

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 7, 2022**

A regular meeting of the Lapeer City Commission was held November 7, 2022, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Marquardt.

Commissioners: Atwood, Cattane, Pattison, Stroh, Swindell.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Mike Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

228 2022 11-07 AGENDA APPROVAL

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for November 7, 2022, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

229 2022 11-07 MINUTES

Moved by Stroh. Seconded by Swindell.

Approve the minutes of the regular meeting held October 17, 2022, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Melissa Petrie gave invocation.

Clara Longoria spoke against City Manager Kerbyson seeking a raise.

CONSENT AGENDA

None.

230 2022 11-07 BILL LISTING

Moved by Cattane. Seconded by Stroh.

Approve the bill listing for November 7, 2022, in the amount of \$442,757.17.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

231 2022 11-07 PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

Moved by Cattane. Seconded by Stroh.

Adopt the proclamation for Craig Lamoreaux, Lapeer Housing Commission.

CITY OF LAPEER
Proclamation
In Recognition of Craig Lamoreaux

WHEREAS, Craig Lamoreaux officially began his employment with the Lapeer Housing Commission on November 5, 2012, with the Lapeer Riverview Towers, as Maintenance Supervisor; and

WHEREAS, Craig, has been reliable and dedicated; he takes pride in his work, providing quality curb appeal; has minimized maintenance costs; optimized energy savings solutions; performs preventative maintenance for all major systems at Riverview Towers; and

WHEREAS, Craig, has given conscientious, responsible, and professional service to the citizens of Riverview Towers and leaves those in the City of Lapeer proud to have known him and to have served with him; and

WHEREAS, Craig will retire on November 7, 2022, after 10 years of faithful service to the City of Lapeer.

THEREFORE, LET IT BE KNOWN, that I, Mayor Debbie Marquardt, and the Lapeer City Commission wish to honor and express deep appreciation to **Craig Lamoreaux** for his efforts and devotion to public service and wish him continued success in his retirement.

Dated this 7th day of November 2022.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

PUBLIC HEARING:

Comment Period – Taxing Jurisdiction.

Taxing jurisdictions view and recommendation regarding the Local Development Finance Authority of the City of Lapeer Development Plan and Tax Increment Financing Plan.

Mayor Marquardt opened the comment period at 6:40 p.m. Mr. David Churchill, Chair of the LDFA reviewed the history of the LDFA, that it was created in 1987 and adopted in 1989; helped create the Lapeer Industrial Drive area, bringing in 475 jobs with 11 industrial facilities, was re-stated in 2007; still needs some work, further land balancing, this would help add on to the industrial park to keep it going, would like to extend it another 15 years. This is for public Mayor Marquardt closed the comment period at 6:43 pm.

Mayor Marquardt opened the public hearing for the LDFA at 6:43 p.m. Mr. Churchill stated he should have spoken up at this timeframe and said he was moving all comments he made above during the taxing jurisdiction comment period section above, to this section. Hearing no further comments, the public hearing was closed at 6:44 pm.

**232 2022 11-07 RESOLUTION FOR LOCAL DEVELOPMENT FINANCE
AUHTORITY TO AMEND AND RESTATE DEVELOPMENT PLAN AND TAX INCREMENT
FINANCING PLAN OF THE LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF
LAPEER.**

Moved by Cattane. Seconded by Swindell.

Adopt the resolution determining that the development plan and tax increment financing plan of the local development finance authority of the City of Lapeer as amended and restated constitute a public purpose and approving the amended and restated plan.

Resolution # 2022-25
LAPEER CITY COMMISSION
RESOLUTION DETERMINING THAT THE DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN OF THE LOCAL
DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF LAPEER
AS AMENDED AND RESTATED CONSTITUTE A PUBLIC PURPOSE
AND APPROVING THE AMENDED AND RESTATED PLANS

WHEREAS, on May 15, 1989, the Lapeer City Commission adopted a Resolution establishing a Tax Increment Development Plan and Financing Plan of the Local Development Finance Authority of the City of Lapeer; and

WHEREAS, on November 5, 2007, the Lapeer City Commission adopted a Resolution approving an Amended and Restated Development Plan and Financing Plan of the Local Development Finance Authority of the City of Lapeer; and

WHEREAS, on September 13, 2022, the Local Development Finance Authority of the City of Lapeer adopted an Amended and Restated Tax Increment Development Plan and Financing Plan for the Lapeer Industrial and Research Park; and

WHEREAS, Section 417(2) of the Recodified Local Development Finance Authority Act (the Act) provides that Amendments to an approved Development Plan or Tax Increment Plan must be submitted by the Authority to the governing body for approval or rejection following the same notice and public hearing provisions that are necessary for approval or rejection of the original Plan; and

WHEREAS, the City Commission has, pursuant to Section 412(5) of the Act, provided a reasonable opportunity to the taxing jurisdictions in which the eligible property is located to express their views and recommendations regarding the Development Plan and Tax Increment Financing Plan; and

WHEREAS, Section 416(1) of the Act, the Lapeer City Commission has conducted a public hearing regarding the proposed Amendments to the Development Plan and Tax Increment Financing Plan; and

WHEREAS, the Lapeer City Commission has, pursuant to Section 417(1) of the Act, considered the following:

- A. Whether the Tax Increment Financing Plan meets the requirements set forth in Section 412(1), (2), and (3) of the Act.
- B. Whether the proposed method of financing the public facility or facilities is feasible and the Authority has the ability to arrange the financing.
- C. Whether the development is reasonable and necessary to carry out the purposes of the Act.
- D. Whether the amount of captured assessed value estimated to result from adoption of the Plan is reasonable.

- E. Whether the land to be acquired under the Development Plan is reasonably necessary to carry out the purposes of the Plan and the purposes of the Act.
- F. Whether the Development Plan is in reasonable accord with the approved Master Plan of the municipality.
- G. Whether public services, such as fire, police protection and utilities, are or will be adequate to service the property.
- H. Whether changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

WHEREAS, the Act provides that after a public hearing, if the governing body determines that the Development Plan or Tax Increment Financing Plan, or both, constitute a public purpose, the governing body may then approve or reject the Plan, or approve it with modification, by Resolution.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of Section 417 of the Act, the Lapeer City Commission hereby determines that the Development Plan and Tax Increment Financing Plan as Amended and Restated constitute a public purpose.

BE IT FURTHER RESOLVED, that in accordance with Section 417 of the Act, the Lapeer City Commission approves the Development Plan and Tax Increment Financing Plan as Amended and Restated.

ON A ROLL CALL VOTE

Ayes: Stroh, Atwood, Swindell, Cattane, Pattison.

Nays: None.

MOTION CARRIED.

233 2022 11-07 ORDINANCE AMENDMENT – CHAPTER 9 HOUSING.

Moved by Pattison. Seconded by Stroh.

Adopt the amendments to Chapter 9 (Housing) of the General Ordinances of the City of Lapeer.

ARTICLE I. In General

§ 9-1. Short title.

Articles I through VI of this chapter shall be known as the "Housing Ordinance of the City of Lapeer" and may be cited as such.

§ 9-2. Purpose.

The purpose of this Housing Ordinance is to protect the health, safety and welfare of the people of the City by establishing minimum housing standards for dwellings, to provide for the elimination of overcrowding, to provide standards for sanitary conditions in and around structures used for human habitation, to determine the responsibilities of the owners and occupants of dwelling and to provide for the administration and enforcement of this Housing Ordinance.

§ 9-3. Applicability.

The provisions of this Housing Ordinance shall apply to any person owning, occupying, managing or controlling any dwelling in the City.

§ 9-4. Definitions.

- A. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language; provided, however, that the technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning. Words imparting the masculine shall extend to and be applied to the feminine and neuter genders.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL

Any living species other than human, insect or plant.

ANNIVERSARY DATE

The date by which the requirements for application, inspection, and certification for the annual rental inspection shall have been met.

BUILDING CODE OFFICIAL

The rental inspector designated by the Building Official or by any person designated by the City Manager as a Building Code Official.

BUILDING MATERIAL

Includes, but is not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing.

CITY

The municipal corporation that is the City of Lapeer and includes all authorized agents of the City when acting within the scope of their authority.

CONSTRUCTION BOARD OF APPEALS

A board consisting of three members whose function is to hear and decide appeals of orders, decisions or determinations made by the Building Code Official relative to the application and interpretation of various codes referred to within this Housing Ordinance and in accordance with § 8-5 of Chapter 8, Buildings and Building Regulations, of the Code of the City of Lapeer.

DWELLING

Any structure, including the yard or part thereof, used for residential purposes, whether occupied or not.

DWELLING, MULTIPLE-FAMILY

A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY

A building designed exclusively for and occupied exclusively by one family.

DWELLING, TWO-FAMILY

A building designed exclusively for occupancy by two families living independently of each other.

EMERGENCY

A condition of imminent danger calling for immediate action to avoid death, injury, or illness to a human or the destruction or severe damage of real or personal property.

EXIT

That portion of a means of egress which is separate from all other spaces of a building or structure by construction or equipment.

EXIT ACCESS

That portion of a means of egress which leads to an exit.

EXIT DISCHARGE

That portion of egress between the termination of an exit and a public way.

EXTERMINATION

The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest-eliminative methods approved by the Building Code Official.

FAMILY

- (1) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment or is otherwise not intended to be of a permanent nature.

FIRE HAZARD

A condition which may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements.

GARBAGE

The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

GOOD REPAIR

To be properly installed, safe, stable and maintained sufficiently free of defects or deterioration so as to be in compliance with the applicable codes set forth in § 9-6.

HARDSHIP

Any factor deemed by the Housing or Construction Board of Appeals to permit variation from the provisions of the Housing Ordinance.

HOUSING BOARD OF APPEALS

A board consisting of five members whose function is to hear and decide appeals of orders, decisions or determinations made by the Building Code Official relative to the application and interpretation of the clerical or administrative portions of this Housing Ordinance and in accordance with Article V of this Housing Ordinance.

INFESTATION

The presence, within or around the dwelling, of any birds, rodents, cockroaches, fleas, lice, bedbugs, or vermin.

INSPECTOR

A housing inspector or any other employee of the City whose responsibilities include enforcement of this Housing Ordinance.

JUNK

Includes any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.

MEANS OF EGRESS

- (1) A continuous and unobstructed path of travel from any point in a building or structure to a public way, and consisting of three separate and distinct parts:
 - (a) The exit access;
 - (b) The exit; and
 - (c) The exit discharge.
- (2) A means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yard.

NUISANCE

- (1) Any public nuisance known at common law or equity.
- (2) Any condition which might attract, and be dangerous to children, whether in a dwelling, on the premises upon which a dwelling is located, or upon an unoccupied lot near a

dwelling. This includes, but is not limited to, abandoned wells, cisterns, shafts, basements, excavations, abandoned refrigerators and motor vehicles or parts thereof; structurally unsound fences, outbuildings or structures; lumber, rubbish, fences, debris, vegetation, mounds of gravel, sand or earth which might prove a hazard for inquisitive minors, and whatever is dangerous to human life or is detrimental to health.

- (3) Overcrowding a room with occupants.
- (4) Lack of adequate egress.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Improper disposal of garbage and rubbish.
- (8) Whatever renders air, food, or drink unwholesome or detrimental to health, as determined by the Building Code Official.
- (9) Insufficient support, inadequate sewage drainage, heating or wiring.

OCCUPANCY or OCCUPY

The fact or act of a human being living or sleeping in a dwelling or unit within a dwelling, whether the human being is physically present or temporarily absent.

OCCUPANT

A person who occupies a dwelling.

OWNER or OWNERSHIP

Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common or as a land contract vendee. "Owner" shall also mean any person who in fact has been empowered to act on behalf of, or as the agent of, the owner. "Owner" shall also mean any person who has or exercises care, custody, dominion or control over any property.

PERSON

An individual, corporation, partnership or any other group acting as a unit.

PREMISES

A lot, plot or parcel of land, easement or public way, including any structures thereon.

RENTAL DWELLING

A dwelling containing dwelling units which are leased or rented that is not owner occupied, including consumer housing cooperatives and limited dividend housing corporations as defined in MCLA § 125.1411.

RESIDENTIAL

All dwellings, structures containing dwelling and rooming units, accessory structures and yards.

RESPONSIBLE LOCAL AGENT

A person having his place of residence or principal place of business in the City of Lapeer, who is legally responsible for operating a dwelling in compliance with all the provisions of this chapter.

RESPONSIBLE PARTY

Any person, including but not limited to owner, land contract holder, land contract vendee, tenant or responsible agent, who has the responsibility to construct and/or maintain a dwelling in compliance with this Housing Ordinance shall be determined from information placed on file with the Assessor's Office, Treasurer's Office, and/or County Register of Deeds Office.

ROOMING DWELLING

A dwelling containing rooming units.

ROOMING UNIT

A room or group of rooms located within a rooming dwelling used or intended to be used for living and sleeping, but not for cooking purposes.

RUBBISH

Combustible and noncombustible waste materials except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, etc.

RUBBISH CONTAINER

A watertight container with tight-fitting lid for the temporary storage of garbage and rubbish that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions.

SANITARY

Free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors or which provides food for, or is an available source of food for animals or insects.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground.

UNFIT DWELLING

Any dwelling, dwelling unit, or rooming unit, in whole or in part, which shall be found to have any of the following defects:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or to the public.

- (2) One which lacks light, ventilation, heating, or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this chapter.
- (3) One which does not include a stove or other cooking facilities, a refrigerator, or space for dry food storage; except, however, where said facilities are not required by this chapter for a particular type of dwelling unit.
- (4) One which exposes or could expose the occupants to dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, or other harmful pollutants.
- (5) One which, because of its location, exposes or could expose the occupants to serious adverse environmental conditions, natural or man-made, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank backups, sewage hazards, mudslides, or excessive noise, vibration or vehicular traffic.

UNSAFE

A condition which is reasonably likely to do harm to humans or property if not corrected or stopped.

VERMIN

Rodents, birds and insects which may be destructive of real or personal property or injurious to health.

YARD

All parts of a piece of property lying between a dwelling foundation and the property lines, as well as that portion of public property or a right-of-way lying between that piece of property and the street curb or pavement or lying between the piece of property and the center line of an alley.

§ 9-5. Compliance required.

All dwellings shall meet the standards set forth in this Housing Ordinance.

§ 9-6. Application and Availability of codes.

All dwellings shall be maintained safe and in compliance with the provisions of this chapter as well as applicable code. Code information can be found in Chapter 8 Buildings and Building Code Articles III, IV, V, VI and VII. Complete copies of codes adopted by the City of Lapeer are available for public inspection at the office of the Lapeer City Building Official.

§ 9-7. Means of egress generally.

- A. All means of egress from any point in a dwelling to a public way shall be maintained in good repair, available for immediate use and free of all obstructions.

- B. All egress doors shall open from the side in which egress is made without the use of a key or special knowledge or effort when the building or area is occupied.
- C. All interior exit stairway doors shall be operable from either side.

§ 9-8. Emergency escape required.

All sleeping rooms in a dwelling unit or a rooming unit below the fourth story shall have a minimum of one operable window or exterior door approved for emergency egress or rescue in accordance with the following:

- A. Where windows are provided as a means of egress or rescue the sill height shall not exceed 44 inches above the floor;
- B. Bars, grills, or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool, or excessive force;
- C. An emergency escape or window is not required in a one or two-family dwelling when a door of a sleeping room discharges directly to a public way.
- D. All locking devices on exterior windows and doors of individual rental units shall be properly installed and in good repair. All doors which provide entry to rental dwellings from a common hall shall be provided with a properly installed locking device in good repair without interior keyed locks or dead bolts.

§ 9-9. Paint chips.

Paint chips lying on the floor of a dwelling or lying on the ground around an occupied dwelling shall be deemed unsafe and shall be removed by the responsible party.

§ 9-10. Maintenance of utilities, required facilities and services.

A. No person, except as provided in this section, shall cause any of the following disconnected, removed or otherwise terminated or interrupted when the utility, service, facility or equipment is being furnished to or used by another person:

- (1) Water service;
- (2) Sewage service;
- (3) Fuel supply;
- (4) Heating equipment or facilities;
- (5) Ventilation or air-conditioning facilities or equipment;
- (6) Hot water facilities or equipment;
- (7) Electrical facilities or equipment; or

(8) Garbage pickup service.

B. This section shall not apply to a necessary temporary interruption of service required for maintenance, repair or replacement, nor to any such interruption needed to act upon an emergency or unsafe condition. Any termination or interruption of water, sewer, gas, or electric utility service for nonpayment of bills shall be deemed to be caused by the person who contracted with the utility for the service.

§ 9-11. Infestation.

Every dwelling shall be kept free of uncaged rodents, uncaged birds, cockroaches, fleas, lice, bedbugs, or vermin.

ARTICLE II Residential Garbage and Rubbish Storage and Disposal

§ 9-12. Garbage and rubbish removal service; containers.

A. It shall be the responsibility of the owner or tenant of every dwelling to provide garbage/rubbish removal service a minimum of once weekly.

B. Every occupant of a dwelling regulated by this chapter shall dispose of all his garbage/rubbish in a clean and sanitary manner by placing it in the rubbish facility provided by the owner.

C. It shall be the responsibility of the owner to supply garbage/rubbish leakproof containers with lids for all one-family and two-family rental dwellings.

D. It shall be the responsibility of the owner to supply a dumpster for all multiple family rental dwellings in accordance with § 7-15.06 of Chapter 7, Zoning, of the Code of the City of Lapeer.

ARTICLE III General Requirements and Responsibilities of Owners and Occupants

§ 9-13. Responsibility of owners.

It shall be the responsibility of the owner to keep and maintain each dwelling so as to comply with the minimum basic requirements of this Housing Ordinance and other applicable codes affecting those units. If the owner is prevented from complying with such requirements by the actions of a tenant, it shall be the right of the owner to terminate the tenancy and evict the tenant in accordance with applicable state law.

§ 9-14. Responsibility of occupants.

Every occupant shall cooperate with the owner or responsible party and shall be responsible for keeping and maintaining the dwelling in a safe and sanitary condition, except for the normal wear and tear, and for meeting the minimum requirements of this Housing Ordinance. Any occupant who fails to comply with this section shall be subject to prosecution by the appropriate authorities pursuant to this Housing Ordinance, and where applicable, to eviction from the dwelling by the owner or responsible party in accordance with state law.

§ 9-15. Keeping of animals limited.

No person shall keep, maintain or house any animal or fowl, except as permitted in §3-7, Chapter 3, Food and Health, of the Code of the City of Lapeer.

§ 9-16. Animals in dwellings.

Animals kept or allowed within a dwelling shall not be permitted by the occupant or responsible party to create any unsafe, odorous or unsanitary condition or to cause any damage to the dwelling or structure.

§ 9-17. Animal nuisances.

Animals kept or allowed in a yard or in an accessory structure shall not be permitted by the occupant or responsible party to create any unsafe, odorous or unsanitary condition.

§ 9-18. Improvements in yards.

All improvements located in a yard, including, but not limited to walkways, driveway, steps, fences and walls shall be in good repair.

§ 9-19. Trees, shrubs and plants.

Trees, shrubs and plant which have damaged a dwelling or which are diseased or create an unsafe condition shall be trimmed or removed by the responsible party.

§ 9-20. Storage or accumulation of junk prohibited.

No person shall accumulate or permit to be accumulated junk, except in a wholly enclosed structure provided that such storage does not harbor vermin or pose a fire hazard to the occupants of the dwelling.

§ 9-21. Building materials.

Except as may otherwise be permitted by the holding of a specific business license or by other City of Lapeer ordinance, no person shall store, accumulate, or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than 60 days.

§ 9-22. Partially completed dwellings.

No person shall maintain or allow to be maintained any partially completed dwelling unless it is in the course of construction in accordance with an existing building permit issued by the City.

§ 9-23. Securing dwellings.

No person shall maintain or permit to be maintained any vacant dwelling unless it is made safe by having all broken or missing panes of glass replaced and all openings secured, or that all openings have sheathing nailed to the jamb properly per boarding standards as recognized by the Building Code Official and outlined in the International Property Maintenance Code.

§ 9-24. Unsafe dwelling.

A. No responsible party shall keep or maintain a dwelling that is an unsafe condition due to, but not limited to the following:

(1) Unsanitary conditions.

(2) Inadequate exit facilities.

(3) Existence of a fire hazard.

(4) Any condition which is dangerous to human life or the public welfare.

B. The responsible party shall make the dwelling safe by repairing or removing it in accordance with the Housing Ordinance and other pertinent provisions of Lapeer City ordinances.

§ 9-25. Unfit dwelling.

Any dwelling, dwelling unit, rooming house, or rooming unit, in whole or in part, which shall be found to have any of the following defects shall be deemed to be unfit for human habitation:

A. One which is damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested so that it creates a serious hazard to the health or safety of the occupants or to the public.

B. One which lacks light, ventilation, heating or sanitary facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this Housing Ordinance.

C. One which does not include a stove or other cooking facilities, a refrigerator, or space for dry goods storage; except, however, where said facilities are not required by this Housing Ordinance for a particular type of dwelling unit.

D. One which exposes or could expose the occupants to dangerous levels of air pollution from carbon monoxide, sewer gas, dust, or other harmful pollutants.

E. One which because of its location, exposes or could expose the occupants to serious adverse environmental conditions, natural man-made, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank backups, sewage hazard, mud slides, or excessive noise, vibration, or vehicular traffic.

ARTICLE IV Administration, Enforcement and Penalty

§ 9-26. Basis of inspections.

Inspections will be made to obtain and maintain compliance with the standards of this Housing Ordinance based upon one or more of the following:

- A. Probable cause to believe there is a violation of the standards of this Housing Ordinance.
- B. An observation by the City of a violation of the standards of this Housing Ordinance.
- C. A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire-damaged.
- D. The need to determine compliance with an order or notice issued by the City.
- E. Designation by the City Commission of an area where all dwellings are to be inspected uniformly or intensively or for specific violations.
- F. An emergency observed or reasonably believed to exist.
- G. A request for an inspection by a responsible party.
- H. Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.
- I. Rental dwelling inspection. Except for facilities operated and maintained pursuant to Chapter 2, Administration, Article VI, Housing Commission, of the Code of the City of Lapeer, the Building Code Official shall inspect each dwelling unit of residential rental property in the City.
- J. Exemptions.
 - (1) All newly constructed rental dwelling units shall be exempt from annual inspections for a period of two years from the issuance of certificate of occupancy.
 - (2) All existing rental dwelling units which have been inspected and certified as being in compliance of this Housing Ordinance shall be certified for a period not to exceed two years. Compliance shall mean that no violations of this Housing Ordinance exists that would require a reinspection.
 - (3) Any exemption as set forth above may be revoked, restricted or modified by the Building Code Official for violations of this chapter. An owner may appeal a loss of exemption to the Housing or Construction Board of Appeals as described herein.

§ 9-27. Reinspection.

If said dwelling unit or dwelling does not comply with the Housing Regulations, the Building Code Official shall notify the applicant and reinspect the dwelling or dwelling unit for compliance within a reasonable time considering the circumstances, but not to exceed 90 days. The method for determining the conditions that require reinspection will be determined on the severity of the noncompliant conditions.

§ 9-28. Fees for inspections and reinspections.

Fees for inspections and reinspections required by this chapter and all administrative fees shall be in accordance with the fee schedule adopted by the City Commission of the City of Lapeer and are not subject to appeal to the Housing or Construction Board of Appeals.

§ 9-29. Right of entry generally.

Authorized inspections inside a dwelling shall be made during reasonable hours. Entry without the consent of an occupant or responsible party shall require an administrative search warrant.

§ 9-30. Administrative search warrant.

If the owner or occupant fails to comply with the City of Lapeer's Housing Ordinance inspection requests for a dwelling unit or residential rental property, the enforcing agency shall obtain a search warrant from a court of competent jurisdiction. The enforcing agency shall prepare the affidavit and warrant stating:

- A. The address of the building to be inspected;
- B. The nature of the inspection as defined in the Housing Ordinance;
- C. The reasons for the inspections;
- D. That it is issued pursuant to this § 9-30.

§ 9-31. Order to repair or correct conditions.

Upon observing the existence of a violation of the standards of this Housing Ordinance, the Building Code Official shall issue an order to repair or correct conditions to the responsible party. The order to repair or correct conditions shall be issued:

- A. By delivering the order to the responsible party personally.
- B. By sending the order by regular mail to the responsible party.

§ 9-32. Order to repair or correct conditions.

The order to repair or correct conditions shall:

- A. Specify the date of the inspection.
- B. Specify the address where the violation was found.
- C. Include the name, telephone number and signature of the inspector.
- D. Include a description and the location of each violation observed by the inspector.
- E. State that each violation is a separate punishable offense.

F. Order the responsible party to correct all listed violations by a specified date and to contact the Building Department to determine if the necessary work requires a permit or that the work be performed by a licensed contractor.

G. State that reinspection will be made to determine whether all violations have been corrected by the date specified.

H. Notify the responsible party that orders or notices issued for violations of the following ordinance sections may not be appealed to the Housing or Construction Board of Appeals:

(1) "Emergency orders" as stated in § 9-37.

(2) "Storage or accumulations prohibited" as stated in § 9-20.

(3) "Maintenance of utilities, required facilities and service" as stated in § 9-10.

(4) "Securing dwellings" as stated in § 9-23.

§ 9-33. Posting an order to repair or correct conditions.

If the Building Code Official determines that violations exist at a dwelling, and is unable to personally serve the responsible party with an order to repair or correct conditions, the Building Code Official shall post an order to repair or correct conditions in a conspicuous place on or near the affected dwelling. The order shall state the following:

A. The address of the dwelling.

B. The names of the owner, occupant or responsible party ordered to make repairs.

C. Date by which the violations are to be corrected.

D. How further information can be obtained.

§ 9-34. Date of service of orders and notices.

A. Except as otherwise provided in § 9-38, a responsible party shall be deemed to receive an order or notice:

(1) On the date personal service is made.

(2) The day following the date the order or notice is mailed to the responsible party.

B. All notices and orders of the Building Code Official served on the responsible local agent shall be deemed to have been served upon the responsible party.

§ 9-35. Jurisdictional cooperation.

The assistance and cooperation of police, fire, health department and all other officials shall be available as deemed necessary by the Building Code Official.

§ 9-36. Emergency entry authorized.

When an emergency is reasonably believed to exist or is known to exist within a dwelling, the City shall have the right to enter immediately and at any time without an administrative search warrant or without requesting permission.

§ 9-37. Emergency orders.

If the Building Code Official determines that a condition exists or is likely to exist which is an emergency, the Building Code Official shall immediately attempt to verbally inform the responsible party and all occupants of the dwelling of the nature of the emergency condition. The Building Code Official shall immediately attempt to verbally order the responsible party to correct the condition. Such an order shall be effective immediately. Written notice called for by this Housing Ordinance shall be prepared and mailed to the responsible party as soon as practical after verbal notice has been attempted. Failure to comply with an emergency order is a violation of this Housing Ordinance.

§ 9-38. Time to correct violations.

A. All orders issued regarding violations of this Housing Ordinance shall provide a specified time for achieving compliance in relation to the seriousness of the violation. The following time limits shall be used:

(1) Twenty-four to 72 hours after an order is mailed for an emergency violation of § 9-10, or for not providing adequate heat.

(2) Not more than seven calendar days after an order is mailed for securing a vacant dwelling as per § 9-23.

(3) Not more than 30 calendar days for all other violations, except as stated in Subsections B and C below.

B. Orders to repair or correct conditions issued between October 31 and April 1 for exterior work adversely affected by cold or snow may provide additional time for the completion of such work, but in no case longer than June 30.

C. The Building Code Official may extend the reinspection time provided in a written notice when there are extenuating circumstances or where the responsible party has made a substantial documented effort to correct violations. Typically, extensions will not extend beyond 90 days of the date of initial inspection.

§ 9-39. Noncompliance with an order or notice.

Upon failure of the responsible party to comply with an order or notice, the Building Code Official shall issue an appearance ticket or refer the matter to the City Attorney for prosecution or other appropriate legal action.

§ 9-40. Removal of posted signs or notices.

No person shall remove, damage, deface, interfere with, move or conceal any order or notice posted pursuant to this Housing Ordinance without first obtaining written permission of the Building Code Official. Any sign or notice posted pursuant to this Housing Ordinance shall include a statement of this provision.

§ 9-41. Change in ownership.

The Building Code Official shall immediately issue a new order to repair or correct conditions to any person assuming ownership or the status of responsible party for any dwelling which has been cited in an order to repair or correct conditions. A responsible party who has failed to comply with an order to repair or correct conditions shall not be relieved of the responsibility of having violated a provision of this Housing Ordinance by transferring title to another person.

§ 9-42. Declaring a dwelling unsafe.

The Building Code Official may declare a dwelling unsafe when the responsible party has failed to comply with § 9-24.

§ 9-43. Notice of unsafe conditions.

The notice of unsafe conditions shall:

- A. Specify the date of the inspection;
- B. Specify the address where the violation was found;
- C. Include the name, telephone number and signature of the inspector;
- D. Include a description and the location of each violation observed by the inspector;
- E. State that each violation is a separate punishable offense;
- F. Order the responsible party to correct all listed violations by a specified date;
- G. State that a reinspection will be made to determine whether all violations have been corrected by the date specified;
- H. Specify that the responsible party shall make the dwelling safe by repairing or removing it in accordance with this Housing Ordinance and other pertinent provisions of Lapeer City Ordinances;
- I. State the date in which the unsafe conditions are to be repaired or the dwelling removed;
- J. Specify that the City may demolish or make the dwelling safe if the responsible party as failed to comply with a notice of unsafe conditions. Any costs incurred by the City shall be a personal debt of the responsible party to the City and shall be assessed as a lien against the property; and

K. Shall inform the responsible party where to obtain the applicable building, electrical, mechanical and plumbing permits for repair, construction or demolition.

§ 9-44. Posting of dwelling declared unsafe.

If the Building Code Official declares a dwelling unsafe and is unable to personally serve the responsible party with a notice of unsafe conditions, the Building Department shall send the responsible party the notice by regular mail and shall post a sign in a conspicuous place on or near the affected premises. The sign shall state the following:

- A. Address of the dwelling;
- B. Date by which the violations are to be corrected; and
- C. How further information may be obtained.

§ 9-45. Order to vacate.

The Building Code Official may issue an order to vacate when the Building Code Official has declared a dwelling unsafe pursuant to § 9-42. Such an order may be served personally on the responsible party or by regular mail. A copy of the order shall be posted in a conspicuous place on or near the affected dwelling and shall state the following:

- A. Date of which the dwelling shall be vacated;
- B. Address of the dwelling;
- C. How further information may be obtained.

§ 9-46. Occupancy of unsafe dwelling prohibited.

No person shall occupy or permit or allow another person to occupy a dwelling which has been declared unsafe under § 9-42.

§ 9-47. Failure to vacate.

If a responsible party fails to comply with an order to vacate, the Building Code Official may issue an appearance ticket or refer to the City Attorney's office for prosecution or other appropriate legal action.

§ 9-48. Order to secure.

The Building Code Official may issue an order to secure when he has declared a dwelling unsafe pursuant to § 9-42. Such an order may be served personally on the responsible party or by regular mail. The Housing Official shall post an order to secure on or near the affected premises. The order shall state:

- A. The address of the dwelling;

- B. The name of the responsible party ordered to secure the dwelling;
- C. The date by which the dwelling is to be secured; and
- D. How further information may be obtained.

§ 9-49. Securing by City.

Where the responsible party has failed to comply with an order to secure, the City may secure the dwelling. Any costs incurred by the City for securing the dwelling shall be a personal debt of the responsible party to the City and may be assessed as a lien against the property.

§ 9-50. Cost of demolition or making dwelling safe.

If the City demolished or repairs an unsafe dwelling, the cost of demolition or making a dwelling safe pursuant to the provisions of this Housing Ordinance shall be a personal debt of the responsible party of the City and may be assessed as a lien against the property.

§ 9-51. Registration of rental dwellings; application information.

Application for registration shall be made on such forms and in accordance with such instructions as may be provided by the City's Building Department and shall include:

- A. The address of the rental dwelling or rooming dwelling;
- B. The total number of dwelling units or room units;
- C. The identification of each dwelling unit by letter or number;
- D. The name, residence address, business address, business telephone number of the property owner;
- E. The name, residence address, business address, business telephone number of a responsible party if other than the owner;
- F. The address where the owner/responsible party will accept notices or orders from the City;
- G. The date of registration;
- H. Identification of any dwelling unit or rooming units not to be rented;
- I. Date of birth of the owner;
- J. Date of birth of the responsible party; and
- K. Tenant's name and apartment (unit) number.

§ 9-52. Registration fees.

Fees for registration required by this chapter and all administrative fees shall be in accordance with the fee schedule adopted by the City Commission of the City of Lapeer and are not subject to appeal to the Housing or Construction Board of Appeals.

§ 9-53. Inaccurate or incomplete registration information.

No responsible party shall provide inaccurate or incomplete information for the registration of rental dwelling and rooming dwelling or fail to provide information required under § 9-53. In those cases in which the responsible party is not a natural person, the information required for the registration shall be provided for the organization owning the rental dwelling or rooming until and for the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each person.

§ 9-54. Change in registration information.

If any change occurs in registration information provided under § 9-51, the responsible party shall file an amended registration form with the Building Department within 30 days after the change occurs. A new owner of a registered rental or rooming dwelling shall reregister the dwelling within 30 days of assuming ownership.

§ 9-55. Certificate of compliance for rental dwellings.

The Certificate of Compliance shall include the name, residence address, business address, and business telephone number of the property owner.

A. The Building Code Official shall issue a certificate of compliance for rental dwellings and rooming dwelling when:

- (1) A proper registration application has been filed;
- (2) The responsible party has paid all fees to the administrative agency; and
- (3) The rental dwelling or rooming dwelling has been inspected by the Building Code Official and complies with the provisions of this chapter and applicable code.

B. The Building Code Official may issue a temporary or conditional certificate of compliance for rental dwellings and rooming dwellings when:

- (1) A proper registration application has been filed;
- (2) The responsible party has paid all fees to the administrative agency; and
- (3) The rental dwelling or rooming dwelling has been inspected by the Building Code Official and found to be safe, sanitary, and generally fit for human occupancy even though it may not totally comply with all the provisions of this chapter or applicable code, and that the temporary occupancy thereof would not pose a threat to the public health, safety and welfare.

- C. The Building Code Official may revoke a certificate of compliance, or a temporary or conditional certificate of compliance, when the rental dwelling or rooming dwelling no longer complies with the provisions of this chapter or applicable code and/or when the conditions attached to the temporary or conditional certificate of compliance have not been met.
- D. No responsible party shall let or rent to any person a vacant dwelling unless it has been inspected or granted a certificate of compliance, or a temporary or conditional certificate of compliance, by a duly appointed inspector of the City.
- E. No responsible party shall let or rent to any person a vacant dwelling unit unless it is safe, clean and fit for human occupancy and complies with all of the applicable provisions of this chapter and applicable code.
- F. It shall be unlawful for any person to occupy any rental dwelling unit unless a certificate of compliance, or temporary or conditional certificate of compliance, has been issued with respect to said dwelling unit.
- G. It shall be unlawful for any person to occupy any rental dwelling unit if the certificate of compliance, or temporary or conditional certificate of compliance, has been revoked by the Building Code Official.
- H. A certificate of compliance shall expire one year from the date of its anniversary date, unless an exemption is granted per § 9-26J. A temporary or conditional certificate of compliance shall expire on the date specified thereon, but in no event more than one year from the date of its issuance.

§ 9-56. Certificate of compliance for mixed uses.

Mixed uses, dwelling and commercial, business or otherwise, must obtain a certificate of compliance for both dwelling use and the other mixed use or uses.

§ 9-57. Appeals to Housing or Construction Board of Appeals.

A responsible party may appeal an order or notice issued pursuant to this Housing Ordinance, except those matters for which this chapter does not allow an appeal, if such person:

- A. Believes that the order or notice is an incorrect interpretation of the Housing Ordinance;
- B. Proposed an alternative method equal to or more stringent than the provisions cited in the order or notice.

§ 9-58. Procedure for filing appeal.

Any person wishing to make an appeal to the Housing Board of Appeals for clerical or administrative concerns or to the Construction Board of Appeals for various code concerns shall file a completed appeal form with the City Administration within 14 calendar days from the date of issuance of the order or notice on the appellant. If a notice is not personally served on the appellant, it may be sent to the appellant by regular mail. Failure of the appellant to receive notification when sent to the address stated on the appeal form will not render such notice

defective. The City shall notify the appellant and other interested parties including the occupants of the affected dwelling of the time and date of the Housing or Construction Board of Appeals hearing pursuant to § 9-71A and B.

§ 9-59. Continuation of existing use.

The legal use and occupancy of a dwelling existing on the date of adoption of this chapter may be continued without change unless the Building Code Official determines compliance with this chapter is necessary for the safety and welfare of the occupants and/or the public.

§ 9-60. Records to be maintained.

Adequate inspection records indicating the condition of all rental dwelling units shall be kept on file in the Building Department.

§ 9-61. Release of records.

Release of records generated and maintained by the Building Department of the City of Lapeer shall be regulated pursuant to the Freedom of Information Act, P.A. 442 of 1976, as amended.

1. Editor's Note: See MCLA § 15.231 et seq.

§ 9-62. Complaint confidentiality.

The City shall not release any information regarding the name, address or telephone number of any person who reports a violation of the Housing Ordinance except:

- A. By consent of the complainant;
- B. Pursuant to the Freedom of Information Act, P.A. 442 of 1976, as amended; or
- C. By court order.

§ 9-63. Covenants of lessor or licensor: construction.

A. In every lease or license of residential premises, the lessor or licensor covenants:

- (1) That the premises and all common areas are fit for the use intended by the parties.
- (2) To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the local unit of government where the premises are located, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenant's willful or irresponsible conduct or lack of conduct.

B. The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least one year.

C. The provisions of this section shall be liberally construed and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat any right to have the benefit of the covenants established herein.

§ 9-64. Enforcement generally.

This Housing Ordinance may be enforced jointly and severally by the City's Fire Official, the Chief Building Official and the City administration, by and through their agents. An owner or occupant of the premises upon which any violation exists may bring an action to enforce the provisions of this chapter in his own name. Upon application by the City may be substituted for, or joined with, the complainant in the discretion of the court.

§ 9-65. Civil remedies for violations.

- A. If a dwelling is constructed, altered, converted or maintained in violation of any provision of this Housing Ordinance or of any order or notice given hereunder, or if a nuisance exists at any dwelling, the City may institute an action in the Circuit Court to prevent such unlawful construction, alteration, conversion or maintenance, or restrain, correct or abate such violation of any illegal act of the conduct of any business in or about such dwelling. The procedure for such action shall be the same as for an injunction or abatement of a nuisance under Circuit Court rules, under the statutes made and provided in such cases, or under the common law. The judgment of the court in such case may direct the correction, repair or rehabilitation of the dwelling or the abatement and may authorize the City to carry out the provisions of the judgment in case of default by the defendant. Whenever the City has incurred any expense for the enforcement of this Housing Ordinance or the judgment of the court, the City may institute and maintain a suit against the responsible party of the dwelling in respect to which such expense was incurred and may recover the amount of such expense in addition to the costs of the suit. The judgment of the court may order the vacation of the dwelling until the corrections, rehabilitations or abatements are completed.
- B. The City shall have a lien upon the premises for the expenses necessarily incurred in the execution of such judgment, which lien shall have priority over all other liens or encumbrances, except taxes, assessments or mortgages recorded previous to the existence of such lien. Such a lien may be foreclosed as in the case of foreclosure of mortgages in Circuit Court.

§ 9-66. Delaying or terminating prosecution.

Nothing in this article shall delay or be cause for terminating the criminal prosecution of a responsible party for violation of this Housing Ordinance.

§ 9-67. Violations and penalties.

Whoever violates or fails to comply with any such provision shall be fined not more than \$500 or imprisoned not more than 90 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

ARTICLE V Housing Board of Appeals

§ 9-68. Creation.

A Housing Board of Appeals is hereby established which shall perform its duties and exercise its powers in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

§ 9-69. Membership and appointment.

- A. The Board shall consist of five members who shall be appointed by the Mayor and confirmed by the City Commission for a term of three years. Any vacancies shall be filled by appointment by the Mayor for the remainder of the unexpired term and confirmed by the City Commission. The Housing Board of Appeals shall elect its own Chairman, Vice Chairman, Secretary and other such officers as it may deem necessary. The Building Official shall be an ex-officio member but shall not vote on any matter before the board.
- B. The City Clerk shall maintain a permanent official record of all its transactions; such records shall be public records.
- C. The compensation of the appointed member of the Housing Board of Appeals shall be fixed by the City Commission.
- D. A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

§ 9-70. Meetings; hearings.

- A. All meetings of the Housing Board of Appeals shall be at the call of the Chairman and at reasonable times as the Board may determine and within a maximum of 30 days upon receipt of a request for appeal.
- B. All hearings conducted by said Board shall be open to the public.
- C. Three members of the Board shall constitute a quorum for the conduct of its business.
- D. The City Clerk, or his representative, shall keep minutes of its proceedings showing the vote, indicating such fact and shall also keep records of its hearing and other official action.
- E. The Board shall have the power to subpoena and require the attendance of witnesses, officials, administer oaths, compel testimony, and the production of books, papers, files and other evidence pertinent to the matters before it.
- F. The Board shall make no decision except in a specific case.

§ 9-71. Appeals.

- A. Appeals from the rulings of any official charged with the enforcement of this chapter may be made to the Board by the person, firm or corporation or by any officer, department, board or bureau affected by any such decision.
- B. Any person may appeal and testify at a meeting (hearing) either in person or by a duly authorized agent or attorney.
- C. Such appeals shall be taken within such time as shall be prescribed by the Board of Appeals.
- D. The appellant shall file with the City Administration a notice of appeal specifying the grounds of the appeal.
- E. The officer from whom such appeal is taken shall forthwith transmit to the Board all the papers constituting the record together with a summary report of all previous action taken.
- F. An appeal shall stay all proceedings in furtherance of the action appealed from unless any official, department, board or commission of the City of Lapeer certifies to the Board of Appeals after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by a restraining order granted by a court of record.

§ 9-72. Fees.

The City Commission may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Housing Board of Appeals. At the time of the notice of appeal is filed, said fee shall be paid to the City Treasurer to the credit of the General Revenue Fund of the City of Lapeer.

§ 9-73. Decisions.

- A. The Housing Board of Appeals shall render a decision on the appeal without unreasonable delay in the form of a resolution, either reversing, modifying or affirming, wholly or partly, the decision appealed from or may make such orders, requirements, or determination as ought to be made, and to that end shall have the powers of any officer, or department, board or commission of the City of Lapeer.
- B. The concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decisions, or determination of any officer or department, board, or commission of the City of Lapeer, or to decide in favor of the applicant in the manner upon which it is authorized by this chapter to render a decision.
- C. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this chapter; such power and authority being reserved to the City Commission of the City of Lapeer in the manner provided by law.
- D. Appeal to Circuit Court by an unsuccessful appellant to the Housing Board of Appeals shall be made within 21 days of the date of the meeting at which the vote was taken.

ARTICLE VI Fair Housing

§ 9-74 Declaration of Policy.

- A. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the City may be ensured, it is hereby declared the policy of the City of Lapeer, Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.
- B. It is the policy of the City of Lapeer that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.
- C. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

§ 9-75 Definitions.

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Ordinance.

- A. **DISCRIMINATE** - The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.
- B. **HOUSING ACCOMMODATION** - The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.
- C. **REAL PROPERTY** - The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the City of Lapeer, Michigan.
- D. **REAL ESTATE BROKER** - The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration

offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

- E. FINANCIAL INSTITUTION - The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
- F. OWNER - An “owner” means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.
- G. DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS - “Decent, sanitary, healthful standard living quarters” is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

§ 9-76 Prohibited Acts.

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the City of Lapeer, Michigan:

- A. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the City or in furnishing of any facilities or services in connection therewith.
- B. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
- C. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
- D. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective

entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

- E. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
- F. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
- G. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
- H. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

§ 9-77 Penalty.

Any person convicted of violating any of the provisions of this Housing Ordinance shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City of Lapeer, Michigan, to specifically enforce, by any legal means, any of the provisions of this Article VI, Fair Housing, including injunctive or other equitable relief.

§ 9-78 Conflict.

That all Ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

§ 9-79 Validity.

That it is the intention of the City Commission of the City of Lapeer, Michigan that this Article VI, Fair Housing, and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Housing Ordinance shall not affect the validity of any other portion of this Article VI, Fair Housing.

§ 9-80 Approval.

This Fair Housing Article VI of the City of Lapeer, Michigan shall be in full force and effect from and after its passage, approval, recording, and publication in accordance with law.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

234 2022 11-07 BOUNDARY TRANSFER – 45 & 57 N. ELM STREET – L-21-29-500-040-00 & L21-2-600-040-00.

Moved by Cattane. Seconded by Pattison.

Adopt the resolution to approve a boundary transfer for 45 N. Elm St., L21-29-500-040-00 and 57 N. Elm St., L21-2-600-040-00.

Resolution # 2022-26
RESOLUTION TO APPROVE
BOUNDARY TRANSFER REQUEST FOR
45 & 57 N ELM ST

WHEREAS, Kevin Boyt, owner of the property located at 57 N Elm Street, has filed a Boundary Transfer Request for adjustment for parcels L21-29-600-040-00 & L21-29-500-040-00 per Court Judgement signed September 30, 2022, by Honorable Nick O. Holowka, Circuit Judge; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following two (2) legal descriptions:

L21-29-600-040-10 CITY OF LAPEER JENNING'S ADDITION (L=9 P=598 SEC 5, T7N-R9E) BLK 8 LOT 5 AND THAT PART OF LOT 4 BEG AT THE NW COR OF SAID LOT 4; TH N 90°00'00" E 5.12 FT ALG THE N LINE OF SAID LOT; TH S 00°57'58" W 16.44 FT; TH S 72°35'14" W 4.76 FT TO A PT ON W LN OF LOT 4; TH N 00°57'37" W 17.87 FT ALG THE W LN OF LOT 4 TO POB

And

L21-29-500-040-10 CITY OF LAPEER JENNING'S ADDITION (L=9 P=598 SEC 5, T7N-R9E) BLK 8, W 1/2 LOT 3 AND LOT 4 EX BEG AT THE NW COR OF BLK 4 TH N 90°00'00"E 5.12 FT ALG THE N LN OF SAID LOT 4; TH S 00°57'58" W 16.44 FT; TH S 72°32'14" W 4.76 FT TO A PT ON THE W LN OF LOT 4; TH N 00°57'37" W 17.87 FT ALG W LN TO THE POB. SUBJ TO 15 FT TILE EASE

4. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to Kevin A Boyt.

This Resolution adopted and effective this 7th day of November 2022.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

235 2022 11-07 MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) FOR THE NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP) GRANT PROGRAM ROUND 8 APPLICATION.

Moved by Stroh. Seconded by Swindell.

Adopt the resolution to approve the Housing Department to apply to MSHDA for the NEP Round 8 Grant, for Mt. Hope Area.

Resolution #2022-27

RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low-income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$75,000 through the Michigan State Housing Development Authority Neighborhood Enhancement Program (NEP) for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application forms, grant agreement and related documents as required by MSHDA and allow the Director of Housing and Neighborhood Development and Grant Administrator to sign related grant documents, financial status reports for payment, and other required reports when allowed by MSHDA as required; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority's Neighborhood Enhancement Program for a City of Lapeer Housing Improvement Grant, authorizes the Mayor to sign grant application forms, grant agreement and related documents, and allow the Director of Housing and Neighborhood Development and Grant Administrator to sign related grant documents, financial status reports for payment, and other required reports when allowed by MSHDA as required on behalf of the City of Lapeer.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.
Nays: None.
MOTION CARRIED AND RESOLUTION ADOPTED.

**236 2022 11-07 MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
(MSHDA) 2022-2023 HVC CONTRACT – AMENDMENT #3.**

Moved by Stroh. Seconded by Swindell.

Approve amendment #3 to the MSHDA 2022-2023 HCV Administrative Contract, and amendments to the MSHDA HCV housing staff contracts for January 1, 2023 – December 31, 2023 and amend the City of Lapeer FY22/23 budget as presented and authorize the Director of Housing and Neighborhood Development to sign all necessary documents.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.
Nays: None.

MOTION CARRIED.

**237 2022 11-07 SECTION 3 POLICY OF THE HOUSING AND URBAN
DEVELOPMENT ACT.**

Moved by Stroh. Seconded by Swindell.

Adopt the resolution approving the Section 3 Policy of the Housing and Urban Development Act.

**Resolution # 2022-28
RESOLUTION TO APPROVE
CITY OF LAPEER
SECTION 3 POLICY**

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended, requires that when new jobs or contracts are created as a result of the usage of certain HUD funds (including Public and Indian Housing funds), priority consideration is given, to the greatest extent feasible, to low- and very low-income persons residing in the community in which the funds are spent and to businesses that provide economic opportunities for these persons., and

WHEREAS, 24 C.F.R. Part 75 of Section 3 is to establish the standards and procedures to be followed to Ensure that the objectives of Section 3 are met; and

WHEREAS, the **City of Lapeer** has developed a Section 3 Policy in adherence to 24 C.F.R. Part 75 that addresses the standards and procedures prescribed in the Act; and

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that the **City of Lapeer** will follow the adopted Section 3 Policy to implement programs to ensure that when new jobs or contracts are created as a result of the usage of certain HUD funds (including Public and Indian Housing funds), priority consideration is given, to the greatest extent feasible, to low- and very low-income persons residing in the community in which the funds are spent and to businesses that provide economic opportunities for these persons; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will at a minimum provide this Section 3 Policy or other required information to owners of real estate, developers and builders for their respective responsibilities and rights under the Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of November 7, 2022.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED AND RESOLUTION ADOPTED

CITY MANAGER'S REPORT

238 2022 11-07 WAGE & BENEFIT CONSIDERATION.

Moved by Cattane. Seconded by Stroh.

To honor the contract with City Manager, Dale Kerbyson, as written with no changes.

Ayes: Cattane, Pattison, Stroh, Swindell.

Nays: Atwood.

MOTION CARRIED 4-1.

Mr. Kerbyson informed the Commission the City was due to receive responses on the RFP for 201 Jefferson, however, neither the MEDC, MML, or the City of Lapeer have received any proposals.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

239 2022 11-07 RESIGNATION – DOWNTOWN DEVELOPMENT AUTHORITY

Resignation acceptance by Mayor Marquardt. Moved by Stroh. Seconded by Cattane.

To accept the resignation from Ginni Bruman from the DDA, effective immediately, leaving a vacant seat available.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

240 2022 11-07 APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY

Appointment by Mayor Marquardt. Moved by Cattane. Seconded by Stroh.

To appoint Tom La Magna, to the Downtown Development Authority, with a term to expire January 1, 2024; and appoint Buddy Beyer, to the Downtown Development Authority, with a term to expire January 1, 2026.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The DDA Monthly Departmental Report, the Quarterly Financial Report and the Quarterly Investment Report was received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Stroh: Many cultural arts happening, get out and spend some time doing local shopping to support the local businesses, everything in great shape.

Commissioner Swindell: Good job to everyone with trick or treating, had to run out and get more candy, police presence was great, saw them many times patrolling, loved seeing them to make sure everyone wasn't miss-behaving.

Commissioner Cattane: Apologized as he is going to go long. Mother-in-law is not doing well, hard to lose one parent let alone both, within a short period of time. Halloween was great, our police, emergency service, firefighters, all are great. Vote tomorrow. Lot of anger in our culture now, should all take an opportunity to work at the election poles at least one time, grown up with the right to vote, thank the workers, it is a long day for them, they need your support, a little positive attitude goes a long way. Had a conversation with DDA Director Jim Alt, working on project with Mallory Pearson and Rodney Church to improve our website image on Pure Lapeer's website. Attended MML conference, was impressed with Sterling Heights and their new program of hiring a full-time Social Worker for the community which has been well received, would like Lapeer to do this sometime in the future, as it would take a huge burden off our service people. Attended a lot of classes at the MML, found out some Bills were passed in Washington that would give 30% kickbacks to municipalities and others for incorporating solar panels on city building, would like to see this incorporated into the CIP in the future, something to look at, there are free dollars on the table.

Commissioner Pattison: If you have already voted, thank you. If you have not voted yet, please vote tomorrow.

Mayor Marquardt: Please vote, be safe, thank the election workers, has seen some crazy harassment out there, hopefully will not happen here. Announced local events. Received a thank you from School Superintendent Matt Wandrie, appreciates the City supporting them for the upcoming bond.

241 2022 11-07 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:05 p.m.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

MOTION CARRIED.

The regular meeting adjourned at 7:05 p.m.

Debbie Marquardt, Mayor

Tracey Russell, Deputy City Clerk