

CLAYTON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
MAY 27, 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: APRIL 22, 2025 Pgs. 2-4

COMMUNICATION:

REPORT OF OFFICERS AND ZONING ADMINISTRATOR:
SWARTZ CREEK PLAZA
UPDATE ON M-13 STORAGE UNIT

PUBLIC COMMENT:

NEW BUSINESS / DISCUSSIONS

1. Rental Ordinance – put on hold temporarily Pgs. 5-11
2. Capital Improvement Funds – (project list) Pg. 12

OLD BUSINESS / DISCUSSIONS

ADDITIONAL ITEMS

FUTURE ITEMS

1. Business License

ADDITIONAL COMMENTS

ADJOURNMENT

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Clayton Township Planning Commission

PLANNING COMMISSION MINUTES

April 22nd, 2025

Meeting opened by: Chairman DePottey Opened meeting at 6:00 p.m.

Roll Call

Members Present: George Sippert, Jon Mieczkowski, Rick Caruso, Kevin DePottey, Kathy Norris, Corey Potter, Richard Derby, Ted Henry

Members Absent:

Others Present: Ken Tucker/Township Attorney

Approval of proposed agenda

Action taken: Motion by Richard Derby, supported by Kevin DePottey, to approve the proposed agenda for the April 22nd, 2025 Clayton Township Planning Commission meeting.

Motion Carried

Approval of minutes March 25, 2025

Action taken: Motion by Rick Caruso supported by Corey Potter

Communication: Kevin Depottey proposed planning commission training in Frankenmuth for May 7th If anyone would like to attend, let the Township know.

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Report of Officers and Zoning Administrator:

Cole Creek Estates-discussion of wanting to continue build of lots and what needs to be done with road commission to get it done.

New cell tower-Miller Rd./ St. Bartholomew-discussed the possibility of cell tower. Looking more into it.

Public Comment

New Business/Discussions

1. Rental ordinance Pgs. 4-10

Discussion of new proposed Rental ordinance and the changes that were made, corrected, or added by Ted Henry. All approved

2. Capital improvement funds- A lot of things proposed to look at to add to capital improvement.

Roof for Twp hall and Police Dept, also siding for Police Dept., drain cleaning for creeks and ditches, fix meeting external door, and digging our culverts. This is an ongoing list and give any ideas to Rick Caruso so he can get estimates for everything so funds can be allocated properly.

Old business/Discussion:

Additional Items: Jon Mieczkowski solar ordinance update on hearing/testimony

Future Items:

1. business license

Additional Comments: Richard Derby brought up masterplan for 2025, that needs to happen every 5 yrs, to be discussed in the future

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Adjournment: motion to adjourn by Jon Mieczkowski and seconded by Kathleen Norris at 6:55p

Action taken: motion by Jon Mieczkowski and supported by Kathleen Norris

to adjourn the Planning Commission meeting @ 6:55 p.m.

Kevin DePottey, Chairperson

Kathy Norris, Secretary

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CHARTER TOWNSHIP OF CLAYTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2025-495

AN ORDINANCE ADDING CHAPTER 98, RESIDENTIAL RENTAL PROPERTY, OF
TITLE IX OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF
CLAYTON

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Chapter 98, Rental Property, of Title IX of the Code of Ordinances for the Charter Township of Clayton, shall be added to provide as follows:

SECTION 1

PURPOSE

The purpose of this Residential Rental Property Ordinance is to provide for the registration and maintenance of all residential rental property and/or residential rental units located in the Charter Township of Clayton to eliminate blight conditions, prevent the decrease in property values, and to ensure compliance with building and property maintenance codes to protect the residents of Clayton Township pursuant to the Michigan Zoning Enabling Act, MCL 125.3301 et al., the Housing Law of Michigan, MCL 125.401 et al., and the International Property Maintenance Code.

SECTION 2

DEFINITIONS

For the purposes of this ordinance, the following definitions shall apply:

1. **Fee Schedule.** The Clayton Township Fee Schedule as adopted by resolution of the Clayton Township Board of Trustees.
2. **Residential Inspection Checklist.** An inspection list provided by the Clayton Township Building Department and/or the Clayton Township Code Enforcement Department outlining specific property maintenance code and building code compliance requirements that must be completed prior to Clayton Township issuing a residential rental property and/or residential rental unit occupancy permit.
3. **Residential Landlord.** The owner of a single or multifamily residential property and/or residential rental unit that is leased or rented to third parties and is legally responsible for maintenance of the rental property and/or rental unit.

4. **Residential Management Company.** A company retained by a landlord to manage a residential rental property and/or residential rental unit and is responsible for the maintenance of the rental property and/or rental unit.
5. **Residential Owner.** A person or entity holding legal title to a residential rental property or rental unit and/or the person or entity whose name appears on the Clayton Township tax roll.
6. **Residential Rental Property.** A building or structure containing single family or multifamily unit(s) used for residential rental purposes regardless of whether occupied by the owner or immediate family of the owner.
7. **Residential Rental Property Occupancy Permit Application.** An application form provided by Clayton Township to an owner or landlord of residential rental property and/or residential rental unit requesting a Residential Rental Property Occupancy Permit.
8. **Residential Rental Property Occupancy Permit.** A permit issued by the Clayton Township Building Department or its designee following the completion of a residential rental property and/or residential rental unit registration application with all required information.
9. **Residential Tenant.** A person who occupies a residential rental property and/or rental unit rented or leased from a landlord.
10. **Residential Rental Unit.** A housing unit that is leased or rented to one or more tenants for residential occupancy.
11. **Short Term Residential Rental Property.** A residential rental property and/or residential rental unit rented for stays of less than thirty (30) days.
12. **Tenant Rental Inspection Fee.** Fee pursuant to the Clayton Township Fee Schedule for inspection of rental property and/or rental unit requested by a tenant of a rental property and/or rental unit.
13. **Trades inspection fee.** Fee pursuant to the Clayton Township Fee Schedule for inspections authorized and required by the State of Michigan to ensure compliance with the Michigan Building Code (mechanical/plumbing/electrical).

SECTION 3

PERMIT TO OCCUPY RESIDENTIAL RENTAL PROPERTY

A residential rental property and/or residential rental unit located in the Charter Township of Clayton shall not be occupied by a tenant until the residential rental property and/or residential rental unit are properly registered with Clayton Township and the residential rental property and/or residential rental unit is inspected by Clayton Township and a Residential Rental Property Occupancy Permit has been issued by the Clayton Township Building Department or its designee.

All rental properties and/or rental units shall comply with the Clayton Township Residential Rental Property Inspection Checklist.

A permit to occupy a rental property and/or rental unit shall not be granted until the residential rental property and/or residential rental unit complies with the Clayton Township Residential Rental Property Inspection Checklist as well as local, state, and federal statutes, as determined by the Clayton Township Building Department or its designee.

SECTION 4

REGISTRATION OF ALL RESIDENTIAL RENTAL PROPERTY AND/OR RESIDENTIAL RENTAL UNIT

The owner or landlord of a residential rental property or residential rental unit shall register the residential rental property or residential rental unit by submitting a completed Clayton Township Residential Rental Property Occupancy Application along with the applicable rental property application fee as set forth in the Clayton Township Fee Schedule to the Clayton Township Building Department or its designee.

All current or existing residential rental units and/or residential rental properties shall be registered and inspected on or before 180 days after the Clayton Township Residential Rental Property Ordinance becomes effective, and subject to inspection by the Clayton Township Building Department or its designee for occupancy by a tenant to continue.

A residential rental property and/or residential rental unit occupancy permit shall be renewed with the Clayton Township Building Department within two (2) years of the expiration of its current Residential Rental Property Occupancy Permit.

A tenant of a residential rental property and/or residential rental unit may contact the Clayton Township Building Department and request an inspection of a residential rental property and/or residential rental unit at any time. A tenant rental inspection fee pursuant to the Clayton Township Fee Schedule shall be paid by the tenant requesting an inspection of a residential rental property and/or residential rental unit.

The requirement to register residential rental property and/or residential rental unit in the Charter Township of Clayton shall not apply to hospitals, foster care homes, or any facilities that are inspected or governed by a county, state, or federal agency.

SECTION 5

RESIDENTIAL RENTAL PROPERTY REGISTRATION INFORMATION

The owner and/or landlord of a residential rental property and/or residential rental unit shall complete and submit a Residential Rental Property Application for Occupancy Permit and provide the following information on a Clayton Township Residential Rental Property Application within two (2) years of the expiration of its current Rental Property Occupancy Permit:

1. Address of the rental property and/or rental unit.
2. Date of previous Residential Rental Property Occupancy Permit issued, if application for renewal.
3. Name, address, business phone number, mobile phone number, email address, and full contact information of any management company charged with maintaining the rental property and/or rental unit.
4. Number of rental units located on the rental property.
5. Owner/landlord full name, address, mobile phone number, business phone number, email address, and backup contact information
6. Full name, cell number, and email address of all tenants who appear on the rental lease for the residential rental property and/or residential rental unit.

SECTION 6

BIANNUAL RENEW OF RENTAL PROPERTY AND/OR RENTAL UNIT OCCUPANCY PERMIT

An application to renew a Residential Rental Property Occupancy Permit shall be submitted by a residential rental property and/or residential rental unit owner and/or landlord to the Clayton Township Building Department and the proper permit fee paid within two (2) years of the expiration of its current Residential Rental Property Occupancy Permit for any legal occupancy of the rental property and/or rental unit.

All residential rental properties and/or residential rental units located in the Charter Township of Clayton shall be inspected by the Clayton Township Building Department or its designee on a biannual basis prior to any occupancy.

All residential rental properties and/or residential rental units shall be inspected by the Clayton Township Building Department, or its designee and the proper residential rental property and/or residential rental unit permit fee paid prior to the expiration of the current Residential Rental Property Occupancy Permit.

No residential rental property and/or residential rental unit shall be occupied until a Rental Property Occupancy Permit has been issued by the Clayton Township Building Department or its designee.

The requirement to renew a Residential Rental Property Occupancy Permit biannually as set forth herein shall further apply and include all short-term rental properties and/or short-term rental units as defined herein.

The Clayton Township Building Department, or its designee, shall reserve the right to require a State of Michigan trade inspection (electrical/mechanical/plumbing) subject to applicable fees as set forth in the Clayton Township Fee Schedule.

SECTION 7

NEW TENANT/EXISTING TENANT CHANGEOVER INSPECTION

The owner or landlord of a residential rental property and/or residential rental unit shall apply for and obtain a new Residential Rental Property Occupancy Permit upon a new tenant or existing tenant change over prior to the occupancy of the rental property and/or rental unit regardless of the date the last Residential Rental Property Occupancy Permit was issued.

The requirement to obtain a new Residential Rental Property Occupancy Permit upon a new tenant or existing tenant changeover to the occupancy of the rental property and/or rental unit shall not apply to short term rental properties as defined herein.

SECTION 8

SUSPENSION OF RESIDENTIAL RENTAL OCCUPANCY PERMIT

A Residential Rental Property Occupancy Permit may be suspended by the Clayton Township Building Department or its designee if a residential rental property and/or residential rental unit is not maintained in compliance with the Clayton Township Rental Inspection List and all applicable Clayton Township Ordinances as well as local, state, and federal laws.

Prior to suspending any Residential Rental Property Occupancy Permit, the Clayton Township Building Department or its designee, shall serve on the residential landlord and/or the residential property management company a violation notice, pursuant to the notice requirements set forth in Section 107 of the International Property Maintenance Code, stating the alleged violations and the time in which the landlord and/or residential property management company shall have to correct the violations.

Should a residential rental property and/or residential rental unit continue to be in violation of the terms of the Residential Rental Property Ordinance past the granted compliance period, a notice of suspension of the Residential Rental Property Permit shall be served on the landlord or owner and/or the residential property management company of the residential rental property and the landlord or owner and/or residential rental property management company shall be subject to all penalties set forth in the Clayton Township Municipal Civil Infraction Ordinance, including, but not limited to a fine of up to \$500.00 each day and/or an action in a court of proper jurisdiction requesting an order to remove all residential tenants.

Violations of the Residential Rental Property Occupancy Permit or a suspension of the Residential Rental Property Occupancy Permit may be appealed to the Charter Township of Clayton Board of Trustees.

SECTION 9

TENANT RIGHTS

The Charter Township of Clayton shall make tenants' rights information available to all residential rental tenants at the Clayton Township Hall at 2011 S. Morrish Road, Swartz Creek, Michigan 48473 and online at the Clayton Township website at claytontownship.org.

A landlord of a residential rental property shall provide a written copy of Michigan residential tenants' rights or shall notify the tenant in writing that the information is available on the Clayton Township website or at the Clayton Township Hall.

SECTION 10

PENALTIES

Any person or entity that violates the provisions of the Charter Township of Clayton Rental Property Ordinance, 2025-495, shall be responsible for a municipal civil infraction and subject to penalties as set forth in the Charter Township of Clayton Municipal Civil Infractions Ordinance.

SECTION 11

SEVERABILITY

The various parts, sections, and clauses of the Charter Township of Clayton Residential Rental Property Ordinance are hereby declared severable. If any part or sentence is declared invalid by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect.

SECTION 12

CONFLICTING LAWS

All other provisions of any other Charter Township of Clayton Ordinance inconsistent with the provision of this Ordinance are hereby repealed. All other provisions shall be and are hereby ratified.

SECTION 13

EFFECTIVE DATE

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication. b

SECTION 14

AVAILABILITY OF ORDINANCE

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, Michigan 48473, during regular business hours and at the Clayton Township web site at claytontownship.org.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2025

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Charter Township of Clayton Board of Trustees on _____.

Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Ted Henry, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date

