

CITY OF HARTFORD
ANTI BLIGHT ORDINANCE 304 – 07 – PROPOSED AMENDMENT – FIRST READING

THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within the City of Hartford, Van Buren County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71, *et seq.*),

THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance ~~chapter~~ to prevent, reduce or eliminate blight or potential blight in the City of Hartford by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the City of Hartford. **to prevent or eliminate certain causes of blight or blighting factors which exist or which may in the future exist in said City, in order to keep the properties within the City well maintained and to keep property values high.**

Add Section: Intent.

It is the intent of these regulations to establish reasonable guidelines and standards concerning the storage of materials and/or vehicles on properties that, if not regulated, would have the potential to cause blight and devalue property. The exercise of these regulations in the City of Hartford shall give full consideration to the property's neighborhood environment, the intention of the landowner with respect to materials stored, the period of time that the storage is to be maintained, the zoning classification of the property, the environmental features of the property and adjoining properties, the impact on tourism, and in general, the impact on the character of the City of Hartford.

Section 2: Causes of Blight or Blighting Factors

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Hartford owned, leased, rented or occupied by such person, firm or corporation.

~~A. In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.~~ **Junk automobiles. No person shall park or store, or knowingly allow another person to park or store for a period of more than 14 days, one or more dismantled, partially dismantled or inoperable motor vehicle(s) outside a fully enclosed building such that the dismantled, partially dismantled, or inoperable motor vehicle can be seen from any public street or seen from adjoining land owned by another person. For the purpose of this chapter, the term "junk automobiles" shall include any motor vehicle which does not have a valid license plate for use upon public roads and shall also include, whether licensed or not, any motor vehicle which is inoperative for a period of one month or longer**

~~B. In any area zoned for residential purposes, unless approved by the City, the storage of any building materials other than in a completely enclosed building. Building materials shall include but shall not be~~

~~limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, steel, or any other materials commonly used in constructing any structure. This definition shall not apply to building materials temporarily on a site when there is in force a valid building permit.~~ **Automobile parts, equipment and machinery.** The storage upon any property of any automobile parts, equipment or machinery in disrepair, boats or trailers in disrepair, parts of machinery or motor vehicles; unused, dilapidated, unlicensed or disassembled snowmobile, ATV, farm tractor, lawn tractor, trailer or semi-trailer, motorcycle except to the extent such items are kept in a completely enclosed building such that the dismantled, partially dismantled, or inoperable motor vehicle can be seen from any public highway or seen from adjoining land owned by another person.

~~C. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed ten (10) days. The term "junk" shall include, but is not limited to: parts of machinery or motor vehicles; unused, dilapidated, unlicensed or disassembled snowmobile, ATV, farm tractor, lawn tractor, trailer or semi-trailer, motorcycle; unused stoves or other appliances stored in the open; remnants of wood, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.~~ **Building materials,** in any area of the City of Hartford, the storage upon any property of building materials unless there is in force a valid building permit issued for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but not be limited to lumber, bricks, concrete, cement, cinder blocks, plumbing and drainage materials, electrical wiring or heating ducts or equipment, roofing materials, builder's hardware, or any other materials made to be used in constructing any structure. Neatly piled building materials, however, may be stored on property on a temporary basis, if the City Ordinance Enforcement Officer determines in writing:

- (1) That the materials, as stored, will not be unsightly or cause blight; and
- (2) How long such materials can be stored at such property.

~~D. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended, or as may be prohibited by the Michigan Building Code.~~ **Junk,** trash and rubbish. The storage or accumulation of junk, trash, rubbish or refuse of any kind, except in a completely enclosed building or completely shielded from view from adjoining properties or a public road by means of one or more of the following which has been approved by the City: plantings, natural vegetation, topography or structure approved by the City. The term "garbage" means organic refuse or rejected food wastes in the form of putrescible animal, poultry, fish, fruit or vegetable wastes resulting from the handling, preparation, cooking or consumption of foods, including animal, poultry or fish carcasses or parts thereof. The term "junk" shall include but not be limited to stoves, refrigerators or other appliances, rubble, used building materials, waste from razed structures, trees and tree stumps, remnants of wood (except firewood neatly stacked and those materials approved by the City Zoning Administrator), metal or other cast off or scrap materials of any kind stored in the open, whether or not such materials could be put to any reasonable use. The term "rubbish" or "trash" means nonputrescible solid waste, consisting of either combustible and/or noncombustible materials, of the following types:

- (1) Ashes. The residue left from burning of paper, leaves, wood, coal or other combustible materials.
- (2) Household. Materials used or accumulated in the operation or maintenance of a household which are customarily discarded after use, including but not limited to newspapers, magazines, books, wrappings, cartons,

boxes, crates, rags, or sweepings, or materials which are customarily discarded after becoming unusable due to wear or damage, such as clothing, bedding, floor coverings, wallpaper, or articles of metal, plastic, cloth or leather.

(3)Kitchen. Food containers or wrappings (whether damaged or undamaged) including but not limited to cans, bottles, jars, glass, crockery, bags, sacks or plastics, or paper, plastic, wood, or metal cartons or boxes, or other similar or like articles or materials.

(4)Personal. Articles or materials used for medical or hygienic purposes or for infant care.

(5)Yard. The products of vegetation grown on a property, or which are brought onto a property, including but not limited to grass clippings, weeds, leaves, plants, tree branches, clippings from shrubs, bushes or hedges, or roots and stumps.

~~E In any area, the existence of any vacant dwelling, garage or other out building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.~~ **Incomplete building.** The existence of any partially completed structure, unless such structure is in the course of construction or demolition in accordance with a valid existing building or demolition permit.

~~F In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the City and unless such construction is completed within a reasonable time.~~ **Damaged or unused buildings.** The existence of any structure or part of any structure which because of fire, wind, natural disaster, or physical deterioration, which in the judgment of the City Building Inspector is an unusable structure as defined in the International Property Maintenance Code, and is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended.

ADD:

G. Dangerous buildings. The existence of any structure which has one or more of the following characteristics:

(1) The building is damaged such that the structural strength or stability is appreciably less than before damage and does not meet minimum requirements of the International Property Maintenance Code.

(2) Part of the building is likely to fall, become detached, dislodged or collapse and injure persons or damage property.

(3) Part of the building has settled to the extent that the walls have materially less resistance to wind than new construction.

(4) The building or part of the building is likely to collapse or fall.

(5) The building is manifestly unsafe for the purpose for which it is intended to be used.

(6) The building is damaged and deteriorated and it has become an attractive nuisance for children, vagrants, or a place for committing nuisance or unlawful activity.

(7) The building is in a condition that is unsanitary or unfit for human habitation and is in a condition that is likely to cause sickness or injure the safety, health or general welfare of people living or doing business in the structure.

(8) Any building which is defined as a "dangerous building" under the State Construction Code or the International Property Maintenance Code.

H. Residence in a travel trailer. The occupancy of travel trailers, mobile homes, campers, or recreational vehicles for more than 72 hours as a temporary dwelling is prohibited except in designated camping areas.

I. Dumping of household rubbish and storage of trash receptacles. No person, firm, or corporation shall store, dump, or cause to be dumped any garbage, tin or aluminum cans, household refuse, brush and tree limbs, papers, or waste materials of any kind or description in or on any land, public or private. The storage or dumping of garbage anywhere in the City is expressly prohibited as a menace to the public health.

J. Dumping of rubble, building materials, and related items. The dumping of rubble, used building materials, waste from razed structures, trees and tree stumps, is expressly prohibited on any public or private land; provided, however, that nothing in this section shall preclude the use of such materials for fill or in approved sites for the purposes of preventing erosion.

K. Screening of dumpsters. Self-unloading trash receptacles (defined as "dumpsters") shall only be permitted in multifamily, commercial and industrial districts, provided that the same are of substantial construction and designed to prevent the scattering of materials stored therein. All self-unloading trash receptacles shall be stored in a screened storage area accessible for disposal.

L. Open burning prohibited. Open burning not otherwise allowed by City Ordinance is prohibited within the City of Hartford.

Section 3: Enforcement and Penalties

~~A This ordinance shall be enforced by such persons who shall be so designated by the City Council. This~~ chapter shall be enforced by the Ordinance Enforcement Officer or City police officers, acting under the authority of the City Manager, or by any other official designated by the City Commission.

~~B The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him or her. Such notice may be served personally, by first class mail postage prepaid, or by posting the notice in a conspicuous place on the property. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress. A violation of this~~ chapter is a municipal civil infraction, for which the fine shall be not less than \$150 and not more than \$500, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law. Each day that a violation occurs shall be considered a separate violation.

~~C Failure by the owner and/or occupant to comply with terms of the notice required by Section 3(B) within the time allowed shall constitute a violation of this ordinance. The issuance of a citation for a municipal civil~~ infraction shall not in any way limit the City from seeking enforcement of this chapter in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this chapter and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this chapter.

~~D Violation of this ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding Ninety Three (93) days or by both such fine and imprisonment in the discretion of the Court of competent jurisdiction. In the event that the City requests to enter onto the property and abate the nuisance, the City shall be authorized to have the expenses of such abatement be certified in writing by the City Treasurer and added to the next tax bill of the violating property.~~

~~E. Injunctive Relief. The foregoing penalties shall not prohibit the City from seeking injunctive relief against a violator, or such other appropriate relief as may be provided by law. Costs of prosecution and/or enforcement and/or repair, alteration, razing may be assessed to anyone, jointly and severally, in violation thereof. Said costs may be added to the tax roll of the defendant as a special assessment.~~

F Cost Recovery. That in addition to all other penalties, the City of Hartford may bring an action for costs of enforcement and prosecution expense upon any person(s), corporation(s) and/or firm(s) that have violated the City's Ordinances. The cost of enforcement and prosecution shall be the actual amount of attorney fees and out-of-pocket expense for enforcement of the ordinance. An itemized list of fees and costs shall be given under oath and shall be prime facia evidence of the fees and costs.

ADD Section: Severability.

This chapter and its various sections, subsections, sentences, phrases, and clauses are severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this chapter shall not be affected thereby.

Section 3: Repeal

~~(1) Any and all anti-blight ordinances previously adopted by The City of Hartford, as amended, are hereby repealed.~~

~~(2) All ordinances or provisions of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.~~ All prior blight ordinances and any other ordinances or parts thereof that are in conflict in whole or in part with any provisions of this chapter as of its effective date are hereby repealed, but only to the extent that there is a direct conflict.

Section 4: Effective Date and Adoption

This ordinance shall become effective upon its publication.