: Means the International Property Maintenance Code, as adopted by and in effect in the Village.
- R. PROVISIONAL RENTAL DWELLING UNIT PERMIT: A written statement issued by the Village indicating that the rental dwelling unit identified thereon is substantially but not entirely in compliance with the housing and property maintenance code. The provisional rental unit permit shall identify any deficiencies or violations that must be corrected, and shall state the date on which the provisional rental dwelling unit permit shall expire if those deficiencies or violations are not corrected.
- S. RENTAL DWELLING UNIT: Any self-contained residential dwelling or complex of dwellings in whole or in part occupied by one or more persons and provides complete living facilities including permanent provisions for sleeping, eating, cooking, and sanitation, and is pursuant to an oral or written agreement for monetary or any other consideration, but which persons are not acquiring an ownership interest in the dwelling. The term "rental dwelling unit" includes single-family, two-family and multiple-family dwellings, and short-term rentals. The term "rental dwelling unit" shall not include transient dwelling structures such as hotels, motels, or bed-and-breakfasts, and shall not include dwellings that are occupied only by members of the owner's immediate family. Rental dwelling unit shall also not include any unit subject to jurisdiction of State Fire Marshall under provisions of PA 207 of 1942, the State Fire Code, or the Michigan Department of Agriculture.
- T. RENTAL DWELLING UNIT PERMIT: A written document issued by the Village indicating that the rental dwelling unit identified thereon is then in compliance with the Housing and Property Maintenance Code and all other codes and ordinances relative to dwelling units in general. A rental dwelling unit permit shall be valid for two years from the date of the inspection that

found the rental dwelling unit in compliance, absent new or later-detected violations of the housing and property maintenance code, this article or other applicable laws, rules or regulations, or a revocation of the permit pursuant to this article within that time, and the expiration date shall be shown on the permit.

- U. **SHORT-TERM RENTAL:** The rental of any rental unit for a term of less than thirty (30) consecutive days, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit 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, or other health-care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not short-term rental units. Registration, inspection and permit renewal for each short-term rental dwelling unit or a complex short-term rental dwelling unit shall be valid for one (1) year from the date of inspection.

Short-term rental dwelling units shall be classified as one of the following:

1. **Personal Short-Term Rental:** A primary residence in which the owner or lessee occupies as his or her residence for a minimum of nine (9) months a year, who as the owner or lessee is hosting short-term transient guests for a limited number of times a year, or
2. **Business Short-Term Rentals:** Any Short-Term Rental which does not qualify as a Personal Short-Term Rental.

- V. **SHORT-TERM RENTAL AGENT:** An individual designated to oversee a short-term rental of a dwelling who shall be authorized by an owner of a short-term rental dwelling to act as an agent, and to respond to calls from renters, concerned citizens, neighbors, and representatives of the Village. The short-term Rental Agent must reside or maintain a physical place of business and be able to be on-site within one (1) hour of the Rental Dwelling Units used for short-term rental. An owner who meets these criteria may be the short-term rental agent.

- W. **TENANT:** Any person other than a legal or equitable titleholder, occupying or possessing all or any part of a rental dwelling unit.

- X. **VILLAGE:** The Village of Berrien Springs or its agent.

III. REGISTRATION

- A. All owners of a rental dwelling unit shall register the rental dwelling unit with the Village as provided herein within ten (10) days after the date of acquiring ownership or control of a previously registered rental dwelling unit, or in the case of a newly constructed or converted rental dwelling unit, before the rental dwelling unit is occupied. The owner of a residential rental dwelling

unit existing on the effective date of this Ordinance shall also comply with the provisions of this ordinance. Only one registration need be filed for each complex that consists of multiple dwellings in a dedicated complex.

- B. To register a rental dwelling unit, the owner shall provide and certify as true the following information on a form provided by the Village:
 - 1. The name, address and telephone number of the owner and any agent for the owner, and in the case of a short-term rental dwelling unit, the name of the short-term rental agent and a phone number for the short-term rental agent. If the owner is other than a natural person the specific information shall be provided for all partners, if a partnership; all officers, if a corporation; or all managing members if a limited liability company.
 - 2. The street address of the rental dwelling unit, along with other identification if more than one rental dwelling unit has the same street address.
 - 3. The number of rental dwelling units in a single dwelling, or in a dedicated complex.
 - 4. The number of bedrooms in each rental dwelling unit.
 - 5. If the registration is for a short-term rental dwelling unit, the approximate number of days the owner intends to rent out the short-term rental dwelling unit.
 - 6. If the registration is for a short-term rental dwelling unit, the number of off-street parking spaces provided for short-term rental use.
 - 7. Such other information as requested by the Village relative to fulfilling the purpose and scope of the Ordinance as stated above.
- C. An administrative (registration and inspection) fee as set forth by determination of the Village Council from time to time shall accompany each registration submitted.
- D. An owner shall notify the Village in writing within thirty (30) days of any change in the information provided on the registration form. An owner of a short-term rental shall notify the Village in writing within ten (10) days of a change in the designated short-term rental agent or information relating to short-term rental agent.

IV. FAILURE TO COMPLY: INACCURATE OR INCOMPLETE REGISTRATION INFORMATION

- A. It shall be a violation of this Ordinance for an owner to fail to comply with

the provisions of this Ordinance. Occupancy of a rental dwelling unit shall be prohibited unless a current and valid rental dwelling unit permit has been issued for the subject rental dwelling unit.

- B. It shall be a violation of this Ordinance for an owner to provide inaccurate information for the registration of a rental dwelling unit or to fail to provide information required by the Village for such registration. Incomplete registration forms may be rejected by the Village and upon discovery of false information (as determined by the Village) the permit issued may be revoked.
- C. It shall be a violation of this Ordinance for an owner to fail to keep current information required by this Ordinance on file with the Village.

V. INSPECTION

- A. Following receipt of a registration application, the Village shall inspect the rental dwelling unit to determine whether the rental dwelling unit is in compliance with the Village Property Maintenance Code, the 2012 edition of the International Property Maintenance Code, which the Village has adopted, the International Fire Code, 2006 edition which the Village has adopted, this ordinance and other applicable laws, regulations, codes and Ordinances in effect in The Village of Berrien Springs.
- B. Upon filing of a registration application, it shall be the responsibility of owner to schedule and allow the Village inspection of the rental dwelling unit and the structure within which a rental dwelling unit is located. An inspection is required for the renewal of an existing permit; the owner shall schedule and allow that inspection no later than fifteen (15) days before the expiration of that permit. Inspections shall occur during the Village's regular business hours unless otherwise agreed to. All fees shall be paid prior to the inspection.
- C. If inspection reveals that the rental dwelling unit is not in compliance with codes and ordinances in effect in The Village of Berrien Springs, the owner shall be provided with a written list of deficiencies before a permit is issued. If the Village determines that the deficiencies or violations do not render the rental dwelling unit uninhabitable, a provisional rental dwelling unit permit may be issued for the unit which shall state the length of time for which it shall remain valid.
- D. The Village may conduct additional inspections as it deems necessary upon reasonable notice to the owner or agent. Such inspections may occur by way of example and not limitation, when a complaint is filed with the Village or when the Village otherwise has a reasonable cause to believe that the rental dwelling unit is in violation of any Village code, ordinance or state law.
- E. For short-term rental unit transitions to a different tenant or lease, the short-term rental agent shall inspect the premises using a village-created checklist

and shall ensure that all smoke detectors, lights in common areas and stairways, egress doors, windows, and railings are in a safe and working condition. Any defects discovered shall be promptly corrected; upon this inspection the owner or short-term rental agent shall sign and date the checklist and shall maintain it for Village inspection and copying upon request by the Village.

- F. If the Village becomes aware of a code violation, or other deficiencies or violations subsequent to the issuance of a permit, the Village shall notify the owner or rental agent and the deficiency or violation shall be corrected by the owner within the time determined by the Village, not to exceed seven (7) days from receipt of notice. This time may be extended at the discretion of the Village.

VI. PERMIT

- A. Upon compliance with provisions as set forth herein and following inspection, the Village shall issue a permit for occupancy of the rental dwelling unit which shall be valid for a period of twenty-four (24) months from the date of issuance, except for business short-term rentals which permit shall be for twelve (12) months from date of issuance. A shorter term may be granted as stated in the provisional rental dwelling unit permit issued pursuant to Section V, C.
- B. A provisional rental dwelling unit permit may be issued without prior inspection for rental dwelling units existing and occupied as of the effective date of this Ordinance. Such provisional rental dwelling unit permit is to be issued to allow owners to continue to operate such rental dwelling units until such time as an inspection is made by the Village and the actual permit is issued to the owner.
- C. Not less than sixty (60) days prior to the expiration of a permit issued under this ordinance the Village shall send a notice by regular mail to the address provided by the owner or rental dwelling unit agent advising of the expiration of the permit, and that if owner intends to continue the rental dwelling unit use, the owner shall recertify the registration information on file with the Village. An inspection as set forth in section V above shall occur prior to issuance of a renewed permit.
- D. The following provisions shall apply to the permit:
 - 1. There will be two (2) original copies of the permit-one will be given to the owner and the other will be on file at the Village.
 - 2. The permit shall state whether the rental dwelling unit is a short-term rental dwelling unit and the number and location of parking spaces for the short-term rental dwelling unit.

3. No permit shall be issued unless the owner is current in payment of all taxes and obligations owed to the Village for that rental dwelling unit.
4. The permit shall be available for review to the tenant upon request.
5. The permit may be transferred to a new owner once the new owner files a registration which meets the requirements of this Ordinance. Upon transfer the permit shall remain valid for the balance of the initial term.
6. Compliance with all applicable zoning, construction, building, and property maintenance codes and ordinances of the Village shall be a condition of all permit issuance. A violation of any provision of such code or ordinance shall constitute a violation of this Ordinance.

VII. RENTAL DWELLING UNIT REQUIREMENTS AND REGULATIONS

- A. No rental dwelling unit may be occupied unless the Village has issued a permit pursuant to the provisions of this ordinance.
- B. The permit shall state if the rental dwelling unit may be occupied as a short-term rental dwelling unit. A short-term rental dwelling unit permit shall be granted only when all of the requirements of this ordinance for rental dwelling units and requirements for short-term rental dwelling units are met.
- C. Upon request by a tenant or prospective tenant, the owner or agent shall provide tenant or prospective tenant with a copy of the permit for the rental dwelling unit issued by the Village.
- D. All rental dwelling units shall have: a) smoke detectors, b) a fire extinguisher, and c) a carbon monoxide detection device (where fossil fuel sources are used and/or there is an attached garage) installed and maintained in working order as required by the applicable building and fire codes in effect in the Village.
- E. The owner shall supply and be responsible for dumpsters or refuse containers for the rental dwelling unit. Containers shall be placed at the appropriate pickup location no earlier than 5:00 pm the day prior to pick up and shall be retrieved no later than 7:00 pm the day of pickup.

VIII. SHORT-TERM RENTAL DWELLING UNIT REQUIREMENTS.

In addition to being subject to all of the provisions and requirements set forth in this ordinance, the following requirements shall apply to all short-term rental dwelling units:

- A. Each short-term rental dwelling unit shall have a land line telephone with free local calls which will appear at the 911 dispatch center.

- B. The street address of the short-term rental dwelling shall be posted (at the minimum) on the rental dwelling in at least 4" letters in order to assist occupants and emergency service personnel in the event of an emergency.
- C. The owner of a short-term rental dwelling unit shall designate a short-term rental dwelling unit agent who lives within ten (10) miles of the short-term rental dwelling unit. An owner may act as the short-term rental dwelling unit agent.
- D. No more than two (2) occupants eighteen (18) years of age or older per bedroom shall be allowed for overnight occupancy.
- E. An externally-facing notice shall be posted in a prominent first floor window of a short-term rental dwelling unit stating in at least sixteen (16) point type the name of the short-term rental agent, a 24 hour telephone number at which the short-term rental agent can be reached, and the maximum occupancy of the short-term rental dwelling unit as stated in the permit issued by the Village
- F. Each short-term rental dwelling unit shall have the proper number and location of parking spaces for occupants and guests according to Village Ordinances and as indicated in the permit issued by the Village.
- G. Advertising for each short-term rental shall be correct and reflect true information including the Village permit number.
- H. No fireworks shall be discharged on the premises of the short-term rental dwelling unit other than as allowed by state law.
- I. The owner of a short-term rental dwelling units shall maintain personal injury insurance coverage for persons entering on premises in the amount of at least Fifty thousand (\$50,000.00) dollars per person per occurrence.
- J. The short-term rental agent shall be on-site within one hour of being requested by Village law enforcement regarding issues pertaining to the short-term rental dwelling unit.
- K. The owner shall provide to renters of short-term rental dwelling units a copy of "The Village of Berrien Springs Good Neighbor Guideline Materials".
- L. All short-term rental dwelling unit tenants shall observe quiet hours from 11 pm to 7 am during which no noise shall come from premises so as to cause a disturbance to neighboring properties.
- M. Each short-term rental dwelling unit shall have provided a trash container of at least twenty-five (25) gallons volume for each two occupants; it shall be the responsibility of the owner to arrange for trash and refuse removal one time per week during the short-term rental duration/lease.

- N. Short-term rental dwelling units are also regulated by provisions of the Village of Berrien Springs Zoning Ordinance and nothing in this ordinance shall be construed as excusing compliance with zoning requirements.
- O. In the event of a conflict between these provisions for short-term rental dwelling units and rental dwelling units in general, the provisions of this section for short-term rental dwelling units shall control.
- P. A short-term rental contract or agreement shall not be made to a tenant/lessee under twenty-five (25) years of age. The tenant/lessee must be present during the rental period.
- Q. A personal short-term rental shall also be subject to the additional following provisions:
1. May be rented up to six (6) times per twelve (12) month period for a total not to exceed thirty (30) days.
 2. A property owner may only register one (1) personal short-term rental.
 3. At registration, the owner must provide to the Village two (2) of the following: motor vehicle registration, driver's license, voter's registration or utility bill for the unit registered.
 4. A complex may not be registered as a personal short-term rental.
 5. The owner of a short-term rental shall authorize the Village to cross reference any information used on advertising platforms.
 6. The owner or agent shall maintain and have available upon request to the inspector a log showing self-inspection between each rental to ensure that the short-term rental unit is maintained to the conditions imposed by this Ordinance. (See Section V E).
- R. A business short-term rental shall also be subject to the additional following provisions:
1. May be rented any number of times per twelve (12) month period.
 2. A complex may register all dwelling units or a portion of the dwelling units as a business short-term rental.
 3. The owner or agent shall maintain and have available upon request to the inspector a log showing self-inspection between each rental to ensure that the short-term rental unit is maintained to the conditions imposed by this Ordinance. (See Section V E).

IX. PENALTIES AND REMEDIES

- A. Any violations of this Ordinance falling within the jurisdiction of The Village of Berrien Springs Property Maintenance Code may be addressed in accordance with the scope and administration of the Property Maintenance Code.
- B. Any person violating any provision of this Ordinance upon conviction or plea shall be guilty of a civil infraction.
- C. Upon conviction or plea of a violation the Village may revoke the permit. If revocation of permit is imposed by the Village a notice of Intent to Revoke shall be provided to the owner or agent. The notice shall provide information as to the violation and that the Village intends to revoke the permit for the rental dwelling unit.
- D. Upon receipt of a notice of Intent to Revoke, the owner may request an appeal of the revocation action which appeal shall be addressed to the Village of Berrien Springs Zoning Board of Appeals pursuant to provisions in the Village of Berrien Springs Zoning Ordinance. If no appeal is filed by an owner, the permit issued for the rental dwelling unit shall be revoked fifteen (15) days from issuance.
- E. Following an appeal hearing at which any evidence may be presented and at which the owner may be represented by legal counsel or agent, the Zoning Board of Appeals may revoke the permit, dismiss the notice of intent to revoke, or take other action deemed fair and equitable regarding the permit. In reaching a determination as to action regarding the permit, the Zoning Board of Appeals shall make specific findings of fact as to allegations made by the Village.
- F. If a revocation of permit occurs or is ordered by the Zoning Board of Appeals, the property of which the permit has been issued shall not be eligible to reapply for a new rental dwelling unit permit for a period to be determined by the Zoning Board of Appeals, not exceeding twelve (12) months from date of revocation.

X. CONFLICT

In the event that a provision of this Ordinance conflicts with another Ordinance, the Ordinance that is more restrictive shall apply.

XI. REPEAL

This Ordinance replaces and repeals Article VI, Rental Housing, from Chapter 12, Building and Building Regulations.

XII. INVALID OR UNCONSTITUTIONAL

If any part or portion of this Ordinance is deemed invalid or unconstitutional, the remaining portions not so deemed shall remain in full force and effect.

XIII. EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days after the date of its publication.

XIV. ADOPTION

This Ordinance was adopted by the Berrien Springs Village Council of Trustees, Berrien County, Michigan, at a regular meeting thereof, held on the 20 day of June, 2022.

XV. PUBLICATION

The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: President Barry Gravitt, President Pro-Tem Jack Davis, Trustees: Lonna Johnson, Zach Fedoruk and Sandy Swartz.

NAYS: None.

Dated: June 20, 2022


Barry Gravitt, Village President

Ordinance declared adopted:



Sheri A. Kesterke, Village Clerk

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the *Journal Era*, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 29th day of June, 2022.


SHERI A. KESTERKE, Village Clerk