

**CITY OF HARTFORD
COUNTY OF VAN BUREN
STATE OF MICHIGAN
FIRST READING AMENDMENT TO ANTI-BLIGHT CHAPTER 91**

PROPOSED ORDINANCE NO. 345 - 2024

**AN ORDINANCE TO AMEND THE “ANTI-BLIGHT” DIVISION IN CHAPTER 91 OF THE
HARTFORD CITY CODE TO PROVIDE UPDATED REGULATIONS AND PENALTIES
PERTAINING TO PROPERTY MAINTENANCE**

The City of Hartford Ordains:

Section 1. Amendment. The “Anti-Blight” Division of Chapter 91 of the Hartford City Code is hereby amended to read in its entirety as follows:

Sec. 91-15. Short title.

This division shall be known and may be designated as “The Blight Ordinance of the City of Hartford.”

Sec. 91-16. Definitions.

As used in this division, the following terms are defined below:

- a) Blighted structure or building. Any dwelling, garage, accessory or outbuilding, or any factory, shop, store, office building, warehouse, fence, or any other structure or part of a structure that:
 - (1) Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;
 - (2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the city;
 - (3) Is not structurally sound, weather-tight, waterproof or vermin-proof;
 - (4) Is not covered by a water-resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration;
 - (5) Causes or tends to cause devaluation of the subject property or other properties in the area;
 - (6) Has veneer, cornices, belt courses, corbels, trim, wall facings or other similar decorative features not properly anchored or that are anchored with connections not capable of supporting nominal loads and resisting all load effects; or
 - (7) Has any of the following conditions:
 - a. Peeling paint.
 - b. Sagging and deteriorating roof.
 - c. Missing and/or damaged siding.
 - d. Broken or deteriorating windows or doors.
 - e. Unfinished exterior.
 - f. Collapsing porch or deck.
 - g. Cracked and broken foundation/chimney.
 - h. Graffiti.
- (b) Building material. Any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.
- (c) Enforcement officer. The city manager, city building inspectors, community development coordinator, and any other individual that has been given enforcement duties by the city manager.

- (d) Graffiti. Any mark or marks on any surface or structure made without the prior permission of the property owner and made in any manner, including but not limited to, writing, inscribing, drawing, tagging, sketching, spray-painting, painting, etching, scratching, carving, engraving, scraping, or attaching. Chalk marks on sidewalks are not graffiti.
- (e) Inoperable Vehicle. Any motor vehicle which is inoperative for any reason such as being in a state of disassembly, disrepair, stripped, dismantled or which cannot be operated under its own power or cannot function as it was intended and designed to function legally on the roadway, but shall exclude vehicles in process at auto sales and dealership service facilities and auto engine and body repair shops which are to be repaired and made operable within ninety (90) days.
- (f) Issuance of the notice. Any of the following events:
 - (1) Mailing the notice to the responsible party's last known address by first class mail;
 - (2) Personal delivery of the notice to the responsible party;
 - (3) The responsible party's receipt of the notice by email, as indicated in a notification of receipt; or
 - (4) The reading of the notice to the responsible party over the phone.
- (g) Junk. Any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, furniture intended for indoor use which is placed outdoors, stoves, refrigerators, freezers, cans, barrels, farm implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.
- (h) Responsible party. A person who violates any of the provisions of this division, whether as owner, occupant, lessee, agent, operator, servant, or employee, except as herein otherwise provided.
- (i) Trash and rubbish. Any and all forms of debris not herein otherwise identified, except domestic refuse stored in appropriate containers prior to periodic collection for proper disposal and domestic refuse stored in appropriate containers for composting purposes. The term "trash, rubbish or refuse" shall also include any combustible and noncombustible waste material, including, but not limited to, animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food, leaves, brush, tree limbs, wood, lumber, grass or other yard waste.

Sec. 91-17. Blighted structures or buildings prohibited.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, building, dwelling, garage, outbuilding, factory, shop, store or warehouse in the city.

Sec. 91-18. Blighted exterior and maintenance requirement of property.

It shall be unlawful for any person to fail to improve and maintain all property under the person's control so as to comply with the following minimum requirements:

- (a) All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, brush, severed tree limbs, junk, rubbish, physical hazards, rodent harborage and infestation.
- (b) All stored firewood shall be in neat, orderly stacks, unless shielded from the ground level view from all adjoining properties,
- (c) The storage and accumulation of any building material in a visible exterior area shall only be for a period that is reasonably necessary for the future use of such materials, which shall in no event be longer than 90 days. Building materials must be piled off the ground so as not to become a suitable environment for rats, rodents or similar vermin.
- (d) In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels, unless the trailer is enclosed.
- (e) Scaffolding may remain on a building only for a period that is reasonably necessary for the completion of the construction or maintenance activities for which it is erected, which shall in no event be longer than 90 days or the length of the related building permit, whichever is longer.

- (f) Conditions or activities that produce disagreeable or obnoxious odors or stenches or dense smoke, noxious fumes, gas, soot, or cinders in unreasonable qualities are prohibited.
- (g) Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (h) It shall be unlawful to allow any inoperable vehicle to remain on the exterior of a property, outside of an enclosed building, unless the property in question is the site of a lawful zoning use that requires the repair or long-term storage of such vehicles (e.g., a car dealership, vehicle repair shop, or junkyard).

Sec. 91-19. Enforcement and penalties.

- (a) Any person that violates this division shall be responsible for a municipal civil infraction. Each day that a violation continues shall be deemed to be a separate violation.
- (b) Before commencing enforcement under this division, the enforcement officer shall issue notice to the responsible party charged with the violation, setting forth the violation specifics. The notice shall state the name of the person that the city considers to be the responsible party, and shall specify that failure to remedy the violation within no fewer than 10 days of the issuance of the notice may result in the issuance of a municipal civil infraction citation. The notice shall also state that the recipient has the right to appeal the notice to the City Manager.
- (c) If the responsible party fails to abate the blight within the required time frame, the city may take action to abate the blight and may charge the cost of such abatement to the responsible party. The city treasurer shall bill the cost, plus an administration fee of 25 percent, to the responsible party. Such bills shall become due within 30 days of issuance, and it shall be a violation of this division to fail to pay a bill when due. To the extent authorized by City ordinances, the city may levy a single-lot special assessment as a means of recovering the full cost of abatement.
- (d) Abating the nuisance is not in lieu of, or an alternative to, pursuing the civil infraction in district court. Both civil infraction and abatement of the nuisance may be pursued by the city.

Sec. 91-20. Appeal of notification of violation.

- (a) A person receiving a notice of violation under section 91-19 may appeal to the City Manager or his/her designee by filing an appeal form with the city clerk no later than ten days after the issuance of the notice. The appeal must be submitted on a standard appeal application form available in on the city's website or in the office of the city clerk. The appeal application must include a thorough description of the reason for appealing and shall be accompanied by any fee that may be required by the city council from time to time.
- (b) The City Manager or his/her designee shall set a reasonable time for hearing of the appeal within 30 days from the date on which the application form is received. The construction board of appeals shall provide the appellant, by first class mail, one notice of the public hearing date, time, and location.
- (c) The City Manager or his/her designee shall hear and decide appeals, and review on appeal any order, requirement, decision or determination, made by the enforcement officer in applying the requirements of this division. Upon such appeal, the City Manager or his/her designee may reverse or affirm the enforcement officer's determination in whole or in part.

Sec. 91-21. Interpretation.

Nothing in this division shall be interpreted to prohibit conduct or conditions expressly permitted under the city's zoning ordinance.

Section 2. Effective Date. The City Clerk shall cause this ordinance or a notice of adoption of this ordinance to be published. This ordinance shall take effect upon such publication.

YEAS: Commissioners,

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

This true and complete copy of Ordinance No. 345-2024 was declared adopted at a regular meeting of the Hartford City Commission held on _____, 2024.

Richard A. Hall, Mayor

RoxAnn Rodney-Isbrecht, City Clerk

PC Hearing: _____, 2024
Second Reading: _____, 2024
Published: _____, 2024

Introduced First Reading: October 28, 2024
Adopted: _____, 2024
Effective: _____, 2024