

VILLAGE *of* LAWTON
VILLAGE COUNCIL MEETING
Council Chambers
125 S. Main St, Lawton, MI 49065
TUESDAY, FEBRUARY 25, 2025 – 7:00 P.M.

please silence cell phones

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

- A. Approval of the February 25, 2025 Council Agenda
- B. Approval of the February 11, 2025 Council Meeting Minutes

V. CITIZEN’S COMMENT – (Please keep comments to 3 minutes)

VI. COMMUNICATIONS / CORRESPONDENCE / PRESENTATIONS

VII. PUBLIC HEARINGS / APPOINTMENTS

- A. Public Hearing on the Village of Lawton Fiscal Year 2025—2026 Budget
 - 1. FY 25/26 Budget Summary by Staff
 - 2. President Opens Public Hearing by Roll Call Vote
 - 3. Public Comment
 - 4. President Closes Public Hearing by Roll Call Vote

VIII. OLD BUSINESS

- A. Approval for Sidewalk Plow from Kubota.....Staff Recommends Approval
- B. Act 338 of 2018 Update.....Discussion

IX. NEW BUSINESS

- A. Rental Inspection Ordinance Draft.....Discussion
- B. Rental Inspection Zoning Ordinance Draft.....Discussion
- C. Establish Notary Fee for Non-Residents.....Discussion
- D. ESTA ACT Updates.....Discussion

X. BOARD, COMMITTEE, AND STAFF REPORTS

- A. Village Manager – Todd Hackenberg
- B. Department of Public Works – Todd Hackenberg
- C. Village Clerk – Brittany Rathbun
- D. Police Department – Gregory Cordes
- E. Planning Commission – Judy Peterson
- F. Downtown Development Authority – Gail Dudek
- G. Lawton Fire Board – Eric Dudek
- H. Lawton Library Board – Brittany Rathbun

XI. COUNCIL COMMENTS

XII. ADJOURNMENT - NEXT REGULAR MEETING DATE – *March 11, 2025*

The Village of Lawton follows the Americans w/ Disabilities Act of 1990. Individuals with disabilities planning to attend this meeting and require accommodations, or those who have questions regarding the accessibility of this meeting or the facilities, are requested to contact the Village Clerk, at (269) 624-6407 or brathbun@lawtonmi.org to allow the Village to make reasonable accommodations. If you have questions or comments, and you are unable to make the meeting, forward to the Village Manager at thackenberg@lawtonmi.org

Posted February 21, 2025, for the VILLAGE OF LAWTON in VAN BUREN COUNTY, MICHIGAN www.lawtonmi.org
269.624.6407



Village of Lawton
VILLAGE COUNCIL
REGULAR MEETING
125 S. MAIN, LAWTON MI 49065 269.624.6407
Tuesday February 11, 2025
MINUTES

- I. **Call to Order:** President Appleby called the February 11 2025, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **Roll Call:** *Present:* Appleby, Tanis, E. Dudek, Peterson, Turner, G. Dudek, Smith *Absent:* None. *Others Present:* Village Manager Hackenberg, Clerk Rathbun, Police Chief Cordes, and guests.
- III. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
- IV. **Consent Agenda:** The Consent Agenda included the approval of the February 11 Council Agenda, the January 28, 2025 Council Meeting Minutes, approval of the January 2025 disbursements in the amount of \$716,148.38, as well as setting a Public Hearing for the Regular Council Meeting on February 25, 2025 to hear comment and consider adoption of Lawton 2025-2026 Fiscal Year Budget. Peterson made a motion to approve the Consent Agenda, supported by Smith. A unanimous roll call vote approved the motion.
- V. **Citizen's Comments (NON-LITTLE LEAGUE ITEMS):** None.
- VI. **Communications, Correspondence, and Presentations:**
 - A. Dessirae Sweet, the president of the Lawton Youth Softball and Baseball Little League board stated on behalf of the four board members that they appreciate what the council is doing. Sweet stated just as it is in the interest of the council to serve the tax payers, it is her interest as the president of the board to serve the Little League. Sweet stated she would like to go over questions. One, what has their board done in order to look into other properties? Sweet wanted to assure the people that the board has looked into other options, however they have not found anything within cost for their fields. Can the little league purchase the field? Sweet stated they were told they cannot purchase it, as the Village would like to sell it in order to increase the tax base. Can the fields be split? Sweet stated they cannot, as again the Village would like to utilize the buildable space to increase tax base. Can the village provide another location? Sweet stated that at the current time another location has not been provided. Can they play on the high school and middle fields? Sweet stated this would not be doable because of the space of the high school fields. Has the Village presented Grants? Yes in 2020 the village was willing to help then, but the little league have not heard anything since then. They would work with the village to look into grants, but they have not been presented with any and funding to build half of the fields would be very difficult. The Village has given verbal assurance that the 2025 season is not in jeopardy. Sweet stated as a little league board, a huge financial strain would be placed on them to move the fields. She has estimated

that a new field would cost 1-2 million dollars. Sweet stated that currently, the Lawton Youth Softball and Baseball is nonprofit, and provides scholarships and equipment to those who cannot afford to join. She stated they also allow for late registration because they don't want kids to miss out. Sweet stated it would be an uphill battle to provide this level of a program with a field move. Sweet stated a lot of people have different views on this topic, and the fact that so many community members are here tonight shows that there is a huge interest in this program. Sweet stated ultimately the goal of the little league is to not have to vacate this property. Sweet stated that she challenges Village members to come up with a better plan that does not affect little league.

- B.** President Appleby stated this is not a discussion any of them wanted to have, but in order to provide the residents' perspective, read the following prepared statement on behalf of the Village:

"Why is the village of Lawton considering development of the 27-acre property currently utilized by the Lawton Youth Baseball Program?"

Simply put, we are a small village of 1,800 residents, inflation has far outpaced revenue, and without some growth or significant tax increases the Village will be unable to maintain infrastructure and services.

We all pay taxes to the county, township, schools, and the state, as well as other millages such as libraries, veterans services, Conservation district, county road millage, special assessments for the drain commissioner etc. It makes our taxes look very high, and they are, but, it is important to understand where the money goes and what it is used for. The money that makes its way to the village is small.

The Village General Fund Budget

\$490,000 in taxes paid by village residents and businesses.

State revenue sharing is \$253,000.

LCSA reimbursement \$130,000 – This is the tax businesses used to pay on personal property and is reimbursed by the state. Nobody knows from year to year how much this will be, or if it will simply disappear.

All together our general fund is \$873,000

The Lawton Police department costs \$545,000 for 3 officers, a chief, some part-time employees, equipment and crossing guards.

That leaves \$327,000 for everything else the village does such as cemetery maintenance, office staff, tree removal, parks, mowing, trash removal, blight enforcement, equipment purchases, building maintenance etc.

Challenges of deferred maintenance over the years due to budget constraints.

Our parking lots are in disrepair, our sidewalks need repairs, our village hall is aging and needs maintenance, our Department of Public Works building leaks, is full of mold, is too small, and is generally falling apart. Our plow trucks are old, our bucket truck is broken beyond repair, our leaf equipment is inadequate. Kids dream is deteriorating, we need a vac truck desperately to maintain drains and service our water system. Our employees who are highly dedicated deserve better compensation on top of the ever-increasing costs of healthcare (up 13% again this year).

About our recent projects and where the money came from.

Reid's corner was funded with a grant of \$850,000.

Council planned for the streetscape project for 15 years saving funds as we went, most of the cost was under the road in all new infrastructure, replacing failing pipes.

We bring in \$197,466 in the local street millage, from that we maintain all the parking lots, sidewalks and local road repairs, including plowing and leaves. Leaves were \$70,000 this year and still are not done. We bring in \$240,000 for streets from the state, that money can only be used for road repairs and an additional \$25,000 from the county, again earmarked only for road repairs. For reference a mile of road can be \$1,000,000, and that is on the low end of estimates.

The sewer and water systems are enterprise funds, meaning they are fully supported by the users and no tax funds, general funds, state funds etc. are used for their operation. If you are not paying a water bill you are not paying into the system.

Our police department is fully funded by the people who pay taxes to the village of Lawton, but also end up serving people who do not pay for their services. We are proud to be able to include all of our students who do not live in the village. The fire department is fully volunteer, equipment is purchased through a millage covering the fire district. No General fund dollars are used to support them or Quick response team.

We can't tax our way out of this, we can continue to cut services and watch our beautiful town dwindle away, or we can actively pursue opportunities.

What have we done?

We have already eliminated two Department of Public Works positions. Todd is currently doing double duty as Department of Public Works Superintendent and Village Manager. We have eliminated two full time police positions. We are running a skeleton crew and cannot afford to lose any more staff.

For over 8 years we have been discussing the development of the ball fields with the Baseball Board. Together we have discussed many potential opportunities and the village's willingness to be part of that team. We have discussed other village owned properties including the additional 160 acres of land behind the water treatment plant, we hired a company to do a feasibility study and determined the land is too wet to build on. We have discussed several properties that are privately owned as feasible for

development, but they are not under village ownership. In addition, we have infrastructure available at the 27-acre village property that may be prohibitively expensive to develop in other areas.

We have applied and received grants to beautify the downtown, a major priority as defined by the residents of our community, we have developed a new town square due to the generosity of the Reid family and grant dollars, we have started upgrades at the park utilizing grant dollars including the addition of pickle ball courts soon to be installed. We have worked tirelessly to maintain the best Police Department, Department of Public Works and office staff our small budget can accommodate. We have aggressively pursued blight enforcement, and have even condemned and torn down some of our worst buildings. We are encouraging infill and secured a grant to remove the Washington street house so it can be redeveloped. We have updated the village's master plan, our zoning ordinances, and are pursuing a redevelopment ready community status to make us eligible for additional grant dollars and opportunities. We have a functioning Downtown Development Authority and an engaged planning commission. We have a village council that is open minded and focused on the community without personal gain or agendas. We have amazing residents who volunteer to make our community the best town in West Michigan.

To be clear the sale and development of the village's 27 acres is not a cash grab. The only way the village can continue to prosper where we have functioning services, safe neighborhoods and supported businesses is to grow our residential community. We need more people to pay into the system, use our water and sewer, frequent the business and become involved in the community. We need quality housing of various types so our residents can live their full lives without having to change communities. The only buildable piece of property the village owns is the 27 acres where the ball fields reside. Currently they are utilized approximately 2.5 months of the year, free of charge, for a great purpose. The reality is that many of the users are not village residents and are not paying village taxes. It would be to the benefit of all if we could work together to develop a recreation facility in the township or with the schools where all users are sharing in the real and opportunity costs."

C. N. Smith read a prepared statement that stated the following:

"I would like to make a statement to the public. My name is Nicole Smith. I understand that this has been a difficult and emotional time for many people. I have been serving as a council member for over 4 years and recently started a new term. I have learned a lot in the last 4 years being on the council. I have served alongside these individuals and I can assure everyone in this room that this board has the good of the community at the forefront of all decisions that are made for the Village of Lawton.

The Village of Lawton is about 2 square miles. When you look at other neighboring communities this is not a lot. We as a council are responsible for the Lawton Police Department. This department alone costs the village over \$540,000 per year. This is an expense that is solely on the people that live in the Village. The department goes outside

of the 2-mile radius to help in to other townships and this bill is covered completely by the Village of Lawton. The police department also plays a huge role at the school keeping all of our children safe if and when needs arise. This is a service that we as a council have heard is important to the people that live in the village, and we are dedicated to continuing this service to the community.

The village currently has as a deficit financially. As explained at the meeting on January 28, 2025. Inflation has affected the costs of the village greatly. We are coming up short on services we are currently responsible for providing the community. We discussed these short falls with the baseball/softball board and the community members that attended. It cost over \$70,000 per year to do leaf pickup. We as a village have been failing to successfully provide this service to the village year after year. We have roads within the village that are falling apart and very limited resources to fix the roads. The DPW building was also discussed and the many issues that building has. We have aging equipment that is not keeping up with the demands of the village. This is not mismanagement, quite the contrary, it is the reality.

I have been a member of several board since moving to Lawton. I served on the baseball/softball board for several years. I would like to state for the record that during my time on that board we were made aware of the village's intent to sell the fields. A question I have is what has the baseball/softball board done to secure or investigate other options? To my knowledge, there has been nothing of this nature discussed with the village. From what I am gathering, and from the events that have transpired over the last several days the expectation is the village is supposed to do this for the program. As a council member, my job is to solve issues that are related to the village of Lawton, when needs or issues arise in the village, it is my job to help come up with a solution. As members of the baseball/softball board have you been looking at solutions for the location of the fields, or have you been waiting on others to solve this for you?

It is disappointing that community members and members of the baseball/softball board have taken to social media and the media to tell the community things that are not true. As a person who has been a member of several boards, it is never appropriate for a board member to take to a keyboard to dispense only snippets of information and not all the facts to further a cause. People who have never been to a council meeting, and that don't live in the village have put a petition out to recall the village president, and the recall contains several statements that are untrue. The village has been transparent about the issues we are dealing with, and they have also been honest. There have been comments made on social media that the village has mismanaged money and resources and that is why we are selling the fields. These statements are simply false.

I have served along side of these other six council members for over four years, and I can assure you all that none of the decisions made are taken lightly. The members of this council have served in the community not only as council members, but in so many other ways. You have seen them volunteering at sporting events, being football chain gang members, coordinating parades, summer fest, volunteering with senior citizens, planting and watering flowers downtown, volunteering as firefighters, and the list goes on. Selling the fields is a difficult decision and every one of us has signed up to do hard/difficult things. We have exhausted the resources we have, and we are short. If

we don't fix this problem moving forward other services, the village provides to the community will be in jeopardy due to lack of funds. Emotions don't pay bills. We as a council have been transparent with the community on our issues and we cannot continue to levy more financial responsibility on the taxpayers in the village. We will tax people out of wanting to be in the community. Thank you."

VII. Citizen Comments (LITTLE LEAGUE ITEMS):

- A.** Megan Richter, a non-resident, stated she is a former Lawton youth baseball softball board member and was in 2020 when this came up. M. Richter stated she is someone who likes to look for solutions, and that is her intent. M. Richter stated for her family baseball and softball are like breathing, her husband is the varsity baseball and softball coach, as well as providing other functions to the Lawton High School. M. Richter stated her daughter is currently on a collegiate scholarship playing softball. She stated she and her husband both believe in providing opportunities. M. Richter stated several board members were on in 2020. In 2020, when the youth organization found that the village was going to sell the fields which caused an uproar as it is now. She stated at that point, the solution was to work together to collaborate and a committee was formed. M. Richter stated the solution was for pickle fields to be where things were moved, and the discussion was to do this through funds collaboratively led by the village. M. Richter stated the council was also going to use the sale of the fields money to put toward a new field location. She stated she would like verification as to why the village's stance to work together changed and why the village did not bring this to the organization.

In response, president Appleby stated that it is not the council's desire *not* to collaborate. The Council has not given a hard date to vacate, which is a possibility if that is an issue for the league board, and that there would be a proposal for a committee later in the evening. Appleby stated in short, the village does not own the pickle factory fields, and assured that the village council is very willing to work with the Little League.

- B.** Emily Taylor at 511 E Second came to the floor to speak. Taylor stated she lives in the village and does not mind paying more taxes for a youth program. Her questions for the council were how much is expected to bring in with the sale and how will that impact future inflation?

In response, trustee Peterson stated the standard is four houses per acre, which comes up to a little more than 100 houses when all 27 acres are included. Peterson stated there are ways to calculate those exact numbers, and she did not do that, as this is still early on in the conversation, however, the calculations she has done people per house. Peterson stated if you consider 100 plus new kids for the schools, average water and sewers for 100 houses per month, and average taxable value on these new homes being built. Peterson stated she is unsure of the exact amount, but these are all calculations being considered. Taylor stated if we don't have the numbers from that, it makes it more

difficult to work with the little league, and if we bring more houses into the village, we have more children that could benefit from this program as well.

- C. Janel Nugteren from 209 Franklin came to the floor to speak. Nugteren asked if 100 new kids came in, with the elementary bursting at the seams now, what will that do. Will that not raise tax dollars to build a bigger school? In response, president Appleby stated council will take that into consideration. It is still early in the conversation and they have not yet been sold.
- D. Kristin Taylor, a non-resident, stated she has been a board member since 2021. Taylor stated she heard a comment stating that the Little League have not been looking into other places when they have. She stated she moved here with little league in mind, and would like to see it stay.
- E. Kelly Stephayn-Liddington, a non-resident stated she has a daughter who played in little league program, and now coaches softball at Western Michigan University. Stephayn-Liddington wanted to read a statement from her daughter, as she could not attend the meeting. Upon reading her daughter's statement it said the following: for many people who don't know these fields were made by my grandfather. These fields were a huge reason I got into the sport and dedicated myself to it, made many memories with friends surrounding the sport, and led to my reason for coaching but my grandfather's legacy lives on. His passion for helping and caring for others carries on here. The village of Lawton is trying to sell the land for the growth of the community, it would help with growing the community long-term, however, it's not the fields that made the memories but the people. This experience was shared among people who provided that dedication together. The solution may look a little different and may be finding different fields, but the program can still go on.
- F. Mike Stephayn from 710 E Fourth Street spoke. He stated he was speaking on behalf of he and his wife, Lisa. Stephayn stated his father started the little league program. Stephayn stated his father had dementia and he could walk to those fields and remember them. Stephayn stated all of that said, his father's legacy is not the fields, it's the program. The village didn't build those fields his father did. Stephayn stated the fields would have never happened if volunteers hadn't stepped up. Stephayn stated he is laying it out there because his name is attached to it. Stephayn went on to say he will be on any committee that has to do with this. He followed up his speech stating he believed the Village owns 60-acre plot, and 80-acre plot that are unbuildable. He would like to know how many acres on the 60-acre plot are outside the village if what he believes is correct. Council agreed to look into this for him. He went on to read an article about his father and how involved in community sports he was. Stephayn stated that's my father I am his legacy. He stated it's going to take the village, not the council, but the people sitting in these chairs to figure out where it goes. It was donated the first time, and the community can do it together again.

- G. Matthew Johnson, a non-resident came to the floor to speak. He stated he has no problem donating time and effort into new fields, but questioned what is to stop this village from coming into hard times and this to happen again at the new location.

Appleby stated it depends on whether it is on village land or not, and he is correct, so maybe the village does not want to own the next piece of property this will be one. Appleby stated this should all be a part of the upcoming decision.

- H. Sharon Sweet, Luke and Dessirae Sweet's mother stated the little league program here and the impact that the coaches and people have on these kids is worth more than anything. S. Sweet stated she would like to know what the village has done since 2020 to help moving things forward. She questioned how equipment gets so bad, and wanted to know if you would let your roof leaked until it doesn't work anymore. S. Sweet stated she knows inflation hits us all but she doesn't let it get her home. S. Sweet stated that Marcellus is a small league as well, but they don't even have to mow it because it is on school property, which maintains the fields for them. S. Sweet stated these volunteers run things here mowing lawns and doing all of the maintenance. S. Sweet shared a story about her son and the impact of Lawton and Marcellus Little League on her son and his life and how important it was.
- I. P. Rathbun a resident 725 Delaware court stated he lives in the village and is on the planning commission. P. Rathbun stated his children have both played, and this is a great program that is looked forward to each year. He stated from what he has gathered this has been issue for a long time, and he believes everyone in the room right now is looking for a solution to the problem. P. Rathbun stated the village of Lawton only has certain amounts of buildable property, this one being the one that unfortunately keeps coming up. He also said he is curious what percentage of kids who participate in this program live in the village itself and are impacted by the taxes vs. in the township, who are unimpacted by a tax raise. P. Rathbun stated as a parent of a softball player, I want to see this program around, for a long time to come. It is a great program. However, as a resident of Lawton I don't want services cut, or taxes raised too high to be livable rather than another solution found to keep the program.
- J. Madison Ludwig, head coach and teacher in Lawton, stated softball was and is her life with the help of Derek Weurding have worked to grow their middle school program, they have built their program in part because of the youth little league and softball program. Ludwig stated in looking at this, we are risking taking away vital programs from these kids. Ludwig stated our local teams are a source of pride and spirit fills the air on game day. She wanted to stress these fields have a lot of long-term consequences if they are gotten rid of. Ludwig stated the loss of recreational fields is going to last longer than housing benefits on our future.

- K.** Jeff Mack, Lawton's former police chief, stated he loves baseball more than anything, and he was on the board for a long time. Mack stated over the years, he has spent a lot of time there. Mack stated he personally worked on the field improvements. He stated he understands everyone's desire to keep the fields. There is no argument that there are great memories there that no one wants to see end. Mack stated he was the chief of police of Lawton for 6 years, and that he sat on the panel in 2020 when this came up. Mack stated as the chief of police his perspective changed and his responsibility was to protect the people of Lawton, which was very difficult with the funding available. The equipment was lacking, and they were unable to get officers on. Mack stated no one wants to get rid of the fields, but it's the reality. Mack stated over the past several years, we have been working together to find solutions, and he doesn't want things to change. Mack stated when Little League was started there was tradition and history behind it. No one will deny that, but if it was done once it can be done again. Mack stated there is no set date, and he has seen it from both sides. It is a difficult thing for everyone.
- L.** Brad Pueller a non-resident stated he is a member of the little league board and employee at Fishbeck. He wanted to clear some misinformation. Pueller has had multiple meetings with the Village in public and private to collaborate. To say nothing has been done in the last few years is false. He stated we have been waiting on studies, and he was in direct communication with Lisa Imus until she left. When everything went on during the streetscape project, things went on hold so that could be the focus. Pueller stated things really blew up when the former property owner caught them off-guard wanted to purchase the land. Pueller stated the communication has not been great on either side. Pueller stated it hasn't been forgotten about, it was all about timing not knowing when things would be done, so, they took a wait and see approach.

Trustee N. Smith wanted to clarify what happened at that meeting when it came up in the minutes leading to tonight's discussion. Smith stated there had been activity on Facebook, and she has made it very clear that communication needs to be made. That was the intent, it was not anything trying to be malicious, Smith stated she was unaware of the meetings discussed, and is glad to hear there have been proactive steps. But she wants to clarify there was nothing malicious, it was a statement to try to serve both parties, and that is how this came about. Smith stated this has blown up overnight probably due to lack of communication but the whole intention was to have communication with the little league board.

- M.** B. Smith, a resident at 776 Niagara Court stated he has served on many volunteer boards over the years. He stated he volunteered for little league from T-ball to 12U, and since has volunteered at every opportunity that his children have had sports or activities over the years. B. Smith stated that everyone has an opinion, which is excellent. There is a reason the first amendment is very important. B. Smith then said sometimes some voices have a little more weight. Specifically, in municipal economics. But the people in the village pay the taxes for the village of Lawton. He stated when chief Cordes and his police

go outside the village, he is paying for that. Every time you drop the kids off on the roads surrounding the school, as a village taxpayer, he is paying for that. B. Smith stated he is hoping for a good solution, but it is not just the people of the council, but the people of Porter and Antwerp township who utilize this as well. He would like to see the little league talk to Ben Banfield about the old AYSO fields that are not being used, or talk to local businesses about donations that may be available to them. B. Smith stated as elected officials, the council's ultimate responsibility the village and if it takes increasing the village taxes by 5-7 mills for this, that is a hard no for him.

- N.** Kati Wright, a non-resident, stated she is not from here, but her children are, they both have disabilities and are served well by Lawton. Lawton is a special place because of the programs here. Wright stated programs like this have helped her family feel like they are a part of this community, and not just transplants. She stated she knows this is an impossible choice for the village to make, but she just wants the village to know it makes transplants feel like they are at home here. Wright stated if the baseball fields close she has one less reason to come into Lawton and spend her dollars in Lawton. Wright stated she knows they are small considerations, but, she wanted to share these concerns that these people don't feel alone due to these programs.
- O.** Ron Packer, a non-resident stated he would like to see more information. Packer stated a lot of good information has been stated but he would like more information from the village plan made public. His questions for consideration were: can the section of the old railroad be broken off and left for public use, and how much revenue can be made on a sale?
- P.** Pam Stermer a resident at 1130 East 3rd Street stated it is nice to see people here want to save this area because it could be a dying town. Stermer stated she does love the area but she has some questions. Stermer stated she has been in school business for several years, and there they don't have ways to get more money for the schools. Stermer stated sometimes they have to cut expenses and take a hard look at things. Stermer stated she is not saying council hasn't done this, but there is always somewhere that can be cut. Stermer stated to her, 100 houses on 27 acres seems impossible, and the plan is also sketchy right now, so she would like to see questions answered. More houses and more kids would be great, but would families even come here without little league? Stermer stated she would ask council to take a hard look at the village budget. She stated as a resident, taxes keep going up, and she wants to know what has changed to make this impactful. Stermer's request to the Village Council is to take a hard look at what expenses, are and have a plan in place.
- Q.** Chris Richter, Lawton Community School's Athletic Director, stated in 2020 Rick Reeves stated the money from the sale of the property would go toward building a new property and wanted to know if that is still the case.

Appleby stated he is not saying yes or no at this point to that, as in 2020 they were presented with a very different plan than what they have now. Appleby stated there is a housing study that was done by the county that shows what type of housing we are lacking, we are *not* looking for more low-income housing we are looking for market level housing if someone is interested. Appleby also stated there has been a lot of talk on the trail, and he would like to see that maintained and turned into a trail to Paw Paw, so this is being looked into to see if it is feasible as well. Appleby stated there are a lot of great questions here and we don't yet have the answers, as it is early on, but each of these questions will be taken into consideration upon further planning.

- R. Paige Stermer, a non-resident, wanted to ask what the plan is going forward and what we are doing with the questions that have been asked tonight going forward. She stated she knows Appleby stated a lot is preliminary, but she would like to know what the next steps are going forward.

E. Dudek stated the intention was to make a motion to form an ad-hoc committee which is a subcommittee to work hand in hand with youth baseball going forward to make plans. E. Dudek stated it takes time for anything to happen, and at this point, the council does not yet know how much time, exactly this will take. His suggestion was maybe three council members, and some Little League board members can share information, so the council can help navigate grant opportunities as well as options out there. E. Dudek stated he agrees 100% with Mike Stephayn, he was there when it was built, and played on the fields as a child. E. Dudek stated it is hard to see a piece of your childhood go away, but, it takes revenue to grow and he does not want to become a dying town, as some of the towns around Lawton have done. E. Dudek stated it is not the field, it is not the property, but the program, and in 40 years the same discussion could happen, but it is important for him as a current council member and a member of the community to preserve youth baseball. E. Dudek stated where it is played doesn't matter as much, and he will speak with Dessirae right after this meeting to set a time to talk to start things. E. Dudek, made a motion to set a committee with the Lawton Youth Softball and Baseball Program members to work together and discuss the future of the fields as well as solutions, seconded by Smith. A voice vote was taken with all in favor and none opposed. Motion carried. President Appleby stated council does want to be transparent and work together hopefully they understand the issues in the village because the village understands Lawton Youth Baseball and Softball's plight.

- S. Joe Magers, the owner of Longship Brewing, stated he is a previous coach for the little league and made many memories there. Magers stated he seconds everything every parent and everyone has said about the little league. Magers stated he does not support the fields being sold whatsoever. Magers stated he does have questions for the council to ponder. With the selling of the property if it is 50-100 houses, he believes that would be an approximate annual tax revenue of \$175,000, however, most subdivisions don't sell right away. Magers questioned whether, at the maximum amount that is enough to

actually support what the deficit is or whether it was a Band-Aid solution. Magers stated in the past he has worked emergency services, he has worked with very small budgets before looking at some of the numbers, there is a police agency that is costing over half a million per year, twice as high as he believes selling the fields would generate in tax income, for a 2-square mile area. Magers stated at one point in his career, he worked in an 8-person department for a population of approximately three million people, and the village has to ask, is the sale of this and what are going to get going to cover this is it worth it for two square miles? He stated the Sherriff's department provides support for this county, and other surrounding township, and stated while he does not want to see the police department disbanded, he would like to know how to move forward. Magers also stated he would like to see the entire surrounding community make the decisions for the village and not just the tax payers or the little league. Magers stated he would like to see council focus on youth rather than just a Band-Aid fix to sell the property.

- T.** Laura Mack who is an employee at the elementary school, stated that she is a huge baseball fan. She addressed the council president stating she knows there is a petition going around for his resignation over this, and she doesn't know a lot about it. L. Mack then addressed the crowd and states she needs everyone to understand what is happening with baseball doesn't determine who this man is. She stated Appleby serves on the fire department and does so much for this community. She wanted to show support for Appleby and doesn't want to see him resign. She stated this should not have come to a personal attack.
- U.** Matt McCory, a resident of 120 Third Street, stated his kids played and he coached many kids. McCory stated always wanted to see things done there, and the fields are currently short many things. McCory stated Lawton programs are programs not a location. He stated while he loves the location, to be honest, he believes something better is needed for Lawton Youth Softball and Baseball long term. McCory stated the parking is currently inadequate, and right now, the fields that we are sitting at aren't what anyone wants. He wants to find a solution, and believes we can if people work together. McCory stated everyone he knows on this board is a very hard worker and cares deeply about this town. He hopes it is a thing for many years to come, but, we cannot deny the problems that we are faced with. McCory pled with the audience to please not take personal attacks at people because it doesn't look good on us as a community. In closing, McCory stated we all need to work together to find the best solution.
- V.** Public Comment closed on 8:39 PM upon there being no further comment.

- X. **Adjournment:** Appleby made a motion to table the remainder of the agenda until the February 25, 2025 meeting, supported by Turner. Voice vote taken all in favor none opposed. Motion carried. Meeting adjourned at 8:40PM.

Respectfully Submitted by,

Brittany Rathbun
Village Clerk

Wolf Kubota - Mattawan

24561 Red Arrow Hwy, Mattawan, MI, 49071, US

Phone: 269-668-7800

Fax: 269-668-7806

Quote

Customer
VILLAGE OF LAWTON LAWTON , MI, 49065, US Phone: 269-624-6406

Quote Dates
Quote Date: 1/6/2025 Expiration Date: 2/5/2025

Qty	Part	Description	Price	Total
1	SNR24400	SNOWRATOR,MAG	\$18200.00	\$18200.00
1	STB13802	KIT-URETHANE EDGE [4.0FTX4X0.75,STB]	\$200.00	\$200.00
1	MSC13652	BLADE GUIDE KIT SHORT,(2) GUIDES W/HDW	\$56.62	\$56.62
1	MSC28470	KIT-CONTROL,SNR DEICERS,23+	\$422.00	\$422.00
1	MSC22875B	KIT-CONTROL,DPS22750/SNR24030,SNR	\$422.00	\$422.00
1	SNR24040	KIT-WIRING,SPREADER SELECTOR W/ SWITCH	\$195.00	\$195.00
1	SNR24024	KIT-PLOW SYSTEM,STRAIGHT,4',SR MAG	\$2451.00	\$2451.00
1	BRX25175	KIT-BROOM,48",SR MAG	\$5016.00	\$5016.00
1	SNR24250	KIT-BRINE,40 GAL, SR MAG	\$2678.00	\$2678.00
1	SNR24030	REAR SPREADER, TGS85, SR	\$1246.00	\$1246.00

Subtotal	\$30886.62
Discount	\$1544.33
Sales Tax	\$0.00
Labor / Install	\$200.00
Labor Tax	\$0.00
Freight	\$0.00
Deposit	\$0.00
Total	\$29542.29

Bloom Sluggett, PC
Counselors & Attorneys

MEMORANDUM

TO: Village of Lawton Village Council
FROM: Bloom Sluggett, PC
DATE: February 10, 2025
RE: Creation of P.A. 33 Special Assessment for Police and Fire Services - Updated¹

Purpose

The purpose of this memorandum is to provide an outline of the necessary steps for the Village of Lawton (“the Village”) to create a special assessment district to defray the cost of providing police and fire protection services within the Village.

Background

The Village Council recently considered ballot proposal language for an extra-voted public safety millage, but determined that it preferred pursuing a Special Assessment District for public safety² and requested that we provide proposed dates for establishing the Special Assessment District. This updated memorandum provides proposed dates as requested.³

Discussion

Public Act 33 of 1951, MCL 41.801 et seq, (“PA 33”) allows a village to purchase police and/or fire equipment and provide funds for the operation and maintenance of police and fire departments and finance those costs through a special assessment.⁴ While there is a 10 mill limitation for capital improvements for police or fire protection, there is no millage limitation for operating costs for police or fire protection.

A PA 33 special assessment is treated differently from other special assessments in that the Village is permitted to adopt a village-wide special assessment based on the taxable value of all real property subject to taxation within the Village. The Village does not need to make any

¹ The memorandum supplements our memorandum dated January 13, 2025.

² Our understanding is that the Village Council desires to establish the special assessment district to appropriate 3 mills for public safety.

³ The proposed dates in the timeline in this memorandum are proposed dates only and reflect potential dates with the assumption that there are delays that would extend the deadline. There may be delays or unexpected occurrences that cause the dates in the timeline to change.

⁴ Although PA 33 uses the term “township” throughout the act, Section 10(1) provides that “This act applies to townships, and adjoining township and incorporated villages and qualified cities. If reference is made in this act to townships, that reference applies to townships and incorporated villages If reference is made in this act to township boards, that reference applies to township boards and the legislative bodies of incorporated villages. . . .” See MCL 41.810.

determination regarding the benefit to any particular property provided the assessment is based on the taxable value of the property.⁵

If the Village were to create a new special assessment district for police and fire services, the Village would have an annual hearing and resolution requirement, but the process outlined below will not need to be repeated.

In terms of the duration of the special assessment, the law is unclear as to whether a PA 33 special assessment needs to be limited in duration. It is our opinion, out of an abundance of caution, that the Village should limit the duration of the special assessment to no more than 15 years.⁶

Under PA 33, unlike a general *ad valorem* tax increase, the Village does not need to submit the issue of the creation of a special assessment district and accompanying levy to the voters. The Village may create the special assessment district and levy a special assessment by following the process outlined in this memorandum without receiving the approval of the electors. The proposed special assessment district would be in addition to any voter-authorized millages for police and fire services that are levied.

The Village would be limited to an annual 10-mill levy for capital purchase e.g. equipment, housing, etc., but there is no limitation for operations and maintenance levy.

In addition, under the General Law Village Act (“GLVA”), a Village is required to adopt a special assessment ordinance before creating a special assessment district for “public improvements.”⁷ The law is unclear whether PA 33 can serve as an independent basis for creating a special assessment such that the Village would not need to first adopt an ordinance under the GLVA. Therefore, out of an abundance of caution, we would recommend that the Village adopt a special assessment ordinance before proceeding with the procedures required under PA 33.

This following step sheet sets forth in outline form the general procedure for the Village to establish a special assessment district pursuant to PA 33 for an authorized fire and/or public safety services project or activity (“Services”).⁸ If all of these steps are completed before the summer taxes are levied (Antwerp Township’s website indicates that it sends the bill in late June), the Village would be eligible to levy 2 of the 3 mills on the summer taxes. See MCL 41.801(4). However, there are likely to be delays and the procedural steps below may run into or past July, which would mean the Village would, at the earliest, be able to levy all 3 mills on the winter 2025 taxes.

⁵ *Niles v. Berrien County Board of Comm’rs.*, 261 Mich App 308 (2004); *See also St. Joseph Twp. v. Municipal Finance Comm.*, 351 Mich. 524, (1958).

⁶PA 33 contains a provision with a 15-year limit when bonds are issued to be paid by special assessment. Although the Village has not indicated it intends to issue bonds, our recommendation is to limit the special assessment district to 15 years in the event that circumstances change in the future. See MCL 41.803; *Niles*, 261 Mich App at 308. This would mean that, in 15 years, the Village would need to reestablish the special assessment district.

⁷ See MCL 68.32.

⁸ These dates are based on three assumptions: (1) that the initial special assessment ordinance is given effective by March 11, 2025, (2) that the Village continues using *The Courier-Leader* as its newspaper for publication of notices, and (3) that the *Courier-Leader* continues to publish on Thursdays. If any of these assumptions change, the dates will need to be modified. Additionally, there are other factors that may cause delay and/or require the dates to be modified.

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<u>Dates</u>	<u>Description</u>
February 25, 2025	Step 1. <u>Special Assessment Ordinance.</u> The Village Council adopts an ordinance governing the special assessment procedure as required by the GLVA. ⁹ (See MCL 68.32).
March 11, 2025	Step 2. <u>Resolution No. 1</u> – The Village Council adopts a Resolution of intent to provide Services in the Village and to authorize and direct the preparation of plans and estimates of providing the services and the creation of a special assessment district to defray that cost.
March 18, 2025	Step 3. <u>Filing of Plans</u> – The Village receives plans and estimates for the Services and the plans and estimates are filed with the Village Clerk.
March 25, 2025	Step 4. <u>Resolution No. 2</u> – The Village Council adopts a resolution tentatively declaring its intent to make the Services, tentatively designating the special assessment district, and setting a public hearing to hear any objections to the improvement, the costs, the plans, and the district.
	Step 5. <u>Notice of the First Public Hearing</u> – Notice of the public hearing must be given and must, among other things, include the date, time and place of the hearing, a brief description of the special assessment district, and a statement that the plans and estimates are on file with the Village Clerk for public examination. The notice must be given as follows:
<u>First Publication:</u> April 3, 2025 <u>Second Publication:</u> April 10, 2025	(a) The notice must be given by publication <u>twice</u> in a newspaper of general circulation designated by the Village, the first of which shall not be less than 10 days before the date set for the hearing.
<u>Mailing:</u> April 3, 2025	(b) The notice must also be given by first-class mail to all property owners of record according to tax rolls in the special assessment district not less than 10 days before the hearing.

⁹ In addition to this outline of general procedure, the Village would need to comply with additional requirements (if any) that it includes in the ordinance.

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<p>April 22, 2025</p>	<p>Step 6. <u>First Public Hearing</u> – At the hearing, the Village Council must hear any objections to the proposed Services, the Village’s determination to proceed, and the proposed special assessment district.</p>
<p>April 22, 2025</p>	<p>Step 7. <u>Resolution No. 3</u> – After the public hearing is held (and at the same meeting if the Village Council desires), if the Village Council decides to proceed, it adopts a resolution determining to pursue the Services, approving the plans and costs estimates, and the district. The resolution also directs the Village Clerk to make the special assessment roll.</p>
<p>May 13, 2025</p>	<p>Step 8. <u>Resolution No. 4</u> – When the special assessment roll is reported, the roll is filed with the Village Clerk and the Village Council adopts a resolution setting a public hearing on the roll.</p>
	<p>Step 9. <u>Notice of the Second Public Hearing</u> – Notice of the second public hearing must be given and must, among other things, include the date, time and place of the hearing, and the property owners’ right of appeal to the Michigan Tax Tribunal. The notice must be given as follows:</p>
<p><u>First Publication:</u> May 22, 2025 <u>Second Publication:</u> May 29, 2025</p>	<p>(a) The notice must be given by publication <u>twice</u> in a newspaper of general circulation designated by the Village, the first of which shall not be less than 10 days before the date set for the hearing.</p>
<p><u>Mailing:</u> May 22, 2025</p>	<p>(b) The notice must also be mailed to all property owners of record according to Village tax rolls in the special assessment district not less than 10 days before the hearing.</p>
<p>June 10, 2025</p>	<p>Step 10. <u>Second Public Hearing</u> – At the hearing, the Village Council reviews the roll, and hears any objections to it.</p>
<p>June 10, 2025</p>	<p>Step 11. <u>Resolution No. 5</u> – After the public hearing is held (and at the same meeting if the Village Council desires), the Village Council adopts a resolution confirming the roll as reported or as corrected by the Village Council, or refers it back to the Village Clerk.</p>

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June 10, 2025	Step 12. <u>Roll Endorsed</u> – After the Village Council confirms the roll, the Village Clerk endorses it.
	Step 13. <u>Assessment Appeals</u> – Property owners who have protested the roll at the public hearing may appeal the roll to the Michigan Tax Tribunal within 30 days of the confirmation of the roll. After that time period has passed, the Tax Tribunal generally does not have jurisdiction to hear appeals.
<u>Mailing:</u> June 17, 2025	Step 14. <u>Final Notice/Letter to Property Owners</u> – Send out the final notice/letter to property owners within 7 days.

Annual Requirements

After completing the above steps, the Fire and Police Services Special Assessment District will be created for the duration the Village Council authorizes, but the Village will have annual requirements in order to continue to levy the special assessment. Each year, the Village will need to estimate the costs and expenses of police and fire services and hold a public hearing on those costs. This public hearing will need to be noticed in compliance with MCL 211.741 and MCL 41.724a, which requires that a notice be mailed by first class mail to each owner of record within the special assessment district based on the local tax records at least 10 days before the date of the public hearing. After the public hearing, the Village Council will need to adopt a resolution setting forth the amount to be assessed and directing the Village Treasurer to distribute the special assessment levy. The assessment may either be levied as part of a special assessment roll or on the general tax levy.

Going Forward

If the Village Council determines that the Village desires to proceed to create a special assessment district and levy a special assessment, the first step for the Council is to adopt a special assessment ordinance as required by the GLVA.

This memo has been marked “**PRIVILEGED AND CONFIDENTIAL**” and should not be disclosed to anyone other than Village of Lawton officials unless the Village Council determines to otherwise disclose this memo or portions hereof.

**VILLAGE COUNCIL
VILLAGE OF LAWTON
VAN BUREN COUNTY, MICHIGAN**

(Ordinance No. _____)

At a regular meeting of the Village Council for the Village of Lawton held at _____ on _____, 2025 and commencing at ___:___p.m., the following ordinance was offered for adoption by Councilmember _____ and was seconded by Councilmember _____:

AN ORDINANCE TO AMEND THE LAWTON VILLAGE CODE BY ENACTING CHAPTER 155 ENTITLED “RENTAL PROPERTY LICENSING” AND CHAPTER 156 ENTITLED SHORT-TERM RENTAL LICENSING.

THE VILLAGE OF LAWTON (the “Village) ORDAINS:

Article 1. Enactment of chapter 155. That the Lawton Village Code is hereby amended by adding a new Chapter 155 entitled “Rental Property Licensing” to title XV as follows:

Chapter 155 Rental Property Licensing.

§ 155.1 Purpose. The purpose of this chapter is to protect the general health, safety, and welfare of the public by enacting certain licensing and other requirements for the renting and occupancy of rental property within the Village for periods of time over 28 days.

§155.2 Definitions.

As used in this chapter,

“Family” means either of the following:

- 1. Domestic family. One or more individuals related by the bonds of blood, marriage, guardianship, or adoption who reside together as a single, domestic, housekeeping unit.**
- 2. Functional equivalent family. One or more individuals whose relationship is of a permanent, enduring, or long-term nature who reside together as a single, domestic, housekeeping unit.**

“Hotel” means a building or structure kept, used, maintained as, or held out to the public to be an inn, hotel, motel, bed-and-breakfast, or public lodging house.

“Letter of compliance” means a letter issued by the rental inspector stating that the rental property complies with the requirements of this chapter and is eligible for a license. A letter of compliance is only valid for 30 calendar days.

“Letter of deficiency” means a letter issued by the rental inspector stating that the rental property does not comply with the requirements of this chapter and identifying the deficiencies that must be corrected before a letter of compliance can be issued.

“Modified letter of compliance” means a letter issued by the rental inspector identifying those portions of the rental property that are in compliance and that may be safely rented despite other portions of the rental property not being in compliance due to active construction or active maintenance.

“Operator” means the person designated by the legal title holder as responsible for the day-to-day operations and maintenance of the rental property.

“Owner” means any person that has legal or equitable interest or title in the rental property or has possession and control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” means an individual, corporation, partnership, or any other group acting as a unit.

“Rent” means to let, sublet, or otherwise permit a person to occupy a rental property as a home, residence, or sleeping unit with the owner’s consent for an agreed upon consideration.

“Rental property” means hotels and rental units.

“Rental inspector” means the individual designated by resolution of the Village Council to administer this chapter and his or her designee. The rental inspector is designated as the authorized local official authorized to issue municipal civil infractions and take all other actions necessary to enforce this chapter.

“Legal title holder” means the person having legal title of the rental property as recorded with the county register of deeds.

“License” means a license issued under this chapter. The term does not include a temporary license.

“Rental unit” means a structure or part of a structure, excluding hotels, used as a home, residence, sleeping unit, or accommodation by an individual or individuals and any grounds, facilities, or areas that serve, are used by, are accessible to, or impact the safety of the individual or individuals including common areas, hallways, greenspaces, courtyards, mechanical rooms, and ventilation systems, and includes, but without limitation, apartments, boarding houses, rooming houses, mobile home spaces, retirement homes, and single and 2-family dwellings. Rental units do not include hospitals, nursing homes, in-patient

rehabilitation facilities, in-patient medical or psychiatric facilities, or other similar treatment facilities.

“State” means the state of Michigan and any department or agency thereof.

§ 155.3 Rental License Required.

- (A) No owner may rent any rental property, or portion thereof, for a period over 28 days unless the rental property has a valid license or temporary license.**
- (B) Subsections (A) do not apply to the renting of rental property to a member of the owner’s family, to a caregiver who is providing services to the owner or member of the owner’s family, to a previous owner after closing and prior to the transfer of possession, to a member of a previous owner’s family after closing and prior to the transfer of possession, and to caregiver providing services to the previous owner or member of the owner’s family after closing and prior to the transfer of possession.**
- (C) Following notice, no person may occupy a rental property for which there is no license or temporary license as a home, residence, sleeping unit, or accommodation if the rental inspector determines that such occupancy would pose an imminent danger to the health, safety, or welfare of the occupants.**

§155.4 Licensing Requirements.

- (A) The rental inspector shall be responsible for the processing and issuing of licenses and temporary licenses under this chapter. Consistent with the requirements of this chapter, the rental inspector shall promulgate application and renewal materials and inspection checklists and take other actions necessary to administer this chapter. The rental inspector shall maintain records of all applications, inspections and reinspections, letters of compliance, modified letters of compliance, letters of deficiency, licenses, and temporary licenses.**
- (B) Prior to the issuance of any license or the renewal of a license, the rental inspector shall inspect the rental property for compliance with the applicable requirements of the code.**
- (C) Following the inspection under subsection (B), the rental inspector shall issue to the legal title holder a letter of compliance, a modified letter of compliance, or a letter of deficiency. No rental property may be issued a letter of compliance unless it has been issued a favorable zoning compliance determination, and the rental inspector determines that the rental property complies with the requirements of this code. No portion of a rental property may be issued a modified letter of compliance unless that portion of the rental property complies with the code and any requirements imposed by the state.**

- (D) No rental property may be issued a license or have its license renewed without a letter of compliance or a modified letter of compliance. If a modified letter of compliance is issued, a license may only be issued or renewed for that portion of the rental property identified in the modified letter of compliance as eligible for licensure. Following the issuance of a letter of compliance or modified letter of compliance and the payment of the licensing fee as determined from time to time by the Village Council, the rental inspector shall issue a license or renew the license for the property or a portion of the rental property eligible for licensure. No license may be issued or renewed for a rental property that has an expired certificate of compliance or an expired modified certificate of compliance. Licenses and temporary licenses may only be issued to the legal title holder.**
- (E) The rental inspector may require the payment of an inspection fee or reinspection fee prior to conducting any inspection or reinspection. Inspection fees and reinspection fees will be in the amount determined from time to time by resolution of the Village Council.**
- (F) A license is a revokable privilege granted by the Village and is unique to the legal title holder and the rental property for which it is issued. However, in the event the legal title holder of a licensed rental property changes, the new legal title holder may continue to rent the rental property under a temporary license. In order to receive a temporary license, the new legal title holder must submit a licensing application. Applications for a temporary license may be made prior to the transfer of legal title. A temporary license is valid for 60 calendar days and is not renewable. Unless required by the rental inspector for good cause, the issuance of a temporary license does not require an inspection. A temporary license is a revokable privilege granted by the Village and is unique to the licensee and the rental property for which it is issued.**
- (G) Unless revoked, a license is valid for 4 years from the date of issuance. Each license or temporary license must clearly state the name of the licensee, the date of expiration, the address of the rental property being licensed, whether the property is licensed for short-term rental, and any limitations or conditions. In the case of a license or temporary license being issued for a portion of a rental property, the license or temporary license must clearly identify either that portion of the property that is licensed or clearly identify that portion of the property that is not licensed. The rental inspector may impose certain limitations or conditions as a term of licensure or temporary licensure in order to ensure compliance with the requirements of the code and as necessary to protect the health, safety, and welfare of individuals who will occupy the rental property.**
- (H) A license and temporary license must be signed by the rental inspector and the Village Clerk. A license and temporary license must be signed by the licensee agreeing to the terms of licensure. The Village Clerk shall maintain a record of all licenses and temporary licenses issued.**

- (I) If any of the information contained in the application changes during the term of licensure or temporary licensure, the licensee must notify the Village in writing within 10 calendar days of any changes.**
- (J) Licensed and temporary licensed rental property must be maintained, rented, and operated in compliance with the terms of the license or temporary license, the code, the Village of Lawton Zoning Ordinance, and any requirements imposed by the state.**

§155.5 Notice of Violation and Revocation.

- (A) The rental inspector may issue a notice of revocation and revoke a license or temporary license in accordance with subsection (C) if a licensee fails to comply with a notice of violation issued under subsection (B).**
- (B) Whenever the rental inspector determines that there has been a violation of this chapter, the rental inspector may issue a notice of violation. The notice shall contain a description of the violation as well as a correction order allowing a reasonable time to make the repairs and improvements required to bring the rental property into compliance. The notice shall state that failure to comply with the notice may result in the revocation of the license or temporary license.**
- (C) Notice of the revocation of a license or temporary license must be in writing and state the date upon which the license or temporary license will be revoked. Subject to subsection 115.7(B), a license or temporary license is revoked 15 calendar days following notice of the revocation.**
- (D) Nothing in this section requires the issuance of a notice of violation prior to the issuance of a municipal civil infraction for a violation of this chapter.**

§ 155.6 Appeals.

- (A) A licensee who has been issued a notice of revocation under section 155.5 may appeal the pending revocation to the Village Construction Board of Appeals.**
- (B) A claim of appeal must be in writing and must state the basis for the appeal. A claim of appeal must be received by the Village Clerk within 10 calendar days following the notice of revocation. Untimely appeals may be administratively denied by the Village Clerk.**
- (C) The timely filing of a claim of appeal stays the revocation of a license pending the final decision of the Village Construction Board of Appeals.**
- (D) The Construction Board of Appeals shall review the decision by the rental inspector to revoke a license for reasonableness and consistency with prior orders, decisions, and determinations of the rental inspector in the administration of this chapter. The**

rental inspector’s decision to revoke a license or temporary license may only be reversed by a majority vote of the Construction Board of Appeals.

§155.7 Notice.

(A) Notice under this chapter shall be deemed properly served when a copy thereof is posted to the rental property and served on the licensee in accordance with one of the following methods:

(1) A copy is delivered personally.

(2) A copy is sent by U.S. mail to the address on file with the rental inspector.

(B) Notice is deemed effective upon posting and (1) personal delivery or (2) three calendar days from the date of mailing.

§155.8 Violations and Enforcement.

(A) A violation of this chapter constitutes a municipal civil infraction punishable by a fine not to exceed \$1,000 in addition to any costs permitted by law.

(B) Each day that a violation continues constitutes a separate violation. The violation of this chapter is a strict liability offense.

(C) The rental inspector is designated as an authorized Village official for the purpose of this chapter. Any function authorized to be performed by the rental inspector may be performed by the rental inspector’s designee. The rental inspector may pursue any other remedies available at law or equity as part of the enforcement of this ordinance. The rental inspector may seek administrative search warrants and institute appropriate proceedings at law or equity to enforce this chapter and to restrain, correct, or abate violations.

Article 2. Enactment of Chapter 156. That the Lawton Village Code is hereby amended by adding a new Chapter 156 entitled “Short-term Rental Licensing” to title XV as follows:

Chapter 156 Short-term Rental Licensing

§ 156.1 Purpose. The purpose of this chapter is to protect the general health, safety, and welfare of the public by enacting certain licensing and other requirements regulating short-term rentals.

§ 156.2. Definitions. As used in this chapter,

“Applicant” means an owner who has applied for a license under this chapter.

“Bedroom” means any room or space used or intended to be used for sleeping purposes.

“Dwelling” means a building containing one or more dwelling units.

“Dwelling unit” means a building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation.

“Habitable space” means a space in a dwelling unit for living, sleeping, eating, or cooking. Balconies, lavatories, water closets, storage or utility spaces and similar areas are not considered habitable spaces

“Letter of compliance” means a letter issued by the rental inspector stating that a dwelling unit is eligible for a license.

“Letter of deficiency” means a letter issued by the rental inspector stating that a dwelling unit is not eligible for a license and identifying the deficiencies that must be corrected before a letter of compliance can be issued.

“License” means a license issued under this Chapter. The term includes both Class I and Class II licenses.

“Licensee” means a person licensed under this chapter.

“Occupant” means an individual 3 years of age or older other than the owner who uses a short-term rental as an overnight accommodation or is entitled to use a short-term rental as an overnight accommodation by reason of a rental or lease agreement.

“Operator” means the person responsible for the day-to-day operations and maintenance of the short-term rental.

“Owner” means any person that has legal or equitable interest or title in a dwelling unit or has lawful possession and control of the dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” means an individual, corporation, partnership, or any other group acting as a unit.

“Real estate broker” means an individual who is a state-licensed real estate broker under the state Occupational Code, PA 299 of 1980, as amended.

“Rental Inspector” means the Village Manager or any person designated by the Village Manager to administer and enforce this chapter.

“Short-term rental” means a dwelling unit licensed to be leased, rented, and advertised for lease or rent for commercial purposes under this chapter. The term short-term rental

includes property on the same lot of dwelling unit that is under the control of the licensee and will be accessible to occupants.

“State” means the state of Michigan and any department or agency thereof.

§ 156.3. Short-Term Rental License Required.

- (A) No owner may rent, lease, or advertise for rent or lease any dwelling, or portion thereof, for commercial purposes for a term of 28 days or less without a valid license issued under this chapter. This subsection (A) does not apply to the following uses as defined in the Village of Lawton Zoning Ordinance: adult day care facility, bed-n-breakfast inn, caretaker living quarters, congregate or interim care housing, dependent housing facilities, foster care home, hospitals, hotels, motels, state licensed residential facility, in-patient rehabilitation facilities.
- (B) No operator may rent, lease, or advertise for rent or lease any dwelling, or portion thereof, for commercial purposes for a term of 28 days or less without a valid license issued under this chapter. This subsection (B) does not apply to the following uses as defined in the Village of Lawton Zoning Ordinance: adult day care facility, bed-n-breakfast inn, caretaker living quarters, congregate or interim care housing, dependent housing facilities, foster care home, hospitals, hotels, motels, state licensed residential facility, in-patient rehabilitation facilities.

§ 156.4 . Administration.

- (A) The rental inspector shall be responsible for the processing and issuing of licenses under this chapter. Consistent with the requirements of this chapter, the rental inspector shall promulgate application materials and inspection checklists and take other actions necessary to administer this chapter. The rental inspector shall maintain records of all applications, inspections, letters of compliance, letters of deficiency, and licenses.
- (B) Prior to the issuance of a license, the rental inspector shall inspect the dwelling unit and any property that will be accessible to the occupants for compliance with the requirements of this chapter and any other applicable requirements of this code.
- (C) Following the inspection under subsection (B), the rental inspector shall issue to the applicant a letter of compliance or a letter of deficiency. No dwelling unit may be issued a letter of compliance unless the dwelling unit has been issued a zoning compliance determination, the rental inspector determines that the dwelling unit and any property on the same lot as the dwelling unit that is under the applicant’s control and that will be accessible to occupants complies with the requirements of this chapter, any other applicable requirements of this code, and the dwelling unit is eligible for the license type being sought. A letter of compliance is only valid for 30 calendar days.

- (D) No dwelling unit may be licensed without a valid letter of compliance. No person who is in default to the Village may be issued a license. No license may be issued without the payment of the required fees.
- (E) Only a person with legal title to the dwelling unit may apply for a license, and a license may only be issued to a person with legal title to the dwelling unit. The rental inspector may impose additional requirements as a term of licensure that are necessary to ensure compliance with this chapter or as necessary to protect the health, safety, and welfare of the occupants.
- (F) A license is unique to the licensee and the dwelling unit for which it is issued, and it is not transferable. A license is a revocable privilege granted by the Village and is not a property right. The application for a license does not create or vest any right, title, franchise, or other property interest. The granting of a license does not create or vest any right, title, franchise, or other property interest.
- (G) Unless revoked, a license is valid for two years from the date of issuance. Each license must minimally clearly state the name of the licensee, the name and contact information of the operator, the maximum permitted occupancy of the short-term rental, the date of expiration, the address of the short-term rental, and any additional terms of licensure.
- (H) A license must be signed by the rental inspector. A license must be signed by the licensee agreeing to the terms of licensure.
- (I) The Village Council may, by resolution, establish any fees it deems necessary for the administration of this chapter, including fees for applications, inspections, and licensing.

§ 156.5. License Types and Eligibility.

- (A) There shall be two license types under this chapter: Class I licenses, which are intended to regulate more intense commercial activity, and Class II licenses, which are intended to regulate less intense commercial activity.
 - (1) Dwelling units that comply with the requirements of this chapter and that may lawfully be rented or leased for more than 14 days in a calendar year under the Zoning Ordinance are eligible for a Class I license.
 - (2) Dwelling units that comply with the requirements of this chapter and that may lawfully only be rented or leased for not more than a total of 14 days in a calendar year under the Zoning Ordinance are eligible for a Class II license.

§ 156.6. Operating Requirements.

(A) When being rented or leased, the following requirements must be complied with:

(1) Short-term rentals and any property that will be accessible to the occupants must be maintained and operated in compliance with the terms of the licensure and any other applicable requirements of this code.

(2) Short-term rentals must be maintained and operated in accordance with the terms of licensure and in a manner that does not endanger the health or safety of the occupants.

(3) Fire Safety Requirements:

a. Each kitchen shall have a minimum of 1 fire extinguisher. The fire extinguisher shall be in proper working order and easily accessible. The rental inspector may waive this requirement if other acceptable fire suppression systems are in place.

b. A safe, continuous, and unobstructed path of travel shall be provided from any habitable space in the dwelling unit to a public way or yard without requiring travel through a garage.

c. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or special effort.

d. Emergency escape and rescue openings are required in each bedroom unless the bedroom has an exterior exit door that discharges directly into a public way, court, or yard. The emergency escape and rescue openings must be an operable window, door, or similar device that provides a safe means of escape and access for rescue in the event of an emergency. If the rental inspector deems it necessary for the safe use of the emergency escape and rescue opening, the rental inspector may require that the bedroom be equipped with a collapsible escape ladder or other similar device.

e. Flammable and combustible materials must be stored in a safe and secure manner.

f. The manufacturer recommended clearances for furnaces and water heaters must be maintained.

(4) No room may be used as a bedroom unless it complies with the following:

a. If the room provides sleeping accommodations to more than one occupant it must contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

b. Except for dwelling units that contain fewer than two bedrooms, the room shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

c. The room may not be a kitchen, or nonhabitable spaces.

- d. The room must have access to not less than one water closet and one lavatory without passing through another bedroom.
 - e. The room must have access to not less than one water closet and lavatory located in the same story as the room or an adjacent story.
 - f. The room must have an emergency escape and rescue openings as required by this section.
- (5) Maximum permissible occupancy may not exceed the following: the total number of occupants that are permitted to occupy compliant bedrooms under this chapter.
- (6) The use of fireworks without the licensee being present on-site is prohibited.
- (B) The licensee shall ensure that the short-term rental has a current operator on file with the Village. The operator may be either the licensee or a real estate broker.
- (C) If any information provided on the short-term rental application changes, the licensee must notify the rental inspector of the change within seven calendar days of the change.
- (D) No licensee or operator may advertise a room for rent or lease as a bedroom if the room is not permitted to be used as a bedroom by the license.
- (E) No licensee or operator may advertise a short-term rental for occupancy in excess of the occupancy permitted by the license.
- (F) Class I short-term rentals must comply with the following additional requirements:
- (1) The licensee must maintain liability insurance of \$1,000,000.00 or more on the short-term rental while it is being offered for lease or rent. The insurance coverage must defend and indemnify the licensee and any occupants in the short-term rental for bodily injury and property damage.
- (G) Class II short-term rentals must comply with the following additional requirements:
- (1) Not less than 48 hours before the beginning of a rental or leasing term, the licensee or operator shall notify the rental inspector of the dates of the term and the number of nights for which the dwelling unit will be rented or leased.

§ 156.7. Notice of Violation and Revocation.

- (A) The rental inspector may issue a notice of revocation and revoke a license in accordance with subsection (D) if a licensee fails to timely comply with a correction order issued under subsection (B).

- (B) Whenever the rental inspector determines that there has been a violation of this chapter, the rental inspector may issue a notice of violation. The notice shall contain a description of the violation as well as a correction order allowing a reasonable time to remedy the violation. The notice shall state that failure to comply with the correction order may result in the revocation of the license.**
- (C) The rental inspector may issue a notice of revocation and revoke a license in accordance with subsection (D) if there have been two or more municipal civil infraction determinations resulting from the licensee's or operator's violation of Section 156-9 within the current licensing term concerning the short-term rental for which the license is to be revoked.**
- (D) Notice of the revocation of a license must be in writing and state the date upon which the license will be revoked. Subject to subsection 156.8(C), a license is revoked 15 calendar days following notice of the revocation.**
- (E) A licensee whose license has been revoked may not apply for or be issued a license for a period of 365 days following the date of revocation.**
- (F) A notice of violation and notice of revocation issued under this section must comply with the service requirements of Section 156.9.**
- (G) Nothing in this section requires the issuance of a notice of violation prior to the issuance of a municipal civil infraction for a violation of this chapter.**

§ 156.8. Appeals.

- (A) A licensee who has been issued a notice of revocation under Section 156.7 may appeal the pending revocation to the Village Construction Board of Appeals.**
- (B) A claim of appeal must be in writing and must state the basis for the appeal. A claim of appeal must be received by the Village Clerk within 10 calendar days following the notice of revocation. Untimely appeals may be administratively denied by the Village Clerk.**
- (C) The timely filing of a claim of appeal shall stay the revocation of a license pending the final decision of the Village Construction Board of Appeals.**
- (D) If subsection 156.7(A) is the basis for revocation, the Village Construction Board of Appeals shall only uphold the revocation if the board finds by a preponderance of the evidence that the cited violation occurred, that the time in which the licensee was required to remedy the violation was reasonable, that the licensee failed to timely comply with the correction order, that the notice of violation was properly served, and that the notice of revocation was properly served. Otherwise, the board shall reverse the revocation, in which case the revocation notice shall be of no effect.**

- (E) If subsection 156.7(C) is the basis for revocation, the Village Construction Board of Appeals shall only uphold the revocation if the board finds by a preponderance of the evidence that there have been two or more municipal civil infraction determinations resulting from the licensee's or operator's violation of Section 14-508 within the current licensing term concerning the short-term rental for which the license is being revoked. Otherwise, the board shall reverse the revocation, in which case the revocation notice shall be of no effect.
- (F) Hearings under this section shall be open to the public.
- (G) The Village Construction Board of Appeals shall adopt and make available to the public the procedures under which hearings will be conducted. The procedures may not require compliance with strict rules of evidence but shall mandate that only relevant information be received.
- (H) The final decision of the Village Construction Board of Appeals shall be in writing.

§ 156.9. Service of Notices.

- (A) Service of a notice of violation and a notice of revocation under this chapter may be properly made by either of the following:
 - (1) The notice or copy thereof is sent by U.S. mail to the licensee and operator at the addresses on file with the rental inspector. Service is effective 14 calendar days from the date of mailing.
 - (2) Personal delivery of the notice or copy thereof to either the licensee or the operator. Service is effective upon delivery.

§ 156.10. Violations and Enforcement.

- (A) Violations of this chapter are only punishable in accordance with this section.
- (B) A person who violates any provision of Section 156.3 shall be responsible for a municipal civil infraction punishable by a fine not to exceed \$1,000 in addition to any costs permitted by law.
- (C) A licensee or operator who leases, rents, or advertises for lease or rent a short-term rental that does not comply with Section 156.6 or otherwise violates any provision of Section 156.6 shall be responsible for a municipal civil infraction punishable by a fine not to exceed \$500 in addition to any cost permitted by law.
- (D) Any person who violates paragraph 156.6(A)(6) shall be responsible for a municipal civil infraction punishable by a fine not to exceed \$500 in addition to any costs permitted by law.

(E) The rental inspector is designated as an authorized Village official for the purpose of this chapter. Any function authorized to be performed by the rental inspector may be performed by the rental inspector’s designee. The rental inspector may pursue any other remedies available at law or equity as part of the enforcement of this ordinance. The rental inspector may seek administrative search warrants and institute appropriate proceedings at law or equity to enforce this chapter and to restrain, correct, or abate violations.

Article 3. Savings Clause.

The provisions of this ordinance are severable. If any part of this ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void or render inoperable other parts or portions of this ordinance.

Article 4. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of any such conflict.

Article 5. Effective Date.

This ordinance is effective upon the expiration of the twentieth day following its publication in the manner required law.

The vote regarding the adoption of this ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ DECLARED ADOPTED.

Josh Appleby, President

Brittany Rathburn, Clerk

CERTIFICATION

I, Brittany Rathburn, the Clerk of the Village of Lawton, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village Council of the Village of Lawton at a meeting of the Village Council called and held in accordance with the required statutory procedures.

Brittany Rathburn, Clerk

DRAFT

**VILLAGE COUNCIL
VILLAGE OF LAWTON
VAN BUREN COUNTY, MICHIGAN**

(Ordinance No. _____)

At a regular meeting of the Village Council for the Village of Lawton held at _____ on _____, 2025 and commencing at ___:___p.m., the following ordinance was offered for adoption by Councilmember _____ and was seconded by Councilmember _____:

AN ORDINANCE TO AMEND SECTION 1.08, ENACT SECTIONS 1.10 AND 1.11, AMEND SECTION 2.04, ENACT SECTION 2.11, AMEND TABLES 5.02.A AND, 5.03.A, AMEND SECTIONS 5.04 AND 5.23, AMEND TABLE 7.01.D, AND AMEND SECTION N15.02 OF THE ZONING ORDINANCE FOR THE VILLAGE OF LAWTON

THE VILLAGE OF LAWTON (the “Village) ORDAINS:

Article 1. Amendment of Section 1.08. Section 1.08 of Article 1 of the Zoning Ordinance for the Village of Lawton entitled “Relationship to Other Laws and Agreements” is amended as follows:

- A. Other Public Laws, Ordinances, Regulations or Permits. This Ordinance is intended to complement other municipal, state and federal regulations that affect land use. **In addition to compliance with this Ordinance, any building, structure, or use must comply with all applicable Village non-zoning ordinances.** Unless otherwise noted in this Ordinance, where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by other regulations, the provisions of this Ordinance shall govern.
- B. Private Agreements. This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or requirement, the provisions of this Ordinance shall control. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but any covenant or restriction shall not be used to justify a lack of compliance with this Ordinance. The Village shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

Article 2. Enactment of Section 1.10. A new Section 1.10 of Article 1 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 1.10 Violation

- A. **A violation of this Ordinance constitutes a municipal civil infraction punishable by a fine not to exceed \$500 in addition to costs permitted by law.**

B. Each day that a violation continues constitutes a separate violation.

C. The Village may pursue all remedies available at law or equity as part of the enforcement of this Ordinance.

Article 3. Enactment of Section 1.11. A new Section 1.10 of Article 1 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 1.11 Administration.

A. The Village Manager shall be responsible for the administration and enforcement of this Ordinance. When required by this Ordinance or any other Village ordinance, the Village Manager shall issue a zoning compliance determination.

B. The Village Manager is designated as an authorized local official and is authorized to issue municipal civil infraction citations and take all other actions necessary to enforce, interpret, and administer this Ordinance.

C. Any act or function authorized to be carried out by the Village Manager may be carried out by a deputy or designee of the Village Manager.

Article 4. Amendment of Section 2.04. Section 2.04 of Article 2 of the Zoning Ordinance for the Village of Lawton is amended as follows:

Section 2.04 – Accessory Uses, Buildings, and Structures

A. Definition. Accessory Structure. A building or structure that is subordinate in use and square footage to the principal use of land or buildings and is customarily found in connection with and on the same lot as the principal use or main building. Examples are garages, carports, sheds, gazebos, large play structures and greenhouses.

B. Principal Use Required.

(1) Unless otherwise expressly allowed in this Ordinance, accessory structures **and accessory uses** are only allowed with a principal use and a main building or structure on the same lot or on an abutting lot with contiguous ownership.

(2) Accessory structures may only be constructed at the same time as, or after the construction of, the main building or structure. The Village Manager or their designee may grant approval for an accessory structure to be constructed before the main building or structure if the owner demonstrates the following:

- a) Plans for the main building or structure are prepared for building permits;
- b) Financing has been secured; and
- c) Construction will commence within three (3) months.

- (3) If the main building or structure is destroyed, demolished, or removed, any accessory buildings or structures on the same lot shall be removed within twelve (12) months, unless a permit for construction of a new main building has been approved. The Village Manager or designee may extend this timeframe by one (1) year where substantial progress has been demonstrated.

C. Approval Process. Any accessory structure requires a permit from the Village Manager or designee, unless it is considered an exempted structure in Section 2.04-E.G.

D. Placement

- (1) Accessory structures can only be built in a rear yard, unless it is structurally attached to a main building then it shall be considered part of the main building.
- (2) No detached accessory building shall be closer than six (6) feet to any main building, excluding decks, nor shall it be closer than five (5) feet to any side or rear lot line in Residential Districts.
- (3) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line to its rear, said building shall not project beyond the front yard setback line. In no instance shall an accessory building be located closer than ten (10) feet to a street right-of-way line.
- (4) Minimum Greenspace. Accessory structures are subject to minimum greenspace calculations as established within each Zone District.
- (5) Administrative Departure. An Administrative Departure may be approved to allow the wall(s) of a detached accessory structure to within one (1) foot of the side or rear lot line if the following conditions are met:
 - a) Topography, natural features, or other site constraints exist that make compliance with required setbacks impossible.
 - b) In granting an administrative departure, the Village Manager or Designee shall make sure there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the State building code are met.
 - c) A property survey and scaled site plan shall be submitted.

E. Residential Accessory Structures. One (1) detached and one (1) attached accessory structure is permitted. At least one (1) structure that provides for the storage of personal belongings is required.

- (1) Except as noted, the height and combined gross floor area for all attached and detached accessory structures shall not exceed the dimensions based on the requirements of Table 2.08.

- (2) Any accessory structure with a gross floor area greater than one hundred twenty (120) square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other similar codes for a structure. The architectural character of the accessory building shall be compatible with, and similar to, the main building with respect to materials, scale, design, and aesthetic quality as determined by the Village Manager or designee. Exterior finish materials shall be those materials customarily used for residential construction and shall be similar in placement and orientation to the main building.

Table 2.08. Residential Accessory Structures		
Parcel Lot Area (sq. ft.)	GFA (sq. ft.) Total	Height (ft.)
Less than 5,000	624	14
5,000 – 7,499	832	14
7,500 – 11,999	936	14
12,000 or more	1,200	16

[No change to table]

- (3) Administrative Departure. Accessory structures may exceed the gross floor area of Table 2.08. for total garage or carport space up to the necessary GFA to meet the required number of parking spaces in Article 6 for multiple family dwellings, provided the applicant can demonstrate a need for the space and all other requirements are met.

F. Residential Accessory Use. A principal building for which the principal use is a residential use may, as an accessory use, be commercially rented or leased for not more than 14 days in a calendar year. Such accessory use must comply with all City licensing and other non-zoning requirements.

G. Exempted. The following shall not be counted toward the number or area of permitted detached accessory structures

- (1) Trellises, pergolas, gazebos, arbors or other similar structures without enclosed walls;
- (2) Landscape features, such as small ponds, outdoor kitchens, spas, and fire pits;
- (3) Outdoor sport courts;
- (4) Above-ground swimming pools or hot tubs;
- (5) Decks and patios that are attached to the primary residential building; and
- (6) Other similar structures as determined by the Village Manager or designee.

H. Additional Accessory Structures.

- (1) In addition to the accessory structure(s) provided for in this Section, one (1) accessory structure, such as an enclosed play structure or storage structure, of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be permitted in the rear yard on a lot with a residential use. A setback of at least three (3) feet from any lot line shall be provided.

- (2) For community gardens and other similar uses, one (1) accessory structure of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be erected for storage of supplies and materials related to the use. An additional structure of the same size and height may be added for properties exceeding three (3) acres. The structure(s) shall meet all setback requirements of the Zone District.
- (3) Temporary accessory structures such as tents and canopies, in addition to existing, permanent accessory buildings and structures may be permitted for a period of thirty (30) days, unless granted an extension by the Zoning Board of Appeals.

I. Prohibited Structures.

- (1) No accessory structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.
- (2) No mobile home, trailer, vehicle, tank, boat, container, pod, railroad car, dumpster, barrels, crate, furniture, tent, junk object or salvage materials or similar items shall be used as an accessory structure.
- (3) Living or sleeping quarters, temporary or permanent, in an accessory structure or other building, travel trailer, motor home or other recreation vehicle, auto chassis, boat or portable building, are prohibited.

Article 5. Enactment of Section 2.11. A new Section 2.11 of Article 2 of the Zoning Ordinance for the Villag of Lawton is enacted as follows:

Section 2.11 – Principal Use and Principal Building

Except for the following, each lot may contain only one principal use and one principal building:

- (1) Where otherwise explicitly permitted under this Ordinance**
- (2) Short-term rental use and residential use in the same principal building.**

Article 6. Amendment of Table 5.02.A. Table 5.02.A of Section 5.02 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Permitted Uses in Residential Districts” is amended to add the following:

Use	AG	LDR	MDR	Use Regs
Short-term rental	S	S	S	

Article 7. Amendment of Table 5.03.A. Table 5.03.A of Section 5.03 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Permitted Uses in Commercial Industrial Zone Districts” is amended to add the following under “Commercial, Office, Retail”:

Use	CBD	GB	I	Use Regs
Upper-level Short-term rental	S	S	-	
Ground floor Short-term rental	-	S	-	

Article 10. Amendment of Section 5.04. Section 5.05 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Applicability of use Regulations” is amended as follows:

It is recognized by this Ordinance that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety, and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Ordinance.

However, when properly regulated, these uses can make a positive contribution to the economic vitality of the Village. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties. For uses that are identified as a Special Land Use, ~~use regulations for Sections 5.05 – 5.24 may be altered or waived by the Planning Commission during the Special Land Use process and Site Plan Review~~ **the requirements of sections 5.05 – 5.24 are use specific standards in addition to the general special land use standards imposed under section 11.09.**

Article 11. Amendment of Section 5.23. Section 5.23 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Short-term Rentals” is amended as follows:

Section 5.23 – Short-Term Rentals.

- ~~A. Whole unit short term rentals are only permitted in the CBD and GBD Mixed Use Districts.~~
- ~~B. Shared presence, where the permanent occupant of the residence and a short term stay guest is occupying a portion of the dwelling unit, is permitted in all zone districts. Short-term stay guests may not stay longer than twenty nine (29) days and the total number of rental days with a guest cannot exceed one hundred twenty (120) days.~~

- ~~C. The maximum number of occupants in a short-term rental shall not exceed a total of two (2) occupants per bedroom.~~
- ~~D. Events, parties or similar activities are not permitted.~~
- A. The dwelling and dwelling unit being used as a short-term rental must comply with the requirements of the zoning district relative to the specific type of dwelling or dwelling unit.**
- B. Short-term rentals must be designed so as not to constitute a nuisance.**
- C. Short-term rentals must be designed, constructed, and operated in a manner that will lead to compatible, efficient, and attractive use of property.**
- D. The driveway and off-street parking areas shall be paved with asphalt, concrete, or another dust-free material such as brick pavers or permeable pavement.**
- E. Short-term rentals must comply with all Village licensing and other non-zoning requirements.**

Article 8. Amendment of Table 7.01.D. Table 7.01.D of Section 7.01 of Article 7 of the Zoning Ordinance for the Village of Lawton entitled “Vehicle Parking Requirements” is amended to add the following:

Use	Required Spaces
Short-term rental	.5 per bedroom

Article 9. Amendment of Section 15.02. Section 15.02 of Article 15 of the Zoning Ordinance for the Village of Lawton entitled “Definitions” is amended to add the terms “Short-term rental” and “Zoning Compliance Determination” as follows:

SHORT TERM RENTAL: A dwelling unit leased or rented for commercial purposes for a term of 28 days or less. The following uses are not short-term rentals: accessory use of a residential use permitted under subsection 2.04(F), adult day care facility, bed-n-breakfast inn, caretaker living quarters, congregate or interim care housing, dependent housing facilities, foster care home, hospitals, hotels, motels, state licensed residential facility, in-patient rehabilitation facilities. Short-term rentals are recognized as a commercial and principal use distinct from the residential use of dwelling units

ZONING COMPLIANCE DETERMINATION: A written determination issued by the Village Manager according to the procedures established in this Ordinance that specifies whether a use, structure, or lot complies with the current requirements of this Ordinance, has been granted a variance, or is lawful nonconforming.

Article 12. Savings Clause.

The provisions of this ordinance are severable. If any part of this ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void or render inoperable other parts or portions of this ordinance.

Article 13. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of any such conflict.

Article 14. Effective Date.

Except as otherwise provided by law, this Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

The vote regarding the adoption of this ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ DECLARED ADOPTED.

Josh Appleby, President

Brittany Rathburn, Clerk

CERTIFICATION

I, Brittany Rathburn, the Clerk of the Village of Lawton, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village Council of the Village of Lawton at a meeting of the Village Council called and held in accordance with the required statutory procedures.

Brittany Rathburn, Clerk