

AGENDA
VILLAGE OF GRAND BEACH
PLANNING COMMISSION MEETING

SEPTEMBER 23, 2021
6:30 P.M. CST – 7:30 P.M. EST

1. Call to Order

2. Adoption of Agenda

3. Approve Meeting Minutes, June 24, 2021

4. Comments on Agenda Items

5. Presentations

6. Unfinished Business

7. New Business
 - a. Annual Election of Officers 2021-2022
 - b. Schedule 2021-2022 Meetings
 - c. Prepare Planning Commission Annual Report to Village Council
 - d. Annual Consideration to Update Master Plan
 - e. Review Proposed Short Term Rental Ordinance

8. Public Comments - General

9. Adjournment

**Village of Grand Beach Planning Commission
Regular Meeting
June 24, 2021**

Laurie Roche called the meeting of the Planning Commission (PC) to order at 7:30 PM EST.

ROLL CALL – IN ATTENDANCE

James Bracewell – Present
Frank Giglio – Present
Robert Kegan – Absent
Laurie Roche - Present
Harry Walder - Present

ADOPTION OF AGENDA

Giglio moved, seconded by Walder to adopt the agenda as presented. Motion carried 3-0. Bracewell abstaining.

APPROVE MEETING MINUTES, February 25, 2021.

Giglio moved, seconded by Walder to approve the Regular Meeting minutes of February 25, 2021 as presented.

Motion carried 4-0.

COMMENTS ON AGENDA ITEMS

AUDIENCE RECOGNITION

No comments.

PRESENTATION

Ed Trainor made a presentation on the functioning of Smartsheet. This is a Webform that could be used for registering Short Term Rentals (STR). It is web based and can be used on smart phones, computers and iPads. It has a variety of reports which can be auto generated. It can be used for data collection. The company that created and markets this spreadsheet is a publicly traded firm. The subscription rate is \$14 per month.

This program can be used for a variety of purposes, including tracking building permits, fire permits, etc.

Everyone in attendance agreed that this seems to be a very useful tool for the Village at a very reasonable cost. Debbie Lindley stated she would bring it before the Village Council to seek formal approval to implement the use of this program. Ed Trainor stated he is going to be meeting with Ryan Layman to answer any questions he has on how this program works. Ed also stated the first month's use is free so it would be a good trial period to see if it is as good as it appears to be.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Planning Commission Meeting Minutes, June 24, 2021

Short Term Rental Discussion - Roche stated that the Council meeting that the Village attorney discussed ongoing issues in the Village with Short Term rentals was very interesting and enlightening. There was a general conversation repeating what has been stated at the past PC meetings as well as the past Village Council meetings with regard to this issue. Nothing new was brought to light and in the end it was generally agreed that this issue appears to need to wait for action by the State with regard to their proposed bills on STRs.

ADJOURNMENT

Giglio moved, seconded by Bracewell to adjourn the meeting. Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 9:10 PM EST.

Respectfully Submitted,



Harry Walder

**VILLAGE OF GRAND BEACH
BERRIEN COUNTY STATE OF MICHIGAN**

ORDINANCE NO. XXXXX

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 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 its President 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 or its President, 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.

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.

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.

Occupant/Renter - An individual 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 Unit for compensation for a term of less than one year.

Minimum Rental Period – No rental agreement shall be for less than 6 nights between May 1 and September 30.

Section 3 Annual Rental Registration Application Exhibit A

All Dwelling Units 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 Unit is prohibited under this Ordinance. To register a Dwelling Unit 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 Unit.
2. The street address of the Dwelling Unit.
3. The number of bedrooms in each Dwelling Unit.
4. The number of off-street parking spaces provided for the Dwelling Unit.
5. The maximum number of occupants to which the applicant intends to rent the Dwelling Unit 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 6 nights between May 1 and September 30.
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 Unit 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 Unit is rented.
10. Such other information as the Village deems appropriate.
11. Payment of an annual registration fee of \$300 per bedroom paid annually.
12. It is recommended that the property Owner obtain and keep in force Insurance covering Short Term Rental use of the dwelling.
13. Submit the property to and satisfactorily complete and arrange an inspection for compliance with applicable codes and ordinances at least once every three years. 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.

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

1. All Dwelling Units 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. Here we need a liability statement. Something that holds the Village harmless.

Section 5. Short-Term Rental Regulations.

1. Local Agent required. All Dwelling Units 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 in window. Each dwelling unit shall have posted in a prominent first floor window of any Dwelling Unit used for Short-Term rentals (in at least 24-point type) the Village assigned numerical identification and the maximum occupancy of the Dwelling Unit as permitted by this ordinance. This notice must be posted at all times.
3. Street address posted within Dwelling Unit. The street address of the property shall be posted in at least two prominent locations within the Dwelling Unit 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 Unit during a Short-Term rental shall not exceed the lesser of: (i) 16 total adult 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.
6. Dwellings with more than five bedrooms or more than 5,000 square feet may appeal to the Grand Beach Village Council to request an appeal to these allowed occupancy limits.
7. No more than one rental is allowed on any given Dwelling/property at one time.
8. Short Term Rental Liability insurance should include coverage for all amenities of the Dwelling including but not limited to pools, play structures and usage of golf carts.
9. All the following must be provided:

Smoke detectors and carbon monoxide devices. The owner or Local Agent of a Dwelling Unit 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.
10. Fireworks. No fireworks shall be used on the premises of a Dwelling Unit registered under this ordinance at any time it is being rented. Fireworks are not allowed on public property at any time.
 11. 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.
 12. 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 should include coverage for golf cart usage.
 13. 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:
14. 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.
 15. Attics and basements. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Dwelling Unit 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.
 16. 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.
 17. 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 Unit 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 3.12.
5. Annual Registration. This registration must be submitted every year.
6. Billable court time. The fee for the Code Enforcement Official's time in court is \$150.00 per hour
7. Unpaid fines and fees. All unpaid fines and fees will be placed on the property owner's utility/water bill for the Village of Grand Beach, for collection. All fines and fees are considered past due after 30 days from the violation and will accrue interest charges at the rate of 1% per month

Section 7. Revocation of registration.

1. Offenses warranting revocation. The Village may revoke the rental registration for any Dwelling Unit 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 Unit 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 Dwelling Unit is 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 Unit represent that they pay rent to occupy the premises.
 - c. A dwelling or Dwelling Unit which has been published as being available for rent or lease
4. Revocation Period and Effect. Upon revocation of registration, a Dwelling Unit cannot be re-registered for a period of 1 year and cannot be used for Short-Term rentals until re-registered. The Dwelling Unit 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 30 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

VOM Rental Ordinance

This concludes the Village of Grand Beach Rental Ordinance.