

**CLAYTON TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING AGENDA**  
**MARCH 25, 2025, 6:00 P.M.**  
**CLAYTON TOWNSHIP HALL**

Kevin DePottey  
Corey Potter  
Rick Caruso  
Kathleen Norris

Jon Mieczkowski  
George Sippert  
Richard Derby

**TED HENRY, ZONING ADMINISTRATOR, #810-691-5258**

**PLEDGE TO THE FLAG**

**ROLL CALL**

**APPROVE PROPOSED AGENDA**

**APPROVAL OF MINUTES: FEBRUARY 25, 2025 Pgs. 2-3**

**COMMUNICATION:**

**REPORT OF OFFICERS AND ZONING ADMINISTRATOR:  
COLE CREEK ESTATES**

**PUBLIC COMMENT:**

**NEW BUSINESS / DISCUSSIONS**

**1. Rental Ordinance Pgs. 4-22**

**OLD BUSINESS / DISCUSSIONS**

**ADDITIONAL ITEMS**

**FUTURE ITEMS**

**1. Business License**

**ADDITIONAL COMMENTS**

**ADJOURNMENT**

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**CHARTER TOWNSHIP OF CLAYTON  
PLANNING COMMISSION MINUTES  
FEBRUARY 25, 2025**

Chairman DePottey opened the meeting at 6:00 p.m.

**ROLL CALL**

**Members Present:** Rick Caruso, Richard Derby, Jon Mieczkowski, Kevin DePottey, Kathy Norris, Corey Potter

**Members Absent:** George Sippert

**Others Present:**

Ted Henry/Building Official, Zoning Administrator  
Ken Tucker/Township Attorney

**APPROVAL OF PROPOSED AGENDA**

**Action Taken:** Motion by Potter, supported by Derby, to approve the proposed agenda for the February 25, 2025, Clayton Township Planning Commission meeting.

**MOTION CARRIED.**

**APPROVAL OF MINUTES:** January 28, 2025

**ACTION TAKEN:** Motion by Mieczkowski, supported by Caruso to approve minutes of January 28, 2025.

**MOTION CARRIED.**

**COMMUNICATION:**

None

**REPORT OF OFFICERS AND ZONING ADMINISTRATOR:**

Ted Henry, the Zoning Administrator noted a company called looking to buy property for a new cell tower at Beecher Road and N. Morrish Road area

**PUBLIC COMMENT:**

None

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**NEW BUSINESS/DISCUSSIONS:**

Continued discussions on proposed rental ordinance

Zoning Administrator, Ted Henry, called for election of officers for new year. Opened call for nominations. Nomination by Caruso to keep existing officers, 2<sup>nd</sup> by Potter

Zoning Administrator, Ted Henry, call 2 more times for nominations – no more followed

Now a motion by Caruso and 2<sup>nd</sup> by potter to keep existing officers

**Action Taken:** Motion by Caruso, supported by Potter to keep existing officers. Roll Call  
Vote: 6 Yes/0 No

**OLD BUSINESS/DISCUSSIONS****ADDITIONAL ITEMS****FUTURE ITEMS**

A short discussion on the new proposed business license

**ADDITIONAL COMMENTS****ADJOURNMENT**

**Action Taken:** Motion by Norris, supported by Potter, to adjourn the Planning Commission meeting at 6:18 p.m.

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Kevin DePottey, Chairperson

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Kathy Norris, Secretary





Where Friendships Last Forever

Building Department  
810.635.4464  
810.635.2887 fax  
jkey@cityofswartzcreek.org

Rental Property Address: \_\_\_\_\_ Apt#: \_\_\_\_\_

For multiple units under common ownership, common management, AND located on a common premises, please include additional unit information below or attach a list of all units by address and number for larger complexes.

Building Owner's name: \_\_\_\_\_

Owner's address (No PO Boxes): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: (\_\_\_\_\_) \_\_\_\_\_ EXT: \_\_\_\_\_

Cell # (\_\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

Owner's Agent's name: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's telephone number: (\_\_\_\_\_) \_\_\_\_\_

Office number: (\_\_\_\_\_) \_\_\_\_\_ Emergency 24-hr. number: (\_\_\_\_\_) \_\_\_\_\_

Unit 2: \_\_\_\_\_ Unit 3: \_\_\_\_\_ Unit 4: \_\_\_\_\_ Unit 5: \_\_\_\_\_ Unit 6: \_\_\_\_\_ Unit 7: \_\_\_\_\_ Unit 8: \_\_\_\_\_

Amount Enclosed (\$75 for first unit, and \$20 for additional qualifying units on premises): \$ \_\_\_\_\_

In compliance with MCL 125.526 the owner permits inspections of their rental properties by officials or agents of the City and affirms that all tenants of the subject properties have been informed of the regulations contained in this article and of inspections of the rental properties, including common areas, by authorized City officials. The owner shall notify their tenant of a request by the City to inspect a rental property, and owner shall make a good-faith effort to obtain consent for an inspection, and if the owner obtains consent for an inspection, arrange inspection by City officials or agents. If a tenant refuses an inspection from the City and then vacates before an inspection can occur, the owner of the leasehold shall notify the enforcing agency within 10 days after the leased property is vacated.

Owner or Legal Representative

Date

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[String:Jurisdiction.Address] [String:Jurisdiction.City], [String:Jurisdiction.State] [String:Jurisdiction.Zip]  
www.cityofswartzcreek.org

Printed on [Date/Time, System, Today: MM/dd/yyyy]



# Rental Inspection Report

DATE: \_\_\_\_\_ Time: \_\_\_\_\_ Inspector: \_\_\_\_\_

## IDENTIFICATION:

Property Address \_\_\_\_\_

Name of Property Owner \_\_\_\_\_

Property Owner Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Home \_\_\_\_\_ Cell \_\_\_\_\_

IPMC	Violation	Remarks/Comments
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## Exterior:

102.1 Sanitation.	Y/ N / NA	
102.2 Grading and drainage.	Y/ N / NA	
102.3 Sidewalks and driveways.	Y/ N / NA	
102.4 Weeds.	Y/ N / NA	
102.7 Accessory structures.	Y/ N / NA	
102.8 Motor vehicles.	Y/ N / NA	
103.1 Swimming pools.	Y/ N / NA	
104.3 Premises Identification	Y/ N / NA	
104.4 Structural members	Y/ N / NA	
104.5 Foundation walls	Y/ N / NA	
104.6 Exterior walls	Y/ N / NA	
104.7 Roofs and drainage.	Y/ N / NA	
104.10 Stairways, decks, porches	Y/ N / NA	
104.11 Chimneys and towers	Y/ N / NA	
104.12 Handrails and guards.	Y/ N / NA	
104.13 Window glazing	Y/ N / NA	
104.14 Insect screens.	Y/ N / NA	
104.15 Doors.	Y/ N / NA	
604.3 Electrical system hazards.	Y/ N / NA	

Additional comments:

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**Bedroom:**

304.13 Window glazing	Y/ N/ NA
304.14 Insect screens.	Y/ N/ NA
305.3 Interior surfaces.	Y/ N/ NA
305.4 Walking surfaces.	Y/ N/ NA
305.6 Interior doors.	Y/ N/ NA
308.1 Infestation.	Y/ N/ NA
604.3 Electrical system hazards.	Y/ N/ NA
704.2 Smoke alarms.	Y/ N/ NA

Additional comments:

**Bathroom:**

304.14 Insect screens.	Y/ N/ NA
304.13 Window glazing	Y/ N/ NA
305.3 Interior surfaces.	Y/ N/ NA
305.4 Walking surfaces.	Y/ N/ NA
308.1 Infestation	Y/ N/ NA
502 Required Facilities	
--Bath tub present.	Y/ N/ NA
--Water closet present	Y/ N/ NA
--Lavatory present	Y/ N/ NA
505 Water system	
--leaks	Y/ N/ NA
--hot water	Y/ N/ NA
--cold water	Y/ N/ NA
604.3 Electrical system hazards.	Y/ N/ NA

Additional comments:

**Living Room:**

304.13 Window glazing	Y/ N/ NA
304.14 Insect screens.	Y/ N/ NA
305.3 Interior surfaces.	Y/ N/ NA
305.4 Walking surfaces.	Y/ N/ NA
305.6 Interior doors.	Y/ N/ NA

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308.1 Infestation.	Y/ N / NA
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604.3 Electrical system hazards.	Y/ N / NA
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Additional comments:

\_\_\_\_\_

\_\_\_\_\_

#### Kitchen:

304.13 Window glazing	Y/ N / NA
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304.14 Insect screens.	Y/ N / NA
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305.3 Interior surfaces.	Y/ N / NA
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305.4 Walking surfaces.	Y/ N / NA
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305.6 Interior doors.	Y/ N / NA
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307.1 Rubbish or garbage	Y/ N / NA
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308.1 Infestation.	Y/ N / NA
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404.7 Food preparation	
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-- Refrigerator present	Y/ N / NA
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502 Required Facilities	
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-- Kitchen sink present	Y/ N / NA
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505 Water system	
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-- leaks	Y/ N / NA
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-- hot water	Y/ N / NA
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-- cold water	
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604.3 Electrical system hazards.	Y/ N / NA
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Additional comments:

\_\_\_\_\_

\_\_\_\_\_

#### Laundry Room:

304.13 Window glazing	Y/ N / NA
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304.14 Insect screens.	Y/ N / NA
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305.3 Interior surfaces.	Y/ N / NA
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305.4 Walking surfaces.	Y/ N / NA
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305.6 Interior doors.	Y/ N / NA
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308.1 Infestation.	Y/ N / NA
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403.5 Clothes dryer exhaust.	Y/ N / NA
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604.3 Electrical system hazards.	Y/ N / NA
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Additional comments:

Dining Room:

304.13 Window glazing	Y/ N / NA
304.14 Insect screens.	Y/ N / NA
305.3 Interior surfaces.	Y/ N / NA
305.4 Walking surfaces.	Y/ N / NA
305.6 Interior doors.	Y/ N / NA
308.1 Infestation.	Y/ N / NA
604.3 Electrical system hazards.	Y/ N / NA

Additional comments:

Basement

304.4 Structural members	Y/ N / NA
304.5 Foundation walls	Y/ N / NA
304.16 Basement hatchways.	Y/ N / NA
305.5 Handrails and guards.	Y/ N / NA
305.6 Interior doors.	Y/ N / NA
307.1 Rubbish or garbage	Y/ N / NA
308.1 Infestation.	Y/ N / NA
403.5 Clothes dryer exhaust.	Y/ N / NA
604.3 Electrical system hazards.	Y/ N / NA
704.2 Smoke alarms.	Y/ N / NA

Additional comments:

Hallway/Stairway

305.3 Interior surfaces.	Y/ N / NA
305.4 Walking surfaces.	Y/ N / NA

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305.5 Handrails and guards.	Y/ N / NA
305.6 Interior doors.	Y/ N / NA
308.1 Infestation.	Y/ N / NA
604.3 Electrical system hazards.	Y/ N / NA
704.2 Smoke alarms.	Y/ N / NA

Additional comments:

#### Equipment:

505.4 Water heating facilities.	Y/ N / NA
602.3 Heat supply.	Y/ N / NA
603.1 Mechanical appliances.	Y/ N / NA
604.3 Electrical system hazards.	Y/ N / NA

Additional comments:



**CITY OF SWARTZ CREEK  
ORDINANCE NO. 421**

An ordinance to amend Chapter 4 of the Code of Ordinances to add thereto a new Article IV for inspections of rental properties.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Amendment of Chapter 4 of the Code of Ordinances of the City of Swartz Creek.**

Chapter 4 of the Code of Ordinances of the City of Swartz Creek is hereby amended to add thereto a new Article IV entitled: "Rental Property Inspections" to read as follows:

**ARTICLE IV. RENTAL PROPERTY INSPECTIONS**

**Sec. 4-31. Purpose of standards.**

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. This article is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values.

This article supplements and augments the existing International Property Maintenance Code in protecting and promoting the health, safety and welfare of the citizens of the City of Swartz Creek by requiring the registration of all rental dwelling units in the city. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the International Property Maintenance Code, which sets minimum allowable standards for adequate maintenance of habitable dwellings. This article is not intended nor shall it be used for the purpose of including the city in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

**Sec. 4-32. Definitions.**

"Dwelling unit" means a building, or portion thereof, designed for occupancy for living purposes and having cooking facilities and sanitary facilities, including single family residences.

"Landlord" means any person who owns or controls a dwelling, Dwelling Unit, or Rental Unit and rents such unit, either personally or through a designated agent, to any person.

"Owner" means the legal title holder of a Rental Unit or the Premises within which the Rental Unit is situated.

"Rental unit" means any Dwelling Unit or a unit containing sleeping quarters,

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including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, sleeping rooms, residential, commercial or industrial property, including structures which are leased or rented by the Owner or other Person in control of such units, to any tenant, whether by day, week, month, year or any other term, except for jails, hospitals, nursing homes, convalescent homes, foster homes or temporary group shelters provided by legal nonprofit agencies which are inspected, certified and/or licensed by the state.

#### Sec. 4-33. Registration.

An Owner or Landlord shall register their Rental Unit at least once every three years, in accordance with the applicable inspection cycle, as follows:

- (1) All existing Rental Units shall be registered within ninety (90) days of the effective date of this ordinance.
- (2) All newly constructed Rental Units shall be registered prior to any use or occupancy as a rental dwelling unit.
- (3) A new Owner or Landlord shall register a Rental Unit, which is sold, transferred or conveyed, within thirty (30) days of the date of the closing of such sale, transfer or conveyance.
- (4) All existing non-rental dwelling units, which are converted to Rental Units, shall be registered prior to the date on which the property is first occupied for rental purposes.

#### Sec. 4-34. Applications.

Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the building inspector designated by the city manager and shall include at least the following information:

- (1) The name, address and telephone number of the Owner and/or Landlord (no post office box shall be accepted).
- (2) The name, address and telephone number of the Owner's representative, if the rental property owner has opted to appoint a representative. This representative must be located within 40 miles of the premises.
- (3) Upon registration, the Owner shall be responsible for notifying the building inspector of any change of address of either the Owner or Owner's representative.

Included with the registration application shall be an agreement, signed by the Owner, permitting inspections of his/her rental properties by officials or agents of the city and affirming that all tenants of the subject properties have been informed of the regulations contained in this article and of inspections of the rental properties, including common areas, by authorized City officials. All leases executed after the effective date of this article shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in this article.

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An authorized City official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this Article.

At the time of registration of the Rental Unit, there will be a prescribed fee for registration and the initial inspection, as adopted by resolution. Any unpaid registration fees shall become a lien on the property immediately and collected as an assessment pursuant to city ordinance.

#### Sec. 4-36. Inspections.

The building official shall cause a periodic inspection to be made of every Rental Unit at least once every three years, with more frequent inspections for Rental Units that are found to have deficiencies, said inspection frequency to be in accordance with the procedural rules adopted by the city council. Such inspection shall include a thorough examination of all parts of such Rental Unit and the premises connected therewith.

The Owner shall be notified of the date and time of a rental inspection via first class mail at least 30 days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law.

Any Rental Unit, even though not previously scheduled for inspection, may be inspected without prior notice to the Owner and/or tenant if an authorized city official has probable cause to believe that there exists on the property any condition which makes it or any portion thereof substandard or unsafe, or there is evidence that a violation of a code may exist.

If access to a structure, premises or area for the purpose of inspection authorized by this section is refused, an authorized city official, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this article with respect to such rental dwelling or rental unit, may petition and obtain such order from a court which has jurisdiction.

Except for probable cause inspections, a Rental Unit may only be inspected during reasonable hours upon presentation of proper identification by an authorized city official.

#### Sec. 4-36. Standards.

The standards used to determine Rental Unit and Dwelling Unit compliance with city codes and ordinances shall be the International Property Maintenance Code, as adopted and amended by the city council.

The building official is hereby empowered to make such rules and regulations as shall be necessary for the enforcement of this article, subject, however, to the approval of the city council. When the rules and regulations made under this article have been adopted and promulgated by the building official and approved by the city council, they shall be deemed to be as complete and binding a part of the article as if such rules were specifically set forth in this article. The violation of any of such regulations so adopted shall be deemed a violation of this article. Copies of such rules and regulations shall be placed on file in the office of the city clerk for inspection by interested parties at any reasonable time.

#### Sec. 4-37. Noncompliance with code.

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*Violations not imminently dangerous.* Upon inspection by an authorized city official, if a violation of a code is discovered, but the violation is deemed by the official not to be immediately dangerous to health, welfare or safety, a violation notice shall be issued to the owner. The owner shall be advised of the time period to correct the violation.

*Violations that threaten life, limb or property.* If upon inspection of a rental property the authorized city official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the official shall demand that the violation(s) be corrected immediately and/or the rental property be vacated immediately.

#### Sec. 4-38. Notices.

The building inspector shall issue a written report in accordance with Section 107 of the International Property Maintenance Code, noting any violations of this article or any other provision of the city's ordinances and shall provide a copy of the report to the owner or owner's representative.

The building inspector shall direct the owner or owner's representative to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the building inspector in light of the nature of the violations and all relevant circumstances, which shall not exceed sixty (60) days, unless correction of the violation within a 60-day period is impossible due to seasonal considerations.

Upon request of the person responsible for correcting violations, the building inspector may extend the time for correcting violations, but not to exceed an additional thirty (30) days.

Re-inspections of a rental property shall occur on the date specified on the violation notice, or sooner if requested by the owner and city scheduling permits such inspection. It shall be the owner's responsibility to coordinate the access to all areas of their rental properties. A fee as established by resolution of the City Council shall be charged for each re-inspection after the first re-inspection.

#### Sec. 4-39. Violations.

A violation of any provision of this ordinance shall be punished as a municipal civil infraction, subject to fines and costs identified in Section 1-21 of Article II of the City of Swartz Creek Code of Ordinances.

Any structure not in compliance with this article is deemed a nuisance per se.

The building inspector, building official, code enforcement officer and any other person designated by the city manager is hereby designated as the authorized individual to issue municipal civil infraction citations or pursue any other lawful remedy for violations of this Article.

In addition to any penalties imposed by law, upon a finding of responsibility by the court for a violation of this Article, the City may immediately revoke the registration and order the immediate eviction of all persons and property upon the premises until a

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certificate of compliance is issued by the city.

**Sec. 4-40. Fees.**

The City shall, by resolution, establish the fees for registration and inspections of Rental Units and the City Clerk shall make the fee schedule available to the public during regular office hours. Any unpaid inspection fees shall become a lien on the property and collected as delinquent property taxes as allowed by law.

**Sec. 4-41. Appeals.**

Any person aggrieved by an order or decision of any official charged with the enforcement of this Article may appeal that order or decision to the city council provided that appeal is taken no later than twenty (20) days from the date of the order or decision being appealed. The appellant shall file with the official from whose decision such appeal is taken and with the city clerk, a notice of appeal specifying the ground therefor. The official from whom the appeal is taken shall forthwith transmit to the city clerk a summary report of all previous action taken. The city council may at its discretion call upon the official from whom the appeal is taken, to explain his/her action. The final disposition of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or the determination appealed from. To this end, the city council shall have all the powers of the official from whom the appeal is taken.

**Sec. 4-42. Hearings.**

The city council acting as the board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to interested parties and decide the same within a reasonable time.

**Sec. 4-43. Cost.**

The cost of the demolition, making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the city to bring the property into compliance with this article shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

**Sec. 4-44. Lien.**

The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the costs of the demolition, making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost to the city, the city shall have a lien for the cost incurred to bring the property into conformance with this article. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Act No. 206 of the Public Acts of Michigan of 1893 (MCL 211.1 et seq.), as amended.

**Sec. 4-45. Separate legal action; judgment.**

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In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this section. The lien provided for in this section shall not take effect until notice of the lien is filed or recorded as provided by law.

## Section 2. Effective Date.

This Ordinance shall take effect 30 days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 13th day of July, 2015, Councilmember Gilbert moved for adoption of the foregoing ordinance and Councilmember Shumaker supported the motion.

Voting for: Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger, Pinkston.

Voting against: None.

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David Krueger  
Mayor

\_\_\_\_\_  
Juanita Aguilar  
City Clerk

## CERTIFICATION

The foregoing is a true copy of Ordinance No. 421 which was enacted by the Swartz Creek City Council at a regular meeting held on the 13th day of July, 2015.

\_\_\_\_\_  
Juanita Aguilar  
City Clerk

BE IT FURTHER RESOLVED that the following forms, as included in the July 13, 2015 city council packet, shall be hereby incorporated into the rental inspection

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program of the City of Swartz Creek, with future fees subject to resolution by the city council:

Rental Registration & Inspection Procedural Rules & Policies  
Occupant Information Form  
Rental Registration Form  
Rental Inspection Certificate of Compliance  
Rental Inspection Report  
Rental Registration Letter  
Flowchart of Rental Registration Process

YES: Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger, Pinkston.  
NO: None. Motion Declared Carried.



## ARTICLE IV. - RENTAL PROPERTY INSPECTIONS

### *Footnotes:*

--- (3) ---

*Editor's note -- Ord. No. 421, § 1, adopted July 13, 2015, set out provisions adding Art. IV, §§ 4-31--4-45. To preserve the existing §§ 4-31--4-33 (Art. III), and at the editor's discretion, said provisions have been included herein as Art. IV, §§ 4-41--4-55.*

### Sec. 4-41. - Purpose of standards.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. This article is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values.

This article supplements and augments the existing International Property Maintenance Code in protecting and promoting the health, safety and welfare of the citizens of the City of Swartz Creek by requiring the registration of all rental dwelling units in the city. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the International Property Maintenance Code, which sets minimum allowable standards for adequate maintenance of habitable dwellings. This article is not intended nor shall it be used for the purpose of including the city in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

In accordance with MCL 125.526(4)(d), inspections shall be conducted on a compliance basis, under which a premises brought into compliance with this section will be issued a certificate of compliance that is good for a period of three years, unless a complaint is made to the City of Swartz Creek building inspector.

(Ord. No. 421, § 1, 7-13-15; Ord. No. 450, § 1, 9-14-20)

### Sec. 4-42. - Definitions.

*Dwelling unit* means a building, or portion thereof, designed for occupancy for living purposes and having cooking facilities and sanitary facilities, including single family residences.

*Landlord* means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

*Owner* means the legal title holder of a rental unit or the premises within which the rental unit is situated.

*Rental unit* means any dwelling unit or a unit containing sleeping quarters, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, sleeping rooms, residential, commercial or industrial property, including structures which are leased or rented by the owner or other person in control

of such units, to any tenant, whether by day, week, month, year or any other term, except for jails, hospitals, nursing homes, convalescent homes, foster homes or temporary group shelters provided by legal nonprofit agencies which are inspected, certified and/or licensed by the state.

(Ord. No. 421, § 1, 7-13-15)

#### Sec. 4-43. - Registration.

An owner or landlord shall register their rental unit at least once every three years, in accordance with the applicable inspection cycle, as follows:

- (1) All existing rental units shall be registered within 90 days of the effective date of the ordinance from which this article derived.
- (2) All newly constructed rental units shall be registered prior to any use or occupancy as a rental dwelling unit.
- (3) A new owner or landlord shall register a rental unit, which is sold, transferred or conveyed, within 30 days of the date of the closing of such sale, transfer or conveyance.
- (4) All existing non-rental dwelling units, which are converted to rental units, shall be registered prior to the date on which the property is first occupied for rental purposes.

(Ord. No. 421, § 1, 7-13-15)

#### Sec. 4-44. - Applications.

Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the building inspector designated by the city manager and shall include at least the following information:

- (1) The name, address and telephone number of the owner and/or landlord (no post office box shall be accepted).
- (2) The name, address and telephone number of the owner's representative, if the rental property owner has opted to appoint a representative. This representative must be located within 40 miles of the premises.
- (3) Upon registration, the owner shall be responsible for notifying the building inspector of any change of address of either the owner or owner's representative.

Included with the registration application shall be an agreement, signed by the owner, permitting inspections of his/her rental properties by officials or agents of the city and affirming that all tenants of the subject properties have been informed of the regulations contained in this article and of inspections of the rental properties, including common areas, by authorized city officials. All leases executed after the effective date of this article shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in this article.

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An authorized city official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this article.

At the time of registration of the rental unit, there will be a prescribed fee for registration and the initial inspection, as adopted by resolution. Any unpaid registration fees shall become a lien on the property immediately and collected as an assessment pursuant to city ordinance.

(Ord. No. 421, § 1, 7-13-15)

#### Sec. 4-45. - Inspections.

The building official shall cause a periodic inspection to be made of every rental unit at least once every three years. Such inspection shall include a thorough examination of all parts of such rental unit and the premises connected therewith.

The owner shall be notified of the date and time of a rental inspection via first class mail at least 30 days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law.

Any rental unit, even though not previously scheduled for inspection, may be inspected with prior notice to the owner and/or tenant if an authorized city official has probable cause to believe that there exists on the property any condition which makes it or any portion thereof substandard or unsafe, or there is evidence that a violation of a code may exist.

If access to a structure, premises or area for the purpose of inspection authorized by this section is refused, an authorized city official, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this article with respect to such rental dwelling or rental unit, may petition and obtain such order from a court which has jurisdiction.

Except for probable cause inspections, a rental unit may only be inspected during reasonable hours and upon presentation of proper identification by an authorized city official.

No notice of inspection requirement exists to the owner/tenant of the rental unit if an emergency exists, including but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.

(Ord. No. 421, § 1, 7-13-15; Ord. No. 450, § 1, 9-14-20)

#### Sec. 4-46. - Standards.

- (a) The standards used to determine rental unit and dwelling unit compliance with city codes and ordinances shall be the International Property Maintenance Code, as adopted and amended by the city council.
- (b) The building official is hereby empowered to make such rules and regulations as shall be necessary for the enforcement of this article, subject, however, to the approval of the city council. When the

rules and regulations made under this article have been adopted and promulgated by the building official and approved by the city council, they shall be deemed to be as complete and binding a part of the article as if such rules were specifically set forth in this article. The violation of any of such regulations so adopted shall be deemed a violation of this article. Copies of such rules and regulations shall be placed on file in the office of the city clerk for inspection by interested parties at any reasonable time.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-47. - Noncompliance with code,

- (a) *Violations not imminently dangerous.* Upon inspection by an authorized city official, if a violation of a code is discovered, but the violation is deemed by the official not to be immediately dangerous to health, welfare or safety, a violation notice shall be issued to the owner. The owner shall be advised of the time period to correct the violation.
- (b) *Violations that threaten life, limb or property.* If upon inspection of a rental property the authorized city official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the official shall demand that the violation(s) be corrected immediately and/or the rental property be vacated immediately.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-48. - Notices.

- (a) The building inspector shall issue a written report in accordance with section 107 of the International Property Maintenance Code, noting any violations of this article or any other provision of the city's ordinances and shall provide a copy of the report to the owner or owner's representative.
- (b) The building inspector shall direct the owner or owner's representative to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the building inspector in light of the nature of the violations and all relevant circumstances, which shall not exceed 60 days, unless correction of the violation within a 60-day period is impossible due to seasonal considerations.
- (c) Upon request of the person responsible for correcting violations, the building inspector may extend the time for correcting violations, but not to exceed an additional 30 days.
- (d) Re-inspections of a rental property shall occur on the date specified on the violation notice, or ~~sooner if requested by the owner and city scheduling permits such inspection. It shall be the~~ owner's responsibility to coordinate the access to all areas of their rental properties. A fee as established by resolution of the city council shall be charged for each re-inspection after the first re-inspection.

(Ord. No. 421, § 1, 7-13-15)

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Sec. 4-49. - Violations.

- (a) A violation of any provision of this article shall be punished as a municipal civil infraction, subject to fines and costs identified in section 1-21 of article II of the City of Swartz Creek Code of Ordinances.
- (b) Any structure not in compliance with this article is deemed a nuisance per se.
- (c) The building inspector, building official, code enforcement officer and any other person designated by the city manager is hereby designated as the authorized individual to issue municipal civil infraction citations or pursue any other lawful remedy for violations of this article.
- (d) In addition to any penalties imposed by law, upon a finding of responsibility by the court for a violation of this article, the city may immediately revoke the registration and order the immediate eviction of all persons and property upon the premises until a certificate of compliance is issued by the city.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-50. - Fees.

The city shall, by resolution, establish the fees for registration and inspections of rental units and the city clerk shall make the fee schedule available to the public during regular office hours. Any unpaid inspection fees shall become a lien on the property and collected as delinquent property taxes as allowed by law.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-51. - Appeals.

Any person aggrieved by an order or decision of any official charged with the enforcement of this article may appeal that order or decision to the city council provided that appeal is taken no later than 20 days from the date of the order or decision being appealed. The appellant shall file with the official from whose decision such appeal is taken and with the city clerk, a notice of appeal specifying the ground therefor. The official from whom the appeal is taken shall forthwith transmit to the city clerk a summary report of all previous action taken. The city council may at its discretion call upon the official from whom the appeal is taken, to explain his/her action. The final disposition of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or the determination appealed from. To this end, the city council shall have all the powers of the official from whom the appeal is taken.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-52. - Hearings.

The city council acting as the board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to interested parties and decide the same within a reasonable time.

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(Ord. No. 421, § 1, 7-13-15)

Sec. 4-53. - Cost.

The cost of the demolition, making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the city to bring the property into compliance with this article shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-54. - Lien.

The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the costs of the demolition, making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost to the city, the city shall have a lien for the cost incurred to bring the property into conformance with this article. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of Michigan of 1893 (MCL 211.1 et seq.), as amended.

(Ord. No. 421, § 1, 7-13-15)

Sec. 4-55. - Separate legal action; Judgment.

In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this section. The lien provided for in this section shall not take effect until notice of the lien is filed or recorded as provided by law.

(Ord. No. 421, § 1, 7-13-15)

Secs. 4-56—4-60. - Reserved.