



# CITY OF MARINE CITY

## Planning Commission Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Monday, September 10, 2018 7:00 PM

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1. **CALL TO ORDER**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Commissioners Graham Allan, William Beutell, Jacob Bryson, Keith Jenken, Joseph Moran, Brian Ross; City Commissioner William Klaassen; Building Official Susan Wilburn; City Manager Elaine Leven
4. **COMMUNICATIONS**
  - A. Metropolitan Planning Commission Fall 2018 Workshop
5. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Planning Commission. Please state name and address. Limit comments to five (5) minutes.*
6. **APPROVE AGENDA**
7. **APPROVE MINUTES**
  - A. August 13, 2018 Meeting Minutes
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
  - A. City Code Amendments ~ Rental Housing Inspections: Chapter 155
10. **ADJOURNMENT**



SAVE THE DATE

# MPC FALL WORKSHOP

TOPICS COMING SOON

October 29, 2018 6:00pm

Administration Building • Admission Fee: \$15



**City of Marine City  
Planning Commission Meeting  
August 13, 2018**

A regular meeting of the Marine City Planning Commission was held on Monday, August 13, 2018, in the Fire Hall, 200 South Parker Street, Marine City, Michigan, and was called to order by Chairperson Moran at 7:00pm.

After observing a moment of silence, the Pledge of Allegiance was led by Chairperson Moran.

**Present:** Chairperson Joseph Moran; Commissioners Graham Allan, William Beutell, Jacob Bryson, Keith Jenken, Brian Ross; City Commissioner William Klaassen; Building Official Susan Wilburn; City Manager Elaine Leven; Deputy Clerk Elizabeth McDonald

**Absent:** None

**Appoint Chairperson**

Motion by Commissioner Jenken, seconded by City Commissioner Klaassen, to appoint Commissioner Moran as Chairperson. All Ayes. Motion Carried.

**Communications**

None.

**Public Comment**

No residents addressed the Board.

**Approve Agenda**

Motion by Commissioner Beutell, seconded by Commissioner Jenken, to approve the Agenda. All Ayes. Motion Carried.

**Approve Minutes**

Motion by Commissioner Allan, seconded by Commissioner Beutell, to approve the June 11, 2018 meeting minutes of the Planning Commission. All Ayes. Motion Carried.

## **Unfinished Business**

### ***Downtown Signage ~ Update***

Chairperson Moran reminded the Board that they had researched new wayfinding signage, by means of a subcommittee, and had brought recommendations to the City Commission who requested the Infrastructure Committee research further.

Department of Public Works Superintendent, Michael Itrich, said that there were nine (9) proposed locations for the Business Loop wayfinding signs that would replace the current 48" x 30" signs and eight (8) 12" x 18" Business Loop signs that would be placed along Fairbanks and the M-29 corridor. He also discussed the proposed municipal parking signage and stated that twelve (12) signs would be needed. He informed the Board that the cost of materials was increasing and he could not guarantee the quoted price for the signs if they were not purchased in the near future.

City Manager Leven stated that the City had received a \$2,000.00 grant and that the Economic Development Alliance (EDA) had a grant available for \$4,000.00, which meant the City had a potential of receiving a total of \$6,000.00 in grants to pay for the signage.

Motion by Commissioner Allan, seconded by Commissioner Beutell, to pass the recommendations discussed onto the City Commission for approval. All Ayes. Motion Carried.

## **New Business**

### ***Public Hearing ~ Special Land Use Application #01-2018: Michael & Diane Drugach – 1340 South Parker Street***

Chairperson Moran announced that the Planning Commission would conduct a Public Hearing to receive public comments for and against the proposed Special Land Use request by Michael and Diane Drugach, for property located at 1340 South Parker Street. The Special Land Use request was for a proposed truck storage facility.

Chairperson Moran opened the Public Hearing at 7:11pm.

Jeff Horner, of Project Control Engineering, Inc., spoke on behalf of applicants Michael and Diane Drugach regarding the Special Land Use and Site Plan Review. He stated that the Special Land Use was for a proposed outside tractor and trailer storage facility at 1340 South Parker Street with repair and maintenance being conducted inside the building.



Building Official Wilburn stated that Wade Trim had reviewed the project and had suggested revisions, which have since been completed by the applicants. She said if the Board approved the Special Land Use and Site Plan, the applicants would need to obtain all appropriate permits at the time of submitting a Building Permit.

Chairperson Moran closed the Public Hearing at 7:14pm.

Chairperson Moran stated that he was concerned about noise from the operations.

Mr. Horner responded that it would only be normal mechanical operations and no fabricating would take place at the facility.

Applicant Michael Drugach said that the vehicles are typically gone Monday through Friday and they have spoken to the neighbor about the proposed facility. His goal was to be a good, active community member and he was willing to work with the City to resolve any issues or complaints.

Motion by Commissioner Bryson, seconded by Commissioner Beutell, to approve Special Land Use request #01-2018 and the Site Plan for 1340 South Parker Street. All Ayes. Motion Carried.

### **Adjournment**

Motion by Commissioner Beutell, seconded by Commissioner Ross, to adjourn at 7:22pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth McDonald  
Deputy Clerk

Kristen Baxter  
City Clerk



## Proposed Marine City Code Amendments

Prepared by Wade Trim Associates, Inc.

August 1, 2018 – DRAFT

For Planning Commission Review

(PC Public Hearing NOT Required – City Commission Adoption Required)

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### Key:

~~Text proposed to be deleted~~

**Text proposed to be added**

*Wade Trim Commentary explaining selected amendments*

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## Rental Housing Inspections

### Chapter 155 – Housing and Community Development (Sections 155.055 – 155.060)

#### 155.055 PURPOSE

It is the declared policy of the city that the procedures set forth in this subchapter are established in the public interest in order to protect the safety and welfare of occupants of rental dwelling units and of the general public.

#### 155.056 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*HOUSING CODE.* The Housing Code of the city, adopted herein.

*LANDLORD.* Any person, owner, individual, firm or corporation or any combination thereof, engaged in the business of leasing or renting a dwelling unit to another person.

#### 155.057 REGISTRY OF OWNERS AND PREMISES.

(A) The owners of dwellings containing units which will be offered for rent or hire for more than 6 months of the calendar year, shall register with the City ~~Clerk~~. Owners of rental dwelling units which are to become occupied shall register with the City ~~Clerk~~ prior to the occupancy of those units.

(B) Registration forms shall be available from the City ~~Clerk~~ and shall provide for sufficient information for the efficient and effective administration of this subchapter.

(C) A registry of all owners and premises shall be maintained by the City ~~Clerk~~.



## 155.058 INSPECTIONS AND LICENSES

~~(A) The City Manager and other such persons as he may designate are authorized to make inspections under this subchapter. Failure to permit these inspections in accordance with the terms of this subchapter and the Housing Code shall be deemed a violation of this subchapter. If permission for inspection is refused the City Manager may request a warrant from a court of competent jurisdiction for the inspections.~~

~~(B) Inspections shall be performed:~~

~~(1) At least once every 2 years on all common areas, grounds and exteriors of all premises subject to this subchapter;~~

~~(2) Prior to the occupation of any dwelling unit which has been vacated, if the inspection is deemed necessary by the City Manager; it shall be the duty of the landlord to advise the city when a dwelling unit is vacated;~~

~~(3) On a complaint basis when deemed necessary; and/or~~

~~(4) When inspections of the common areas show grounds that other areas of the building are in violation of the Housing Code, inspections may be performed on the individual dwelling units.~~

### **(A) Inspection Required.**

**(1) Dwellings containing units which will be offered for rent or hire for more than 6 months of the calendar year shall be inspected systematically for compliance with this chapter and all other applicable laws of the state and the city. Inspections are based on all applicable state codes and city ordinances.**

**(2) Where a nonresidential business or activity, or a state-licensed and inspected use occupies a portion of a building and premises which would otherwise be subject to this section, the provisions of this section shall be applicable to the residential and common or public areas of such building and premises.**

### **(B) Inspection Frequency.**

**(1) All premises that will be offered for rent or hire for more than 6 months of the calendar year shall be inspected at least once every two years.**

**(2) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a certificate of occupancy for a period of two years from the date of said certificate, unless a complaint is made thereof. Thereafter, said units shall be inspected in accordance with the requirements of this section.**

**(3) Nothing in this section shall preclude the inspection of said dwellings more frequently than every two years.**

### **(C) Inspection – Certificate Required.**

**No landlord shall rent, let or let for occupancy for more than 6 months of the calendar year**



any premises without having a valid, current license certifying inspection for that premises.

**(D) Inspection – Procedure.**

(1) If, upon completion of the biennial inspection, the premises are found to be in compliance with all applicable city and state codes and ordinances and the appropriate fee has been paid, the city shall issue a license certifying inspection of the premises.

(2) If, upon completion of the biennial inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violations and shall set a reinspection date before which such violation shall be corrected. If such violation has been corrected within that period, the city shall issue a license certifying inspection of the premises. If such violations have not been corrected within that period, the city shall not issue the license and may take any action necessary to enforce compliance with applicable city and state codes and ordinances.

~~**(E) Inspection – Request For.**~~

~~The owner of any premises subject to this section may request inspections of said premises at any time.~~

**(F) License – Expiration Date.**

(1) The licenses certifying inspection issued pursuant to this section shall expire two years from the date of the biennial inspection.

(2) The license shall have the expiration date prominently displayed on its face.

**(G) License – Transferability.**

(1) A license issued pursuant to this section shall be transferable to succeeding owners; provided, however, that within seven days of the transfer, the transferor shall provide written notice of said transfer to the building department of the city. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice shall result in the revocation of the license. Further, upon receipt of written notice of transfer of ownership, the city, at its option, reserves the right to conduct an inspection of the premises to determine whether the premises are in compliance with all applicable city and state codes and ordinances before approving a license transfer.

**(H) License – Availability.**

Upon the request of an existing or prospective tenant, the landlord shall produce the license certifying inspection.

**(I) Suspension or Revocation of License.**

If the building official determines that any person has failed to comply with this section or any applicable city or state code or ordinance, the building official may suspend or revoke the license held by that person. A person aggrieved by such a suspension or revocation or by any action taken by the city in regard to this section or city and state codes and ordinances, may make an appeal in



accordance with this section.

#### 155.059 CORRECTION OF VIOLATIONS ENFORCEMENT AND APPEALS

~~(A) Notice of violations and correction of violations under this subchapter shall be in accordance with the Housing Code.~~

~~(B) If violations are found in a vacant unit, the unit shall not be occupied until the violations have been corrected.~~

**(A) Enforcement.** The building official and/or his or her authorized representative shall serve as ordinance officers for purposes of enforcement of this section and shall be authorized to issue notices, orders, violations and court appearance tickets relative to violations of this section.

**(1)** If any owner of dwellings containing units which will be offered for rent or hire for more than 6 months of the calendar year fails to comply with the registration requirements specified herein, a final notice and order to comply shall be issued. ~~Failure to comply with the order shall result in the addition of an administrative fee established by the City Commission and the total of the unpaid fees shall then be assessed as a lien against the real property containing such rental dwelling.~~

**(2)** If any owner of dwellings containing units which will be offered for rent or hire for more than 6 months of the calendar year fails to comply with the inspection requirements specified herein after being properly notified, a final notice and order to comply shall be issued. If the order is not promptly complied with, each dwelling unit contained therein shall be posted with a notice requiring that the occupant of the unit provide entry for inspection purposes at a specified date and time, and an administrative fee established by the City Commission per unit shall be added to the prescribed inspection fees and assessed as a lien against the real property containing such units.

**(3)** If any owner of dwellings containing units which will be offered for rent or hire for more than 6 months of the calendar year fails to correct the violations identified in the inspection report, as required by this section, a final notice and order to comply shall be issued. ~~If the order is not promptly complied with, each dwelling unit which is in violation of the applicable codes shall be posted with a notice that said unit is substandard and in violation of these codified ordinances. An~~ administrative fee established by the City Commission per noncomplying unit shall be charged to the owner of the substandard rental property and court action to force compliance will be initiated.

**(B) Conflict of Laws.** In any case where a provision of this section is found to be in conflict with any provision of any state statute or any zoning, building, fire, safety or health ordinance or code of the city, the provision which established the higher standard for the promotion and protection of the health, safety and welfare of the public shall prevail. Nothing in this section shall be deemed or construed to impair the rights of the city under any ordinance or code relating to condemnation of structures or under any related code or ordinance regarding the maintenance, condition or safety of structures.

**(C) Appeals.** Any person affected by any notice which has been issued in connection with the enforcement of this section may request and shall be granted a hearing on the matter before the Hearing Board on Dangerous Buildings provided that such person files, in the office of the building department, a written petition requesting such hearing and containing a statement of the grounds of the appeal within 20 days after the day the notice was served.



**The Hearing Board on Dangerous Buildings shall serve as the code appeals board, with all the powers and duties afforded to it under chapter 158 of these codified ordinances.**

#### 155.060 FEES

**The City Commission shall establish appropriate fees for registration, licensing, inspections and violations. The following fees are prescribed under this subchapter:**

- ~~(A) Registration fee for a single family dwelling, \$50 every 2 years on inspection anniversary.~~
- ~~(B) Registration fees for a multi-family dwelling, \$25 every 2 years, per unit, on inspection anniversary.~~
- ~~(C) Registration fee includes 2 inspections to determine compliance of the property maintenance code.~~
- ~~(D) Each required re-inspection to determine compliance of the property maintenance code, \$25 per unit.~~
- ~~(E) The fees set forth above may be amended from time to time by resolution of the City Commission.~~

***Wade Trim Commentary:** This amendment would outline a clearer process for the inspection of rental dwelling units, and also would allow give authority for the building official to conduct interior inspections (the current language seems to only allow exterior inspections). The amendment also introduces new violations and appeals procedures.*