

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009

May 28, 2024

Refer to page 3 for Virtual Meeting Information

REGULAR MEETING
5:30 P.M.
AGENDA

1. Call to Order
2. Remote Location Identification (for remote attendance when permitted by statute)
3. Pledge of Allegiance
4. Township Mission/Vision/Core Values
 - Core Value: *Ensure that taxpayer investments are spent wisely, effectively and efficiently.*
5. Public Comment on Non-Regular Session Items
6. Public Officials Updates
7. Consent Agenda
 - a. Meeting Minutes [[Minutes of Regular Meeting May 14, 2024](#)]
 - b. Extension of Approval for Hampton Cove PUD conditional rezoning
 - c. Budget Amendments
8. Recognition of Township Service: Rick Suwarsky, Ordinance Enforcement (12 Years)
9. Recognition of Oshtemo Township Fire Department 80th Anniversary
10. Consideration of Issuance of Industrial Facilities Tax Exemption Certificate for Faraday Defense Corporation and Faraday Properties LLC
11. Resolution 2nd St Special Assessment District Set Roll
12. Discussion of New Housing Ordinance
13. Public Comment
14. Board Member Comments & Committee Updates
15. Other Updates & Business
16. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rod Rought	216-5222	rrought@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Jodi Stefforia	375-4260	jstefforia@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this Meeting ID: **818 2435 4562**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **818 2435 4562#**

Participant controls in the lower-left corner of the Zoom screen:



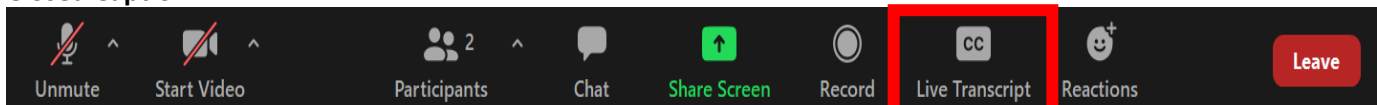
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

Mission:

To advance the quality of life of all residents through a commitment to responsible growth, and value-driven municipal services that promote the relationships among economic vitality, environmental stewardship, and social equity.

Vision:

A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.

Core Values:

PUBLIC SERVICE

- Fair treatment to all people.
- Each customer is welcomed and that their input is wanted.
 - Difficult questions are not marginalized.
- Allow residents to interact directly with the township staff and officials.
- Decisions are made based on the value to our Township and residents.

SUSTAINABILITY

- Meet the needs of the present without compromising future generations.
 - Consider the environment through practices that reduce impacts.
 - Value conscious decision making.
 - Committing to quality Fire and Police protection.

INNOVATION

- Providing the best value-conscious technology currently available.
- Leverage new technologies and ways of doing business to increase accessibility and improve services.

PROFESSIONALISM

- Hire staff with strong core competencies within their given profession.
- Commitment to continuous improvement to government operations.
- Dedicated to open communication to improve productivity and effectiveness.

INTEGRITY

- Decisions are made logically through the collection of evidence, facts, and public input.
 - When promises are made, we follow through.
 - We do not obfuscate – we say what we mean and do what we say.
 - Transparent governmental practices are of the highest priority.

FISCAL STEWARDSHIP

- Ensure that taxpayer investments are spent wisely, effectively and efficiently.

Memorandum



Date: May 22, 2024
To: Oshtemo Township Board
From: Colten Hutson, Zoning Administrator
Subject: Extension of Approval for Conditional Rezoning

Objective:

One (1) year extension of approval for the conditional rezoning of parcel number 05-14-130-017 and a portion of 6660 W Main Street, parcel number 05-14-185-023 from R-2: Residence District to R-4: Residence District.

Background:

On April 25, 2023, the Oshtemo Township Board approved the request by Marroll, LLC to conditionally rezone parcels referenced above from the R-2: Residence District to the R-4: Residence District. Since that time, the applicant has received approval of a conceptual plan for a residential planned unit development (PUD) for 15 four-plex buildings and a senior housing complex. The applicant, however, could not move forward with the second step of the Township's PUD process due to the private road moratorium. As the project includes private roads, the applicant was required to wait until the Oshtemo Township Board formally adopted the new Transportation and Mobility Ordinance. The moratorium was in place for approximately seven months, meaning the designs for the applicant's project were on hold for said period of time. With the expiration of approval for the conditional rezoning approaching, the applicant would like to exercise the option to extend their validity of approval by one (1) year for their conditional rezoning per Section 66.50 of the Zoning Ordinance.

Memorandum & Request



Date: May 23, 2024
To: Township Board
From: Anna Horner, P.E., Public Works Director
Subject: Budget Amendment: 7th St and W Main Sanitary Sewer Project

Objective

Approval of Budget Amendment for the 7th St and W Main Sanitary Sewer Project.

From GL:	485-000-40000	Sewer Carryover
To GL:	485-536-96400.WM7TO8	Construction Costs

Proposed Motion

I move to approve the Budget Amendment for the 7th St and W Main Sanitary Sewer Project in the amount of \$70,200.

Background

In July 2023, the Board approved a construction contract with Lounsbury Excavating for the 7th St and W Main St Sanitary Sewer Project. The contract amount was \$2,694,325.50. In February 2024 the Board approved a budget amendment for construction contingency in the amount of \$135,000 or approximately 5% of the contract.

Lounsbury contract complete: 53% based on Pay Application #7 5/1/24
Contingency remaining: 40%

At the time of the contingency approval, staff referenced the item of unsuitable soils in 7th St that did not meet the specifications for backfill material under a roadway because of the clay content. At that time, from vertical exploration at a few locations, it was estimated that there was a layer of 5'-7' of dense clay in portions of the road. As construction has progressed, this material has been much thicker and more frequent.

Soil borings were completed in the design phase (2016). Interpretation of some of the soil borings would have indicated to the Contractor that existing material could be reused as acceptable material meeting the specifications for at least 2/3s of the limits. As shown in the picture below, the trench side walls are intact and rigid following the trench box moving which is indicative of a material lacking sand.

Since the unsuitable soils are a change in condition, staff is requesting a specific budget amendment to this item. Based on the work completed to date, extrapolating from the soil borings, and a meeting with Lounsbury, 3,750 cubic yards is the agreed upon *maximum* the Township will be responsible for based on the soils being significantly different than the bidding information. Actual quantities will be based on field measurements. This is roughly 1/3 of all trench backfill material.



Core Values
Sustainability, Professionalism, Integrity, Fiscal Stewardship

Memorandum



Date: 28 May 2024
To: Township Board
From: Sara Feister, Human Resources Director
Subject: Employee Apparel Program Store Fee Budget Amendment Request

Objective

Requesting Board approval of a \$200.00 budget amendment to pay the 5.00% store fee to host the 2024 Spring/Summer Employee Apparel Program.

From: GL# 101-000-40000 Carryover
To: GL# TBD Employee Apparel

Proposed Motion

“Motion to approve a \$200.00 budget amendment to pay the 5.00% store fee to host the 2024 Spring/Summer Employee Apparel Program.”

Additional Information

HR has worked with Spirit Shoppe in the past to set up an online storefront for employees to purchase Oshtemo Charter Township apparel. The holiday apparel program was very successful, and HR has had many requests from employees to purchase additional items. Therefore, HR worked with Spirit Shoppe to update the storefront to offer additional items. This Spring/Summer program will be employee paid, however, there is a 5.00% store fee that Spirit Shoppe assesses after the shop closes to use the store software. The amount of this 5.00% fee is unknown at this time but we are approximating a maximum of \$200.00 for the fee. The holiday apparel program cost was approximately \$1,800 and the 5.00% fee was approximately \$86.00. Additionally, the employees will not be required to pay for the items when they order them. Rather, after the items are delivered, the cost for the items will be collected from the employees via a payroll deduction, and Oshtemo Charter Township will pay the invoice to Spirit Shoppe. The ultimate cost to the Township will only be the 5.00% store fee.

Core Values

Professionalism

Oshtemo's Chief Notes Past Record

New Fire Department Leader Cites Work, Planning by His Predecessor.

EDITOR'S NOTE—This is the sixth in a series describing the operations, districts, current problems, and future plans of the fire departments and 600 volunteer firemen now protecting Kalamazoo County communities.

By EVERETT CLARKE

Leonard Brodhagen, new fire chief in Oshtemo Township, Saturday announced his plans to operate the fire department with the same progressive methods and quiet effectiveness of his predecessor, Hillard E. Clapp.

Brodhagen was named chief by fellow firemen two weeks ago after Clapp resigned over a salary squabble with the township board.

But former Chief Clapp, who was head of the department since May 3, 1944, and built it from a hand extinguisher equipped unit to the present force of three pieces of heavy duty fire fighting equipment, has found it impossible to quit.

Clapp, who is an industrial electrician, will remain as a member of the volunteer force, but will not be an officer.

Meanwhile, Brodhagen is preparing his list of new assisting officers, including captains and lieutenants, which he will announce at the department's regular meeting Monday evening at the station.

FIVE YEARS

Before being named to succeed Clapp, Brodhagen was his assistant for five years and helped develop the Oshtemo department and its training procedures. Brodhagen is a trucking firm employe.

The Oshtemo Township board authorized the volunteer firemen to select their own leader after failing to reach a decision on the matter themselves. They also voted Brodhagen a \$200 a year salary which he says he will turn over to a fire department fund to equip a jeep for grass fire fighting in the area.

It was the board's failure to comply with Clapp's request of a \$500 annual salary and a \$250 salary for an assistant chief, that resulted in the former chief's resignation.

But both Clapp and Brodhagen agree that "the job of fighting fires and protecting property in Oshtemo is far more important than any individual's problem and we will work closely together in the future to serve the district."

There are 27 men in the Oshtemo department's roster and the station is located in the old community club house, Parkview avenue, just east of U.S. 12, which was redesigned for fire department use in 1953.

The building was donated to the township after the Oshtemo Community Club disbanded and it now houses two pieces of equipment and a meeting room for volunteers.

PRIDE AND JOY

However, pride and joy of the department is a 2,000 gallon tanker wagon which went into service at Oshtemo a year ago and carries water to all building fires. The tanker also carries one of two auxiliary pumps owned by the department.

Other equipment used at Oshtemo includes two combination ladder and pumper trucks. The trucks carry about 500 gallons of water each so a total of 3,050 gallons can be dispatched to every fire.

The department has purchased a 2,000 watt portable lighting plant, recently built and used by Civil Air Patrol members in the area. The plant is housed at the station.

However, like other county departments the water supply problem is still a matter of concern. Closing of the Pine Crest State Sanatorium shut off

firemen from a major source of water in case of emergency. The institution had been able to provide 700 gallons of water a minute.

To offset this, firemen have provided a 1,700 gallon water reservoir beneath the station to be used to refill mobile tankers. The first pumper was equipped in 1944 after OCD (civil defense) apparatus had been purchased and mounted on a truck chassis. The entire spring and summer of the first year was needed to outfit the department's mobile equipment.

The first fire station, located next to a grocery store on the south side of West Michigan avenue, cost only \$200. Firemen donated their labor and most materials.

FOUNDERS

A group of interested citizens, including former Chief Clapp's father, the late Elmer Clapp, gathered for the first time on Dec. 7, 1943, to discuss plans for starting the Oshtemo department. After petitions were circulated for approval by the property owners, the department was started to protect the southeast quarter of the township only.

A three mill tax was set up to raise funds to support the unit in that smaller area, but gradually other sections of the township were added and the tax limit reduced. In April, this year, the township board took over control of the fire department and a fire commission appointed to administer the business.

Now support comes from the township's general fund and there is no fire tax levied in the district. Before this change the tax load had been reduced to one mill.

The first fire board at Oshtemo consisted of Earl Wales, president; Avery Edgerton, secretary, and Walter Woodruff, Cleon Baker, Garrett Vermeulen, Argyle Stevens, and Hillard Clapp.

The present fire commission includes Lee Cook, chairman; Ward French, secretary; and John DeWard, Roy Buckham, and Arthur Seeley, trustees. They are selected by the fire board.

Chief Brodhagen hopes for more improvements. In addition to equipping a jeep for grass fire fighting, he adds the need for a two-way radio system for trucks so closer cooperation can be built up with adjoining departments; an addition to the present station to house a third piece of apparatus; and a fourth pumper to be placed at another strategic point in the township.

The township department also needs a first aid team.

Firemen meet on the second and fourth Mondays of each month for business and drill sessions. Instruction in fire fighting methods follows the plan taught by the Oklahoma Firemen's Association, for which literature is widely circulated in this area.

INSTRUCTORS

Instruction by both Brodhagen and Clapp and attendance is reported to be at least 85 per cent at these schools.

The alarm system is similar in effectiveness to others in the county. There are five "alarm



NEW FIRE CHIEF AT OSHTEMO TOWNSHIP CONFERS WITH FORMER OFFICIAL ABOUT FUTURE OF DEPARTMENT. Leonard Brodhagen, Left, Succeeds Hillard E. Clapp, Who Resigned This Month but Who Remains as Fireman

—Gazette

stations" or private telephones located in three homes, at Brownie's Superette grocery store, and at the station.

Dialing the fire number (2-9620) rings all five telephones. First individual to answer takes the alarm and sounds the siren which can be controlled from the alarm stations.

The siren sounds 10 blasts in a two minute period and attracts all volunteers to the station. Others who are working are personally called by phone.

Oshtemo firemen answer an average of about 38 alarms every year, including calls to assist adjacent departments. Fire loss last year was \$13,505.

NEXT, Fulton.

MEMORANDUM



Date: May 22, 2024
To: Township Board
From: James Porter
Subject: Faraday Defense Corporation – Faraday Properties LLC IFT Exemption Certificate

I have submitted Faraday Defense Corporation/Faraday Properties LLC Industrial Facilities Tax Exemption Certificate Application to the Assessor, Planning Director and the Township Treasures Office. No concerns were raised.

The proposed IFT will result in a 50% reduction of real and personal property taxes. I project the annual reduction in taxes to be approximately \$155,250.00. I do not believe that this will jeopardize the Township’s financial position. Because this facility is new construction, an alternative way of viewing this is that our tax revenues will increase by \$155,250.00. The Township’s reduced revenue will be approximately \$9,281.00.

The Township’s Special Assessment Districts will collect approximately \$23,625.00 for Fire and approximately \$6,075.00 for Police annually.

In addition, the assessed Sewer Connection Tabulation provided by the Public Works Department, attached hereto, totals \$66,688.50.

Memorandum



Date: April 26, 2024
To: Township Board
From: Sierra Lucas, Paralegal – Legal Department
Subject: Issuance of the Industrial Facilities Tax Exemption Certificate for Faraday Defense Corporation & Faraday Properties LLC

Objectives

MOTION: I make the motion to approve the issuance of the Industrial Facilities Tax Exemption Certificate for Faraday Defense Corporation & Faraday Properties LLC.

Background

- Faraday Defense Corporation & Faraday Properties LLC has filed an application with the Township for an Industrial Facilities Tax Exemption Certificate and paid the \$500 processing fee.
- The said real property improvements are located within an “Industrial Development District” created by the Township Board of the Charter Township of Oshtemo on April 9, 2024.
- The real property improvements located in Section 25 of the Township, commonly known as, Unit 3 of The Western Michigan University Business, Technology, and Research Park 2, Kalamazoo, Michigan, 49009, are projected to commence on or about February 1, 2025.
- The proposed real property improvements are expected to have a high likelihood of generating new job opportunities, with an estimated creation of 15-18 positions within a two-year span.
- The total cost of the project is estimated at approximately \$15,008,750.00.

Information Provided

Attached is the proposed Resolution for the Issuance of the Industrial Facilities Tax Exemption Certificate for Faraday Defense Corporation & Faraday Properties LLC., and the accompanying application.

Core Values

Public Service

**CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN**

**EXCERPT OF MINUTES OF REGULAR BOARD
MEETING HELD MAY 28, 2024**

A regular meeting of the Township Board of the Charter Township of Oshtemo was held at the Oshtemo Township Hall on Tuesday, May 28, 2024, commencing at 5:30 p.m.

Members Present:

Members Absent:

Also present were James W. Porter Township Attorney, residents and property owners of the Township.

The next order of business was consideration of the issuance of the Industrial Facilities Tax Exemption Certificate for Faraday Defense Corporation & Faraday Properties LLC in Section 25 of Oshtemo Charter Township commonly known as unit 3 of The Western Michigan University Business, Technology, and Research Park 2, Kalamazoo, Michigan, 49009. It was reported that the notice of the hearing on the request had been published in the *Kalamazoo Gazette* on May 2, 2024, and had been mailed to the President of the subject property, Jason DeVries, and Faraday Defense Corporation & Faraday Properties LLC. The Affidavit of the foregoing was filed as part of the records of the meeting.

Representatives of Faraday Defense Corporation & Faraday Properties LLC were present and described the nature of the contemplated project for the premises.

**RESOLUTION FOR ISSUANCE OF THE INDUSTRIAL FACILITIES TAX
EXEMPTION CERTIFICATION FOR FARADAY DEFENSE CORPORATION &
FARADAY PROPERTIES LLC**

WHEREAS, Faraday Defense Corporation & Faraday Properties LLC, at approximately unit 3 of The Western Michigan University Business, Technology, and Research Park 2, Kalamazoo, Michigan, 49009, within the Township, has applied under the provisions of 1974 PA 198, as amended (M.C.L. 207.551 et seq), for an Industrial Facilities Tax Exemption Certificate with respect to its proposed land and building cost located upon the following described property in Land Section 25, in Oshtemo Charter Township:

PARCEL 3905-25-430-010

UNIT 3, THE WESTERN MICHIGAN UNIVERSITY BUSINESS, TECHNOLOGY AND RESEARCH PARK 2, A CONDOMINIUM ACCORDING TO THE MASTER DEED RECORDED IN INSTRUMENT NO. 2020-006484, AND ANY AMENDMENTS THERETO, AND DESIGNATED AS KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 293, TOGETHER WITH RIGHTS IN THE GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET FORTH IN THE ABOVE MASTER DEED, AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS, the real property improvements are projected to commence on or about February 1, 2025; and

WHEREAS, the said real property improvements are located within an "Industrial Development District" created by the Township Board of the Charter Township of Oshtemo on April 9, 2024, in accordance with said Act 198 as amended; and

WHEREAS a public hearing on the application for an Industrial Facilities Tax Exemption Certificate was conducted on May 28, 2024; and

WHEREAS, that the proposed real property improvements are calculated to have a reasonable likelihood to create new employment, with an estimated job creation of 15-18 employees in two years, as the result of this project, and not merely the transferring of employment from one or more local governmental units of the State to Oshtemo Charter Township; and

WHEREAS, the aggregate state equalized value of the real and personal property exempt from *ad valorem* taxes under 1974 PA 198, as amended, including the requested exemption of said Faraday Defense Corporation & Faraday Properties LLC, does not exceed five percent (5%) of the sum of the state equalized valuation of the Charter Township of Oshtemo, and the aggregated state

equalized valuation exemption from *ad valorem* taxes under said Act for real and personal property will not have the effect of substantially impeding the operation of any local government unit, nor of impairing the financial soundness of any affected taxing unit.

NOW, THEREFORE, BE IT RESOLVED, that the requested Industrial Facilities Tax Exemption Certificate be hereby improved to become effective May 14, 2024, and that, accordingly, for the next twelve (12) years, the Industrial Facility Tax upon new land improvements and buildings shall be determined by multiplying one-half (1/2) of the total mills levied as *ad valorem* taxes for each of said twelve (12) years and by all taxing units within which such a facility is situated by the state equalized valuation of the facility, excluding the land which shall be separately assessed and taxed in accordance with the general *ad valorem* tax law

IT IS FURTHER RESOLVED that the requested Industrial Facilities Tax Exemption Certificate be hereby improved to become effective May 28, 2024, and that, accordingly, for the next six (6) years, the Industrial Facility Tax upon new personal property shall be determined by multiplying one-half (1/2) of the total mills levied as *ad valorem* taxes for each of said six (6) years and by all taxing units within which such a facility is situated by the state equalized valuation of the facility, excluding the land which shall be separately assessed and taxed in accordance with the general *ad valorem* tax law

IT IS FURTHER RESOLVED that Faraday Defense Corporation & Faraday Properties LLC, shall pay an application fee in the amount of \$500.00 to the Township, which fee does not exceed the actual cost of processing the application, or two percent (2%) of the total property taxes abated under the Act, whichever is less.

BE IT FURTHER RESOLVED, that the Township Clerk forward the application of said Faraday Defense Corporation & Faraday Properties LLC, together with the within Resolution and any other

necessary supporting documents, to the Michigan State Tax Commission for approval and issuance of an Industrial Facilities Tax Exemption Certificate in accordance with said 1974 PA 198, as amended.

Motion was made by _____ and seconded by _____ to adopt the foregoing resolution.

Upon roll call vote, the following voted "Aye":

The following voted "Nay": None

The following member was absent: None

The Supervisor declared the motion passed and the Resolution adopted.

**Dusty Farmer, Clerk
Oshtemo Charter Township**

CERTIFICATE

The undersigned, as Clerk of Oshtemo Charter Township, certifies that the foregoing Resolution was duly adopted by the Township Board at a regular meeting of the Township Board held on May 28, 2024, at which meeting a quorum was present and set forth in the aforesaid Excerpt of a portion of the minutes of said meeting upon a roll call vote; that first-class mail written notice was sent to said applicant and to each taxing unit having ad valorem tax jurisdiction over said land and facility; and the meeting was noticed and held in compliance with the Michigan Open Meetings Act as required by law and statute provided.

**Dusty Farmer, Clerk
Oshtemo Charter Township**

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the completed application and the required attachments with the clerk of the local government unit. If you have any questions regarding the completion of this form, call 517-335-7491.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date Received by Local Unit
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Faraday Defense Corporation	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 873, 3441, 3449, 3643
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) Unit 3, WMU BTR Park 2, Kalamazoo, MI 49009	1d. City/Township/Village (Indicate which) Oshtemo Township
1e. County Kalamazoo	1f. School District where facility is located Kalamazoo Public
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(5)) <input type="checkbox"/> Transfer <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(8)) <input type="checkbox"/> Research and Development (Sec. 2(10)) <input type="checkbox"/> Increase/Amendment	3b. School Code 39010 4. Amount of years requested for exemption (1-12 Years) Twelve (12) Years

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

SEE EXHIBIT A

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ <u>13,500,000</u> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <u>1,508,750</u> Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ <u>15,008,750</u> Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶	<u>02/01/2025</u>	<u>01/31/2027</u>	▶ <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased
Personal Property Improvements ▶	<u>06/01/2026</u>	<u>01/31/2027</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

9. No. of existing jobs at this facility that will be retained as a result of this project. 14	10. No. of new jobs at this facility expected to create within 2 years of completion. 15-18
---	--

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	
b. TV of Personal Property (excluding inventory)	
c. Total TV	


12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) 04/09/2024	12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Kyle Sischo	13b. Telephone Number (616) 862-1669	13c. Fax Number	13d. E-mail Address ksischo@Partnerholdings.
14a. Name of Contact Person Ruth Peterman	14b. Telephone Number (269) 267-3586	14c. Fax Number	14d. E-mail Address rpeterman@partnerholdin
▶ 15a. Name of Company Officer (No Authorized Agents) Jason DeVries			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date 4/26/2024
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 5912 Venture Park Dr, Kalamazoo, MI 49009		15f. Telephone Number (269) 271-3510	15g. E-mail Address j0devri1@protonmail.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16a. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. School Code	
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

18a. Signature of Clerk	18b. Name of Clerk	18c. E-mail Address
18d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
18e. Telephone Number	18f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

For faster service, email the completed application and additional required documentation to PTE@michigan.gov.

An additional submission option is to mail the completed application and required documents to:

Michigan Department of Treasury
State Tax Commission
PO Box 30471
Lansing, MI 48909

STAMP ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

**EXHIBIT A
FORM 1012 - SECTION 5**

Faraday will construct a cutting-edge professional facility encompassing offices, research & development laboratories, and manufacturing spaces, spanning two floors with a total area of approximately 68,000 SF, including 20,000 SF of office and 48,000 SF of R&D, manufacturing, and shipping areas.

The primary aim for this newly constructed facility is to serve as the hub for the research, design, engineering, development, manufacturing, and distribution of their innovative products. As the global headquarters, this site will foster collaboration among the teams dedicated to the creation of advanced EMP and EMF secure bags, cases, and enclosures.

These specialized electronic solutions will play a pivotal role in safeguarding data for a wide array of clientele, ranging from private enterprises to institutions such as public schools, universities, military, coastguard, and various government entities at the local and federal levels.

Moreover, in addition to the construction of the new building and associated leasehold improvements, Faraday Defense Corporation is poised to make substantial investments in personal property including furniture, fixtures, and equipment totaling \$1,508,750 as delineated in Exhibit B, Section 2 of our application.

**EXHIBIT B
OSHTEMO TOWNSHIP – FORM 1012 APPLICATION INFORMATION**

1. Legal Description of Property

Located in Section 25, T.2 S., R. 12 W. Oshtemo Charter Township, Kalamazoo Michigan, Parcel 3905- 25-430-010, Unit 3, The Western Michigan University Business, Technology and Research Park 2, a Condominium according to the Master Deed recorded in Instrument No. 2020-006484, and any amendments thereto, and designated as Kalamazoo County Condominium Subdivision Plan No. 293, together with rights in the general common elements and limited common elements as set forth in the Master Deed, and as described in Act 59 of the Public Acts of 1978, as amended.

2. Personal Property Requirements

Below is a list of expected personal property investments related to building improvements, machinery, furniture, fixtures, and equipment. These items are subject to changes in scope and pricing between the date of application and final occupancy.

	<u>Estimate Cost</u>	<u>Estimated Install Date</u>
Mezzanine	\$ 137,500	6/1/2026
3 Tesla Charging Stations	\$ 104,500	8/1/2026
Anechoic Lab Room w/ Vestibule (20' x 30')	\$ 407,000	10/1/2026
Lab Control Room	\$ 77,000	10/1/2026
Antennas & Testing Equipment	\$ 104,500	11/1/2026
Shipping Conveyor	\$ 247,500	11/1/2026
EMC Bench	\$ 11,000	12/1/2026
Pallet scale & shipping wrapper	\$ 13,750	12/1/2026
Laser Printer	\$ 66,000	1/1/2027
Lab FF&E	\$ 66,000	1/1/2027
Hi-lo	\$ 44,000	1/31/2027
Branding & Marketing Equipment	\$ 55,000	1/31/2027
Furniture, Fixtures, & Equipment - General	\$ 175,000	1/31/2027
Total Personal Property	\$ 1,508,750	

3. **Real Property Requirements**

Building construction has not commenced as of the date of the application. The site plan has been approved and the final pre-construction design & bid is in process.

4. **Lease Agreement**

The lease agreement is in draft form and is subject to final construction costs. The term of the lease will be beyond 12 years and the tenant (Faraday Defense Corporation) will be subject to an absolute net lease, including the full cost of real and personal property taxes.

Employment Status & Projections

- **Current Faraday team breakdown :**

- *14 employees as of the date of the IFT application*
- *Most of the employees are hired in from outside Oshtemo and have since moved to the area. We expect this trend to continue.*

- Engineering, research, development (1)
- Manufacturing (2)
- Sales & customer service (4)
- Marketing (3)
- Logistics (4)

- **Future Faraday hire breakdown:**

- *15-18 additional employees projected from the date of IFT application to two years after new building construction*
- *Additional jobs are expected to have compensation in the \$60,000 - \$135,000 range depending on the role.*

- Engineering, research, development (2-3)
- Manufacturing (7-8)
- Sales & customer service (2-3)
- Marketing (2-3)
- Logistics (2)



\$ 66,688.50 Sewer Total 2024 Rate

**SANITARY SEWER SERVICE
CONNECTION APPLICATION**



Faraday Properties LLC	5/22/24
Parcel Owner of Record	Date
5912 Venture Park Dr	Faraday Properties LLC
Owner's Address	Applicant Name
Robert Jones Way	
Property Address	Applicant Phone Number
05-25-435-003	
File Number/Parcel ID (if known)	Applicant Email Address

Use: Residential Multi-Family Commercial Industrial Other _____

TO BE COMPLETED BY TOWNSHIP

Sewer Connection Fee Tabulation Subdivision/Condo/SAD Name (if applicable): _____

<input checked="" type="checkbox"/> Property/Parcel Fee; or <input type="checkbox"/> NA (SA District/private development):	\$	10,000.00
<input checked="" type="checkbox"/> Front Foot Fee; or <input type="checkbox"/> Lineal Foot Fee; or <input type="checkbox"/> NA (SA District/private development):		
Number of Feet (<input type="checkbox"/> 200' max) <u>220.17</u> @ \$ <u>50.00</u> per ft. =	\$	11,008.50
Manholes Required: _____ @ \$ _____ per ft. =	\$	0.00
Subtotal [Acct 490-000-65000]:	\$	21,008.50 <small>(6006)</small>
Benefit Fee (a proportional fee for connected usage or activity):		
Number of Facility Benefit Units: <u>22.84</u> @ \$ <u>2,000.00</u>	\$	45,680.00
Subtotal [Acct 490-000-68000]:	\$	45,680.00 <small>(6005)</small>
<i>Tabulated fees are for the privilege of the described property to connect to the Township's public sewer system, and shall remain valid for 30-days. Oshtemo retains the right to correct said fees should the tabulation be discovered to be erroneous or should the described project have a change of scope.</i>		\$ 66,688.50
		GRAND TOTAL

Application is hereby made to Oshtemo Charter Township for public sanitary sewer service. As Applicant, I declare that the information provided is true, correct, and complete to the best of my knowledge. I understand that a Certificate of Occupancy may be withheld or revoked if Oshtemo sewer service connection fees are not paid in-full or financed through the Township by means of a recorded installment payment (mortgage) agreement. As applicant, it is my responsibility to make separate application and notice to the City of Kalamazoo as the public sewer utility operator and service provider. Application to the City of Kalamazoo is to establish a utility-services account for receiving regular billings of usage charges. For existing public water service customers, sanitary sewer service billings will be added to your account. A new utility service customer may be required by the City to provide a service deposit. Construction of a connection to the provided sewer lead shall be by Plumbing Code enforcement through the Township's Building Authority.

Cash Check Mortgage Agreement is attached in full payment of all applicable fees & charges.

Application & Fees Received by Oshtemo

_____ date File copies to:
 _____ receipt # Applicant
 Public Works Department (original)
 City of Kalamazoo

Signature of Applicant

Oshtemo Sanitary Permit #: _____

Schedule of Facility Charges
Available at the Township Office

SANITARY SEWER SERVICE

General Information. Oshtemo will collect a connection fee prior to the property owner receiving public sanitary sewer service. These fees allow Oshtemo to finance, construct and selectively manage the capital elements of the public sanitary sewer infrastructure in the Township. Generally, system operation, normal maintenance and waste water treatment is carried out by the City of Kalamazoo acting as a franchised public utility permitted by the Township. Sanitary sewer usage charges will be billed monthly or quarterly to each customer by the City of Kalamazoo (269-337-8149). The City may require a deposit when setting up a new customer account.

Sanitary Sewer Service Leads. As a general practice, service leads are provided by Oshtemo to each parcel at the time of constructing the gravity sewer main under the roadway pavement. Service leads are typically extended to the outside edge of the public right-of-way. Following payment of fees, the construction necessary to expose the service lead and complete the sanitary sewer service connection is generally the customer's responsibility. This work is permitted and inspected in accordance with applicable plumbing and building code permit requirements (contact the Building Dept., 269-585-4150).

Sewer Lead Cards & Location. Prior to your design of a new sewer service connection, owners should contact Oshtemo to determine what construction records exist for the sanitary sewer service lead that was installed to serve your parcel. This information may ultimately affect your design decisions, especially for proposed non-residential users of the sanitary sewer service. If the existing sewer service lead cannot not satisfy your service requirements, the construction of an alternate or additional service leads shall generally be at private cost. If deemed necessary, the installation of a new sewer lead to the sewer main under existing roadway pavements will require considerable advance planning. Seasonal construction restrictions of the Road Commission of Kalamazoo County may apply.

Existing Septic. Be aware that environmental health and public safety codes may require property owners to take additional actions to protect groundwater when switching to public water or public sanitary sewer service. Abandoned septic tanks should have the collected wastes pumped out and properly disposed. Oshtemo strongly recommends that underground septic tanks and structures be removed; or that they be crushed and filled. This is to avoid potential future catastrophic collapse of remaining underground voids. For further details on proper abandonment procedures and requirements, please contact the county health department (269-373-5210). The county is responsible for permitting septic system work in Oshtemo.

Description of Fees. It is the desire of the Township Board to treat all persons similarly benefitted and similarly situated in an equal manner with respect to sanitary sewer connection fees. All properties connecting to a public sanitary sewer shall pay a connection fee designed to capture the capital expense of the sanitary sewer system. The Township's sanitary sewer connection fee has three components. The first is a parcel/lot fee, the second is an assessable front footage fee, and the third is a benefit use fee.

Parcel Component & Front-Foot Component. In specific circumstances the first two of these component costs may have been previously financed by the property owner. This previous financing may have been through a special assessment district created to fund a specific public sanitary sewer project, or the sewer infrastructure may have been installed at a land developer's private expense. Please note that Oshtemo has elected to initially limit the assessable frontage charge to the first 200 feet for single structure, single- and two-family residential buildings. The remaining assessment of frontage will be collected at the time of future land division or development. All others shall pay the applicable footage charge without limitation.

Benefit Unit Component. All properties connecting to public sanitary sewer service shall pay a Benefit Unit Fee (the third fee component) at the time of service-usage change. The benefit unit is a number for the proposed facility that is proportional to the average usage of a single-family residence. The sanitary sewer benefit fee is computed by facility-type, ranging from auto dealers to warehouses. A schedule of facility charges (benefit units) has been adopted by ordinance and is available at the Township Office.

Memorandum



Date: May 23, 2024
To: Township Board
From: Anna Horner, P.E., Public Works Director
Subject: S 2nd St Special Assessment District

Objective

Board approval to *set the assessment roll* for the S 2nd Street Paving Project SAD.

MOTION: I make the motion to approve the Resolution for the S 2nd St Special Assessment Roll.

Background

The residents of 2nd St between KL Ave and L Ave have initiated a Special Assessment project under Public Act 188 and Oshtemo Township Road Assessment Policy for road improvements. 56% of property owners along the road frontage for this project signed the petition for improvements. The terms previously approved by the Board for this assessment include a 6-year duration with an interest rate of 2.625% and will remain at a fixed rate.

The costs are based on engineers' estimate of quantities and costs and the final quantities will be based on as-built construction. The final completion date is August 2, 2024, and the final cost will be provided by the Road Commission prior to October when winter tax bills are generated. Typically, the final costs do come under the estimate, however there is always the possibility of an increase for a particular item. Final costs will be allocated to the Township and residents accordingly and reflected in the final assessments to the residents.

Information Provided

Resolution

Core Values

Public Service, Sustainability, Professionalism, Integrity, Fiscal Stewardship

Public Act 188 of 1954 Proceedings

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

2nd St Special Assessment District Proceedings

Excerpts of Minutes of Special Meeting of the Township Board

Held at the Township Hall, 7275 West Main St, Kalamazoo, Michigan on May 28, 2024

Members Present:

Members Absent:

The Supervisor stated that the next order of business was the consideration of the Assessment Roll for the 2nd St. Special Assessment District which had been prepared by the Supervisor and the Assessing Officer of the Township in accordance with a resolution of the Township Board adopted on May 14, 2024, and had been noticed for a public hearing for this date.

The Township Clerk reported that notices of the hearing on said Assessment Roll had been given by publication in the Kalamazoo Gazette on May 16, 2024, and on May 23, 2024, and by first class mail to each property owner of record as shown on the Assessment Roll of the Township within the Special Assessment District on May 13, 2024. Affidavits of such publication and mailing were presented and ordered filed as a part of the minutes of the meeting.

At the request of the Supervisor, the Clerk presented a proposed Assessment Roll which had been previously filed with her assessing a portion of the cost of the project and based upon a front foot fee, capped at 200ft, and all persons present were invited to inspect the same and make comments with respect thereto. A summary of the comments were made as follows:

After everyone present had been given the opportunity to be heard concerning the Assessment Roll and the Board had fully considered the same and all comments made in connection therewith, the following preamble and resolution were offered by _____ and supported by _____ for adoption by the Township Board.

PREAMBLE AND RESOLUTION

RE: SPECIAL ASSESSMENT ROLL FOR 2ND ST. SPECIAL ASSESSMENT DISTRICT

WHEREAS, the Township Board of the Township of Oshtemo, Kalamazoo County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed Assessment Roll prepared by the Supervisor and Assessing Officer of the Township for the purpose of defraying a portion of the costs of improvements imposed to be installed within the 2nd St. Special Assessment District as shown on the plans and specifications for such project.

AND WHEREAS, such public hearing was preceded by proper notice in the Kalamazoo Gazette, a newspaper of general circulation in the Township, and by first class mail notice each property owner of record within said District and upon said Assessment Roll;

AND WHEREAS, comments were received from those present at such public hearing concerning said Assessment Roll and opportunity to all present to be heard in the matter;

AND WHEREAS, (no) written objections were received to said Assessment Roll and Levy;

AND WHEREAS, the oral comments received indicated the reasonableness of the following amendment to said Assessment Roll;

AND WHEREAS, a record of those present to protest, and of written protests submitted at, or before, the public hearing was made a part of the minutes of the hearing;

AND WHEREAS; it is the opinion of the Township Board that no further time should be granted for the consideration of the matter because of the time constraints in completing the road improvements;

AND WHEREAS, the Township Board has duly inspected the proposed Assessment Roll and considered all comments and proposed amendments thereto and has found the proposed Assessment Roll, as amended, to be correct, just and reasonable;

NOW THEREFORE IT BE RESOLVED AS FOLLOWS:

1. The Assessment Roll submitted by the Supervisor and Assessing Officer of the Township (as amended in the within resolution) shall hereafter be designated as the 2nd St. Special Assessment District and shall hereby be confirmed as the Assessment Roll for the 2nd St. Special Assessment District.
2. The assessments in said Oshtemo Charter Township Special Assessment Roll shall be divided into six (6) equal annual installments of principal with the first installment to be due with the December tax bill for 2024, and the following installments to be due on the same month of each and every year thereafter. All unpaid installments prior to their transfer to the Tax Roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at the rate of 2.625 percent per annum commencing on the first installment due date hereinbefore set forth. Any payments made before such first installment due date shall not bear any such interest.
3. Future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with the Michigan Public Act 188 of 1954, as amended. If any installment of a Special Assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1 percent for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board of reassessment upon the Township Tax Roll, also in accordance with said PA 188.
4. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said Special Assessment Roll to said Treasurer with her warrant attached, commanding the Treasurer to collect such assessment in accordance with the direction of the Township Board and said PA 188.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Upon roll call vote on the adoption of the resolution, the following voted "Aye":

The following voted "Nay":

The Supervisor declared the resolution duly adopted.

Dusty Farmer, Township Clerk

CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held on May 28, 2024, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this _____ day of May, 2024.

Dusty Farmer, Township Clerk

2ND STREET - L AVE TO KL AVE

TaxPIN	Acres	AssessibleFF	FFPercent	TOTAL	PCOMBINED	ONERNAME1	Signed Z_PRIMARY Petition
05-19-405-020	5.02	336.32	0.06	\$6,602.01	868 S 2ND ST	SMITH CAMERON	AG
05-19-405-030	2.89	200.00	0.04	\$6,602.01	952 S 2ND ST	CARLSON RICHARD P & KELLIE	AG X
05-19-405-040	2.89	200.00	0.04	\$6,602.01	1012 S 2ND ST	HABERKORN ALICIA/SMITH GILES M	AG X
05-19-405-050	2.89	200.00	0.04	\$6,602.01	1076 S 2ND ST	RENDON JAMES & JOANNA R	AG
05-19-405-060	2.89	200.00	0.04	\$6,602.01	1132 S 2ND ST	FRAAZA ADRIENNE & BRIAN	AG X
05-19-430-012	10.37	870.40	0.17	\$6,602.01	955 S 2ND ST	HEYSTEK EVONNE L & STEVEN R	RR X
05-19-430-020	6.25	274.00	0.05	\$6,602.01	1255 S 2ND ST	HARRISON RICHARD & TERESA	RR X
05-19-430-031	6.18	274.00	0.05	\$6,602.01	1275 S 2ND ST	CLARK MICHAEL J & TERESA ANN	RR X
05-19-470-010	9.98	690.00	0.13	\$6,602.01	10384 W L AVE	WOLF TODD M & KRISTEN M TRUST	RR
05-19-470-025	2.89	200.00	0.04	\$6,602.01	1372 S 2ND ST	KAPLAN DANEE & RICHARD	AG X
05-19-470-035	2.89	200.00	0.04	\$6,602.01	1256 S 2ND ST	HARDING JEFF B & KATHLEEN G	AG
05-19-470-045	2.89	200.00	0.04	\$6,602.01	1314 S 2ND ST	BARNES MARK L & MARIA A	AG X
05-19-470-055	2.89	200.00	0.04	\$6,602.01	1376 S 2ND ST	LAWRENCE PETER	AG
05-19-480-002	6.21	274.00	0.05	\$6,602.01	1325 S 2ND ST	GARLOCK GARY L & ANN E	RR X
05-19-480-009	6.24	274.00	0.05	\$6,602.01	1355 S 2ND ST	ONDERLINDE ALEX & SARAH	RR X
05-19-480-011	1.83	330.00	0.06	\$6,602.01	1385 S 2ND ST	PETERSEN JAMES C & WENDY E TRUST	RR
05-19-480-015	1.15	165.00	0.03	\$5,446.65	10198 W L AVE	WILLIAMS BRIAN L & TRACY L	RR
05-19-480-020	0.91	165.00	0.03	\$5,446.65	1401 S 2ND ST	ELLIS SANDRA LEE LIVING TRUST	RR

parcel count = 18 5252.72 100% \$ 116,525.40

Total Front Foot w/ 200' MAX 3,530
 Cost per FF \$ 33.01

ENGINEER'S ESTIMATE BY RCKC 1/26/24

Total Nonbillable cost (RCKC)	\$ 98,780.00	
Total Billable Cost	\$ 273,076.00	
Total Township Contribution	\$ 156,550.20	57%
Total Resident Assessment	\$ 116,525.40	43%

Memorandum

Date: May 23, 2024
To: Township Board
From: Sierra Lucas, Paralegal – Legal Department
Subject: Housing Code Ordinance



Objective

In an effort to enhance the quality of housing within the Township and ensure the safety and well-being of residents, the Township would like to implement a new Housing Code Ordinance aimed at regulating rental properties, hotels, motels, and similar accommodations.

Background

This ordinance is designed to:

1. Establish minimum standards for rental properties, hotels, motels, and similar establishments to ensure the provision of safe and habitable living conditions for residents and guests.
2. Require regular inspections of rental properties and hospitality establishments to ensure compliance with health, safety, and building code regulations.
3. Address issues such as overcrowding, inadequate facilities, and maintenance deficiencies that may pose risks to occupants' health and safety.
4. Prevent the deterioration of neighborhoods and the spread of blight by enforcing maintenance standards for rental properties and hospitality establishments.
5. Promote the overall well-being of the community by preserving the integrity and livability of residential areas.

Information Provided

Please see the attached draft of the proposed Housing Code Ordinance for your review.

Core Values

Public Service

DRAFT OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted:

Effective:

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

OSTHEMO CHARTER TOWNSHIP HOUSING CODE

SECTION 1 TITLE AND PURPOSE:

A. Title. This ordinance shall be known and may be cited as the "Housing Code of Oshtemo Charter Township."

B. Purpose. The general purpose of this ordinance is to protect the public health, safety and the general welfare of the people of the Township. These general objectives include, among others, the following specific purposes:

- (1) To protect the character and stability of residential areas within the Township.
- (2) To provide minimum standards for kitchen, heating and sanitary facilities necessary to the health and safety of occupants of buildings.
- (3) To provide standards for light and ventilation necessary to health and safety.
- (4) To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
- (5) To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
- (6) To provide minimum standards for the maintenance of existing residential buildings and thus to prevent the spread of slums and blight.
- (7) To preserve the taxable value of lands and buildings throughout the Township.

C. Unless otherwise expressly modified or deleted by this ordinance, if a conflict occurs between a provision of this ordinance and a provision of any national or published ordinance adopted by the Township, the provisions of the national and published ordinance shall control.

SECTION 2 DEFINITIONS:

A. Usage.

- (1) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Housing Code, have the meanings shown in this ordinance.

(2) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(3) Terms defined in other codes. Where terms are not defined in this code and are defined in the International Property Maintenance Code, building, fire prevention, zoning, plumbing or mechanical codes, ASME A17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

(4) Terms not defined. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(5) Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING: Any building or structure, not used as a dwelling, which is located on the same premises as a dwelling.

AGENT (RESPONSIBLE LOCAL): See § 17.

APPROVED: Determined by the Township to be in compliance with this ordinance.

BASEMENT: A portion of a building located entirely underground or partly underground (having more than 1/2 its clear floor-to-ceiling height below the average grade of the adjoining ground).

BASIC STRUCTURAL ELEMENTS: The parts of a building which provide the principal strength, stability, integrity, shape and safety, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry, and all other essential components.

BED-AND-BREAKFAST INN: An establishment located within a detached house that is the principal residence of the operator (or his/her designee), where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

BEDROOM: Any room or space used or intended to be used for sleeping purposes.

BOARD or BOARD OF APPEALS: The Building Board of Appeals established in § 5 of the Construction Code Ordinance No. 530, compiled § 274.00

BUILDING OFFICIAL: The individual, including authorized representatives, as defined in the State Construction Code.

CERTIFICATE OF COMPLIANCE: A document issued by the enforcing agency which states that the listed property is in substantial compliance with the requirements of this ordinance.

COMMON AREAS: Those interior and exterior areas normally accessible to all occupants, such as, but not limited to, hallways, stairs, and yards. "Common areas" do not include dwelling units, exterior or interior areas assigned to specific occupants, such as assigned storage or parking places, or such places as offices or areas from which occupants are generally excluded.

CONDEMNED: Unfit for occupancy.

DETERIORATE: To decay, decompose, or degenerate.

DETERIORATION or DETERIORATED: The fact or process of decay, infestation, rotting, corrosion, decomposition, weakening, or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable, or unsuitable for its intended use, including, but not limited to, the advanced stage of rot, rust, mold, insect ingestion, infestation, or destruction.

DUPLEX: A building with two dwelling units.

DWELLING: Any building which is wholly or partly used or intended to be used for living by human occupants.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EGRESS: Egress is what an exit provides. A means of egress consists of three separate and distinct parts: the exit access (portion that leads from any occupied point in a building or structure to an exit), the exit (defined below) and the exit discharge (portion between the termination of an exit and a public way).

EXIT: That portion of a means of egress system separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protectives as required to provide a protected path of egress travel between the exit access and the exit discharge. Exits include exterior exit doors at ground level, exit enclosures, exit passageways, exterior exit stairs, exterior exit ramps and horizontal exits.

FAMILY: See Oshtemo Charter Township's Zoning Ordinance, Chapter 2 (Construction of Language and Definitions). Any person seeking the rights and privileges afforded a member of a family by this ordinance shall have the burden of proof by clear and convincing evidence of his or her family relationship.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, including cans, containers, and wrappings wasted therewith.

GARBAGE CONTAINER:

- (1) A watertight container that is constructed of durable material impervious to rodents that is capable of being serviced without creating unsanitary conditions. Containers shall have tight-fitting covers or lids; or
- (2) A receptacle designed to be transported by or mechanically emptied into a refuse collection vehicle, and does not include receptacles used in office buildings, businesses, and single-family dwellings which are less than twenty-gallon capacity.

GOOD REPAIR: To be properly installed, stable, and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

GOOD WORKMANSHIP: Completing a task of construction, repair, replacement, alteration or maintenance to industry standards using like materials so that the result is free of defects, operates as intended, creates no unsafe conditions and is executed in a skilled manner to be generally plumb, level, square, in line, undamaged and without marring adjacent work. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer or other appropriate licensed professional.

HABITABLE AREA: All areas within a dwelling unit used for living, sleeping, cooking or eating, excluding:

- (1) Bathrooms and/or toilet compartments.
- (2) Foyers, hallways and connecting corridors too small to be used for any other purpose than as foyers and connecting corridors.
- (3) Stairways.
- (4) Closets and storage space used as such or too small to be used for anything else.
- (5) Three-season porches.

HISTORIC: Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

HOTEL/MOTEL: Any establishment that does not meet the definition of "bed-and-breakfast" where short-term lodging is offered for compensation.

LOFT APARTMENT: A dwelling unit located in the upper stories of a mercantile, warehouse, or factory, usually not partitioned off into rooms. If partitions are installed, they are not required to extend to the ceiling or contain doors (in order to allow borrowing light and ventilation from adjacent areas).

MECHANICAL EQUIPMENT: Includes heating equipment, water heaters, and other items specifically covered by the Michigan Building Code.

MINOR VIOLATIONS: Violations which do not pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include, but are not limited to, such items as worn or torn carpeting, holes in interior wall or ceiling surfaces, loose hinges or door knobs, checked window glazing, low heat in one room or area, dripping faucets, absence of street address numerals, minor peeling exterior paint, etc.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and is designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Any mobile home occupied by someone other than its owner shall be subject to the required rental registration and certification requirements of this ordinance.

MULTIPLE DWELLING: A residential building containing three or more dwelling units arranged either side by side or one above the other (also "apartment," "townhouse," and "garden apartment"). Such term shall also mean any building containing:

- (1) Two or more dwelling units and one or more commercial occupants; or
- (2) Two or more commercial occupants and one or more dwelling units.

NUISANCE:

- (1) Any public nuisance known at common law or equity.
- (2) Any condition which might attract and be dangerous to the public, 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, structurally unsound fences, outbuildings or

structures, lumber, vegetation, mounds of gravel, sand or earth which might prove a hazard for the public 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, rubbish, refuse, and/or trash.
- (8) Whatever renders air, food, or drink unwholesome or detrimental to health as determined by the health officer.
- (9) Insufficient support, inadequate sewerage, drainage, heating, or wiring.
- (10) Any violation of the provisions of this chapter relating to the aforesaid declared nuisances.

OCCUPANT: Any person who regularly lives, sleeps, cooks, eats, or has actual legal possession of a dwelling unit or rooming unit. An occupant may be a person other than one who has a leasehold or other legal possessory interest in a dwelling unit or rooming unit.

ONE-FAMILY DWELLING: A residential building containing a dwelling unit for occupancy by only one family.

OWNER:

- (1) Any person who, alone or jointly or severally with others:
 - (a) Shall have the legal or equitable title to a dwelling with or without the accompanying actual possession thereof; and/or
 - (b) Shall be the land contract purchaser of any premises or dwelling; or
 - (c) Shall have the charge, care, custody, possession, or control of any dwelling as owner or agent of the owner or as fiduciary.
- (2) A housing cooperative or condominium, whether it is a partnership, corporation, or any type of association, shall be considered an owner of the buildings, grounds, and dwelling units which are part of the cooperative or condominium.

PLUMBING: Includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other supplied fixtures, together with all connections to water and sewer lines.

PREMISES: Any improved or unimproved lot or parcel of land and the buildings thereon.

REFUSE: Any waste product which is not water-carried and which is composed wholly or partly of such materials as garbage, rubbish, sweepings, industrial solid wastes, or domestic solid wastes, organic wastes or such other substances as may become a nuisance.

RENT: Compensation or return of value given periodically, or for a set period of time, in exchange for the right of possession of a dwelling or dwelling unit.

RENTAL UNIT: Any dwelling unit rented or leased or any dwelling occupied as a home or family unit containing certain rooms in excess of those occupied by members of the immediate family and occupied as a home or family unit which is leased or rented to one or more persons outside the family. Dwelling units in a housing cooperative or condominium shall be considered rental units for purposes of this section, if they are rented.

ROOMING HOUSE, BOARDINGHOUSE, or LODGING HOUSE: Any dwelling, or that part of any dwelling or dwelling unit, containing one or more rooming units in which space is let primarily for sleeping purposes, with or without meals, by the owner or agent to persons who are not related to the owner or operator by blood, marriage, or adoption. (Rooming house occupancy limits will vary by zoning district.)

ROOMING UNIT or SLEEPING ROOM(S): Any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH: Any combustible or noncombustible waste materials, except garbage, including, but not restricted to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastics, tree branches, yard trimmings, tin cans, metals, automotive parts, mineral matter, glass, crockery, duct and the residue from the burning of combustible materials.

STRUCTURALLY SOUND: That all basic structural elements (see definition) shall provide strength, stability, integrity, shape, and safety. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer.

SUBSTANTIAL VIOLATIONS: Violations which pose an immediate or near-term threat to the physical health or safety of the occupant(s) or public. They include but are not limited to such items as lack of dwelling unit heat or water, broken/leaking/plugged sanitary sewer or drains, improper or inadequate venting of fossil-fuel-burning appliances, loose or missing stair treads or rails, foundation walls in danger of collapse, lack of required functioning smoke alarms, blocked or unsafe exit paths, etc.

SUPPLIED: Paid for, furnished, or provided by or under the control of the owner.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TWO-FAMILY DWELLING: A residential building containing two dwelling units, each intended for occupancy by only one family.

UNFIT FOR HUMAN HABITATION: Any dwelling or dwelling unit which, because of its condition or the condition of the lot upon which the dwelling or dwelling unit stands or any accessory structure thereof is dangerous to life, safety, or the general welfare of the occupants or of the public, shall be deemed unfit for human habitation. A dwelling or dwelling unit deemed unfit for human occupancy shall be condemned until such condition(s) is remedied.

SECTION 3 SERVICE OF NOTICES OR ORDERS UNDER ORDINANCE:

Unless otherwise provided for the purpose of this ordinance, a person is considered to have received a notice or order on the date it was personally served or the date the notice or order is mailed, certified or first-class postage prepaid, to him or her at the last known address according to Township records.

SECTION 4 COMPLIANCE WITH ORDINANCE GENERALLY:

No person shall occupy, rent, lease or permit any occupancy of any dwelling or dwelling unit unless it substantially complies with all applicable provisions of this ordinance. Occupancy of any dwelling unit regulated by this ordinance shall create a rebuttable presumption that such occupancy has occurred with the express and/or implied consent of the owner. The provisions of the Michigan Building Code, also known as the Stille-DeRossett-Hale Single State Construction Code Act, which is Public Act 230 of 1972, as amended (MCLA § 125.1501 et seq.), and rules promulgated pursuant to that statute, supersede any contrary provision of this ordinance for residential dwelling units constructed in compliance with the then-current provisions of that statute.

SECTION 5 TEMPORARY DWELLING TO COMPLY WITH ORDINANCE:

It shall be unlawful for any person to erect or occupy any structure which is intended to be occupied, in whole or in part, as a temporary dwelling unless it complies with all provisions of this ordinance.

SECTION 6 APPLICATION OF ORDINANCE TO HOTELS AND MOTELS:

Every provision of this ordinance which applies to rooming houses shall also apply to hotels and motels except to the extent that any such provision is found in conflict with the laws of the state or with the lawful regulations of any state board or agency.

SECTION 7 OCCUPANCY OF MOBILE HOMES AS DWELLINGS:

No house trailer or mobile home, whether mobile or not, shall be occupied as a dwelling within the Township unless in compliance with the Township Zoning Ordinance or legally established in mobile home communities.

SECTION 8 AUTHORITY TO CONDEMN AND PROCEDURES; PERSONS NOT TO OCCUPY OR BE PRESENT IN DWELLINGS THAT ARE CONDEMNED OR THAT CONSTITUTE A NUISANCE:

A. The Township shall have the authority to condemn any dwelling that is unfit for human habitation or occupancy and constitutes a nuisance as defined in § 2 or any other applicable code. Upon a determination that a nuisance exists, the Township may order the prompt vacation of the dwelling by posting a notice of condemnation at a conspicuous location on the property and by mailing written notice to the owner of record. The Township shall also have the authority to immediately board up or otherwise secure an unoccupied condemned dwelling if it is open to casual entry. Further, the Township may require the owner to place a condemnation notice on the inside portion of a first floor window facing the street. No person shall remove or cause to be removed any condemnation notice without permission of the Township.

B. No person shall occupy or be present in a dwelling, dwelling unit, or the premises, if it is condemned or if it constitutes a nuisance as defined in § 2. Occupancy of any such dwelling or dwelling unit creates a rebuttable presumption that the occupancy has occurred with the permission of the owner. However, at reasonable times between 8:00 a.m. and 9:00 p.m., the owner, owner's agent or tenant may be present for the purposes of making repairs or removing personal property from the dwelling or premises.

C. Any person in violation of any provisions of this section shall be deemed guilty of a misdemeanor.

SECTION 9 ABATEMENT OF RENT IN CASE OF DWELLING UNIT FOR HUMAN HABITATION:

If any portion of a building constructed as, or altered into, a dwelling is occupied for human habitation in violation of this ordinance and has been deemed by the Township as unfit for human habitation, the owner, owner's agent or lessor shall not, during the period of unlawful occupation, accept, retain or recover rent or maintain any action or special proceedings for possession of the premises for nonpayment of rent. The Township may declare the premises unfit for human habitation and proceed to condemn the dwelling and order its vacation under § 8.

SECTION 10 REFERENCE TO CODES:

The terms "Building Code," "Electrical Code," "Mechanical Code," and "Plumbing Code," as used in this ordinance or notices issued pursuant to this ordinance, refer to those respective codes enforced by the Township pursuant to Township Ordinance No. 530. The word "code" when not used in any of the foregoing contexts but used in this ordinance or in a notice issued pursuant to this ordinance, refers to this ordinance. "IPMC" refers to the most recent published edition of the International Property Maintenance Code.

SECTION 11 REMOVING OR DISCONNECTION OF REQUIRED SERVICES, FACILITIES, EQUIPMENT OR UTILITIES:

No person shall cause any utility which is required under this ordinance or state law to be removed or shut off from or disconnected from any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies where discontinuance of service is approved by the Township. The requirements of § 22 of the Township Ordinances shall not apply to § 11.

SECTION 12 INSPECTIONS TO ENFORCE ORDINANCE – GENERALLY:

For purposes of enforcement and administration of the Housing Code, the following shall apply:

A. The Township shall make inspections for the enforcement of this ordinance. Such inspections are based on a legislative reaffirmation by the Township that the most effective way to obtain compliance with the minimum requirements of this ordinance is through routine periodic inspections of all premises regulated by this ordinance, including hotels, motels, bed-and-breakfast inns, residential cooperatives, residential collectives, rooming houses, and all rental housing as mandated by Michigan law. These inspections may be supplemented as needed with inspections undertaken on the basis of one or more of the provisions found elsewhere in this ordinance.

B. Subject to the provisions of § 12, the Building Official, or any inspectors working under the Building Official's authority, may request permission to enter all premises regulated by this chapter, at reasonable hours, to undertake an inspection. Upon an emergency, as defined under rules promulgated by the Township, the inspector or team of inspectors shall have the right to enter at any time. Unless otherwise provided in this ordinance, or by a policy or an administrative rule, such inspections shall include a thorough examination of all parts of such rental units and the premises connected therewith, including all common areas and all dwelling units, for any violation of the applicable regulations which could affect the health, safety and welfare of any occupant or use of the premises, regardless of whether such dwelling units are rental units as defined by this ordinance. The Building Official or any other inspector is also empowered to make an inspection of any portion of any premises regulated by this ordinance when there is probable cause to suspect that there is a violation of this ordinance at the premises in question. Such inspections may be accomplished by a search warrant as provided for by this ordinance and state law, by access voluntarily provided by the owner or responsible local agent to unoccupied units and common areas, or by access voluntarily provided by a resident of a dwelling unit occupied by that resident.

C. The Township may promulgate rules governing the length of certificates of compliance, the number of units inspected in multiple dwellings or multiple-dwelling complexes, and under what circumstances inspections are waived. The initial rules shall take effect upon endorsement by resolution of the Township Board.

D. The Township shall have the authority under this ordinance to obtain a search warrant to perform any inspection authorized by this ordinance or by state law. Such a search warrant is considered an administrative search warrant and shall permit an inspection to go forward only for purposes authorized by this ordinance and state law. The Township may also request an administrative search warrant when the premises in question have not been inspected within the time period prescribed by ordinance, by administrative policy, or by rule, or when the premises have not previously been certified or no longer have a current certificate of compliance.

E. In addition to the inspections required by § 12B, an inspection may be authorized on one or more of the following bases:

- (1) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously or within a short period of time.
- (2) A complaint basis, such that complaints of violations will be inspected within a reasonable time.
- (3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

F. Inspections under this section shall be carried out by the Township and may include such representatives of other agencies as may form an inspection team to undertake an inspection under this ordinance and other applicable ordinances.

G. In a nonemergency situation in which the owner or occupant demands a search warrant, the Township shall obtain a warrant from a court of competent jurisdiction. The occupant shall have the exclusive right to demand a search warrant for an inspection of any dwelling unit. The warrant shall state the address of the building to be inspected, the nature of the inspection, as defined in this ordinance or other applicable ordinances, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., mandatory periodic inspection, complaint, area or recurrent violation basis) established in this section, in other applicable statutes or ordinances or in rules or regulations. The warrant shall also state that it is issued pursuant to authority granted by this ordinance and by the authority of § 127 of Public Act 167 of 1917, as amended (MCLA § 125.527), and that it is for the purposes set forth for the inspection of rental property by state statutes and Township ordinances. The owner and/or responsible local agent shall be responsible for providing access whenever a search warrant is issued pursuant to the provisions of this ordinance.

H. The Township may establish and charge a reasonable fee for inspections conducted under this ordinance. All such fees shall be approved by a resolution adopted by the Township Board.

SECTION 12.1 SYSTEMATIC INSPECTION PROCEDURES:

A. It is the policy of the Township that its staff will work cooperatively with landlords, tenants, neighborhood associations and other interested groups and individuals to help ensure safe, decent and sanitary rental housing through the systematic inspection of rental properties pursuant to the requirements prescribed by this ordinance.

B. The owner and/or responsible local agent shall contact the Township to schedule the systematic inspection in a timely manner such that the certificate of compliance can be issued prior the expiration of the then-current certificate of compliance.

C. It shall be the responsibility of the owner and/or responsible local agent to contact the Township to schedule the systematic inspection required by this ordinance.

D. Once a date for an inspection is scheduled, the owner and/or responsible local agent shall do all of the following prior to the date of the scheduled inspection:

- (1) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection of the date when the inspection is scheduled to occur.
- (2) Request permission from the tenant or occupant of each dwelling unit scheduled for possible inspection to enter the rental unit in the event that the tenant or occupant is not at home when the inspector arrives.
- (3) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection that the owner or the owner's representative is required to accompany the inspector during the performance of all inspections of rental dwelling units, and that the owner or the owner's representative must provide access to the inspector by unlocking the dwelling unit's door in the event that the tenant is not at home.

E. In all cases where a tenant or occupant has informed the owner or responsible local agent, either orally or in writing, that the inspector may have access to the dwelling unit, the owner shall provide access to the dwelling unit in question for purposes of conducting the inspection required by this ordinance.

F. If a tenant who has consented to the inspection informs the owner or responsible local agent that he or she would like to be present during the inspection, but that the time scheduled for the inspection is not convenient, the owner or responsible local agent shall inform the Township of the tenant's desire to be present when the inspection occurs. The Township shall make a reasonable effort to comply with the tenant's request. If the Township, owner, and tenant cannot schedule a mutually convenient time for the inspection, the Township shall have the discretion to seek a search warrant to inspect that dwelling unit pursuant to authority granted by this ordinance and state law.

G. If a tenant or occupant of a unit scheduled for possible inspection informs the owner or responsible local agent that he or she will demand that the Township obtain a search warrant, the owner or responsible local agent shall inform the tenant that the owner or responsible local agent is required by Township ordinance to accompany the inspector during the execution of a search warrant, and is required to provide access to any dwelling unit when a proper search warrant has been issued by a court of competent jurisdiction. If a search warrant is issued at the request of a tenant, the Township shall make a reasonable effort to inform the tenant of the date of execution of the search warrant.

H. In all cases where a court of competent jurisdiction has entered a search warrant authorizing the inspection of a particular dwelling pursuant to MCLA § 125.527 and the provisions of this ordinance, the owner or responsible local agent shall accompany the inspector during the execution of the search warrant and inspection of the named dwelling units, and shall provide access to each dwelling unit described in that search warrant.

I. The Township may require the owner of a leasehold to do one or more of the following:

- (1) Provide the Township access to the leasehold if the lease provides the owner a right of entry.
- (2) Provide access to areas other than a leasehold or areas open to public view, or both.
- (3) Provide access to the leasehold if a tenant of that leasehold has made a complaint to the Township.

J. Neither the Township nor the owner may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold. An owner of a multiple dwelling shall not discriminate against any person whose dwelling unit is randomly selected for inspection by the Township, nor shall any owner bill the cost of the inspection to tenants or other occupants of a property which is inspected under the provisions of this ordinance.

K. The Township shall not discriminate against an owner who has met the requirements of Subsection I but has been unable to obtain the permission of the tenant or occupant, based on the owner's inability to obtain the permission.

SECTION 13 RESERVED

SECTION 14 FEES FOR ACTIONS TAKEN UNDER CHAPTER 17:

A. The Township Board may, by resolution, establish reasonable fees for covering the costs of actions taken under this ordinance.

B. The Township shall provide a written invoice of the fees to the owner of the property against which action was taken by the Township. Payment is due within 30 days from the date of the invoice. If the invoice is not paid, the Township shall notify the Township Assessor's Office, who will assess the unpaid amount against that property. The Township may enforce the lien by placing the unpaid amount on the next tax roll of the Township, the collection of which is enforceable in the same manner as delinquent taxes.

C. The Township also has the option to file a complaint in the appropriate court in Kalamazoo County to recoup any unpaid balance owing on the invoice. Interest shall accrue as provided for delinquent taxes and judgments by law.

SECTION 15 REGISTRATION OF HOTELS, RENTAL DWELLINGS, RESIDENTIAL COLLECTIVES, RESIDENTIAL COOPERATIVES, BED AND BREAKFAST INNS, AND ROOMING HOUSES:

The owner of any hotel, any rental dwelling, or of any residential collective, residential cooperative, bed-and-breakfast inn, or rooming house, shall register it with the Township and shall designate a person, as defined in § 17, as the responsible local agent who shall be legally responsible for compliance with the Township ordinance and shall also be responsible for providing access to such property for the purpose of making the inspections necessary to ensure such compliance in conformance with applicable provisions of this ordinance and state law.

SECTION 16 REGISTRATION FORMS:

An application for registration shall be made in such form and in accordance with such instructions as may be provided by the Township. No application for registration shall be valid unless it is filled out completely. If any information on a rental registration submitted to the Township about the owner or responsible local agent changes, it shall become invalid until a new registration form is submitted.

SECTION 17 RESPONSIBLE LOCAL AGENT:

An owner of premises covered under this ordinance shall designate a responsible local agent as a party responsible for operating such premises in compliance with all the provisions of the Township Housing Code. The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his/her place of residence in the County of Kalamazoo. All official notices of the Township may be served on the responsible local agent, and any notice so served is considered to have been served upon the owner of record.

SECTION 18 TRANSFER OF OWNERSHIP; TRANSFER OF NONCOMPLYING PROPERTIES:

A. Upon any transfer of ownership, any registration issued under this ordinance shall become invalid. Any new owner shall comply with the provisions of §§ 15 and 16 and shall register the property within 10 days of the date of the transfer of ownership. The validity and expiration date of a certificate of compliance shall not be affected by a transfer of ownership.

B. The Township will hold the purchaser of any hotel, rental dwelling, rooming house or other dwelling regulated by this chapter responsible for any compliance order issued for the property, even though such order may have been issued to the previous owner. Any new purchaser may obtain a copy of any outstanding compliance order at the Oshtemo Township Offices. Enforcement for failure to comply with any outstanding orders may be transferred to a new owner without additional notice.

SECTION 19 CERTIFICATES OF COMPLIANCE FOR HOTELS, ROOMING HOUSES, MULTIPLE DWELLINGS, RENTAL DWELLINGS, AND RESIDENTIAL COLLECTIVES:

A. No person shall operate, lease, rent, occupy, or allow occupancy of a hotel, including a bed-and-breakfast inn, rooming house, multiple dwelling, residential cooperative, residential collective or any rental dwelling, including single-family homes and duplexes, unless there is a valid certificate of compliance issued by the Township in the name of the agent and issued for the specific hotel, rooming house, multiple dwelling, residential cooperative, residential collective or rental dwelling. The certificate of compliance shall be displayed in a conspicuous place in each hotel, rooming house, and bed-and-breakfast inn at all times. The certificate shall be issued in conformance with such rules as the Township shall promulgate after registration with the Township and following inspection and shall state that the property is in compliance with the provisions of the Township Housing Code and state law.

B. The Township shall not issue a certificate of compliance unless a current registration is in effect, the responsible local agent is properly designated, and an inspection, as required elsewhere in this ordinance, has

determined that the premises satisfies the minimum standards and other provisions of the Township ordinances.

SECTION 20 REVOCATION OR DENIAL OF CERTIFICATE OF COMPLIANCE:

A. Whenever the Township finds that the operator of any rental dwelling, rooming house, bed-and-breakfast inn, residential collective, or hotel has failed to comply with a notice of violation issued pursuant to § 22 of this ordinance, the certificate of compliance may be revoked.

B. No person whose registration to rent or lease a dwelling regulated by this ordinance has been denied or whose certificate of compliance has been revoked shall permit occupancy of the premises until the Township has approved the registration of the dwelling and issued a certificate of compliance.

C. Upon revocation of a certificate of compliance or a determination by the Township that any dwelling unit or structure regulated by this ordinance is unfit for human habitation, the owner or operator of such unit or structure shall immediately take appropriate legal action to vacate the premises, including eviction proceedings. No person shall thereafter occupy the dwelling unit or structure for sleeping or living purposes until the Township determines it complies with this ordinance. All vacant buildings shall remain closed to casual entry.

SECTION 21 CIVIL REMEDIES FOR VIOLATIONS:

A. The Township may institute an action in the circuit court to prevent, restrain, correct or abate, without limitation, any one of the following violations or unlawful acts:

- (1) The construction, alteration, conversion or maintenance of a dwelling, including accessory structure, contrary to this ordinance or an order or notice given by the Township.
- (2) When the violation or act is considered to have created a nuisance.
- (3) Under circumstances where the health, safety and welfare of any occupant on the premises or any nearby structure is at risk.

B. The procedure for such action shall be the same as for any injunction or abatement of a nuisance under Michigan court rules, statutes or the common law. The remedies the Township may seek in the judgment or order entered by the court include without limitation:

- (1) Direct the correction, repair or rehabilitation of the dwelling or building.

(2) Abate the nuisance.

(3) Prevent the occupation of the dwelling, building or structure until the violation or nuisance is corrected or abated.

(4) Enjoin or restrain the use, occupancy or action/omission that lead to the lawsuit from continuing until corrected, abated or ceased.

(5) Authorize the Township to execute and carry out the provisions of the judgment or order in case of default by the defendant, including failure to comply within the reasonable time provided.

C. Whenever the Township has incurred any expense for the enforcement of this ordinance or the judgment or order of the court, the Township may institute and maintain a suit against the owner of the premises to recover such expense in addition to the costs of suit. The Township shall have a lien upon the premises for the expenses necessarily incurred in the execution of any judgment or order entered by the court under above Subsections A and B. The lien shall have priority over all other liens or encumbrances, except taxes, assessments or mortgages recorded previous to the existence of such lien. The Township may enforce the lien in the same manner as delinquent real estate taxes or foreclosure of mortgages under state law.

D. In any action instituted by the Township under this section, the Township Attorney shall file, in the office of the Register of Deeds of the County, a notice of the pendency of the action or proceeding. The filing of the notice may occur when the action or proceeding is commenced; before or after final judgment or order is entered; or at any time after the service of the notice is made upon a defendant. The notice shall have the same force and effect as a lis pendens under state law. The Register of Deeds shall record it and shall index it to the name of each person specified in directions prescribed by the Township Attorney. Any notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending, or upon written consent of the Township Attorney. Such vacated notice shall be filed with the Register of Deeds.

SECTION 22 RESPONSIBILITY FOR VIOLATIONS; PROCEDURES:

A. Any person who causes, permits, allows or maintains a condition on or in any premises in violation of a criminal provision of this ordinance shall be deemed guilty of a misdemeanor. A person who violates a section of this ordinance which provides for civil penalties shall be deemed responsible for a municipal civil infraction. Each week that a violation exists shall constitute a separate offense.

B. Any person who causes, maintains, permits or allows a nuisance on or in any premises shall be deemed guilty of a misdemeanor, unless the condition is specifically deemed a civil violation.

C. Whenever the Building Official determines that there has been a violation of any provision of this ordinance, or any adopted rule or regulation, the Township may give notice of the violation to the person responsible for it and order the correction of the violation. Such notice shall:

(1) Be in writing.

(2) Include a statement of the conditions that constitute violations of this ordinance.

(3) Specify that a permit for the performance of the work necessary to correct such violations must be obtained if one is required by the Township Housing Code.

(4) Notify the owner, agent or occupant, as the case may require, of the time within which the violation shall be corrected. If the work cannot be completed within the time specified or for any other reason, the owner may appeal to the Building Board of Appeals as set forth in Section 2 of this ordinance.

(5) Be served upon the owner, agent or occupant as the case may require. Such notice is considered properly served upon an owner, agent or occupant if a copy of the notice is provided under any of the following: personally served; mailed certified or first class with prepaid postage to his/her last known address according to Township records; posted in a conspicuous place on the dwelling affected by the notice; or any other method authorized or required under the laws of this state. The time for performance shall commence on the date service was made, posted, mailed or otherwise authorized depending upon the method of service used.

D. Whenever any inspector finds that a violation of this ordinance creates a situation that requires immediate action to protect the public health and safety, he/she shall bring the matter to the attention of the Building Official. If the Building Official agrees with the inspector, the Building Official shall, without notice or hearing, issue an order stating that an emergency exists and requiring that the person to whom such order is directed take immediate action as the Building Official considers necessary and appropriate to meet the emergency. Regardless of the other provisions of this ordinance to the contrary, such order is effective immediately.

E. Prosecutions for criminal or civil violations of this ordinance may be commenced by issuing an appearance ticket or citation without prior notice.

SECTION 23 MINIMUM FINES:

A. For violations of this ordinance that are considered municipal civil infractions, the minimum fine for a first offense is \$150. If the defendant is responsible for a second civil infraction regarding the same property as a prior violation, committed within two years of the prior violation, then the minimum fine is \$250.

B. For violations of this ordinance that are considered misdemeanors, the minimum fine for a first offense is \$200. If the defendant is responsible for a misdemeanor offense regarding the same property as a prior offense, committed within two years of the prior offense, then the minimum fine is \$300.

C. Any person who commits a third or subsequent violation of this ordinance, all of which occur within three years, regardless whether a misdemeanor or civil infraction and regardless of the property addresses where the violations occurred, is considered a chronic offender and shall be assessed a minimum fine of \$500, plus any additional sanctions under § 24.

SECTION 24 PENALTIES:

A. In addition to any fines required by § 23 the sentence for a person convicted of a violation of this ordinance which is designated as a misdemeanor may include a term of probation to correct any violation of this ordinance in existence at the time of the last inspection at the subject property or properties. For chronic offenders, the court shall place that person on probation. Any probation ordered shall continue until the subject property is in full compliance with all provisions of this ordinance and shall set a reasonable deadline considering appropriate circumstances for compliance. If the court finds by a preponderance of the evidence that the defendant has not complied with an order to repair the subject property, it shall order the defendant held in contempt and may order additional sanctions, including the sale of his or her interest in the subject property or properties under such terms and conditions as the court directs.

B. In addition to any fine required by § 23, a judge or magistrate who finds a person responsible for a violation of this ordinance which is designated as a municipal civil infraction shall order that person to bring the subject property into full compliance with all provisions of this ordinance within a reasonable deadline under appropriate circumstances. If the court finds by a preponderance of the evidence that the defendant has not complied with an order to repair the subject property, it shall order the defendant held in contempt and may order additional sanctions, including the sale of his or her interest in the subject property or properties under such terms and conditions as the court directs.

SECTION 25 REPEAL OF CONFLICTING ORDINANCE/SAVINGS CLAUSE:

All ordinances or parts of ordinances in conflict herewith, including any construction codes or construction code ordinances previously adopted by the Township, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance; provided, however, that construction permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with any such permits, or renewals thereof, and in compliance with any previous construction code under which the permits were issued.

Further, any pending proceedings, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or construction code being repealed hereby, shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances and codes.

SECTION 26 EFFECTIVE DATE:

This Ordinance shall take effect upon publication in accordance with Michigan law.