

City of Hartford County of Van Buren, State of Michigan

Special Commission Business Meeting Agenda

Tuesday, August 08, 2023 at 7:30 PM

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PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

GUESTS

PUBLIC COMMENT

COMMUNICATIONS

REPORT OF OFFICERS BOARDS & COMMITTEES

Police & Ordinance

Fire Department

Ambulance

Van Buren County

Public Works

Wastewater Treatment Plant

Treasurers, Investment & List of Bills

1. 2023 August 8 - List of Bills \$67,656.21

City Manager

2. CM - 2023 August 8

APPROVAL OF COMMISSION MINUTES

APPROVAL OF REPORTS

GOALS/OBJECTIVES

OLD BUSINESS

3. Discuss & Consider City Manager Search

NEW BUSINESS

- 4. Discuss & Consider Recreational Marihuana Application from Renaissance Cultivators, LLC, Class B Grow at 501 Hillsborough St
- <u>5.</u> Discuss & Consider Signatory for EGLE FSR Reports
- 6. Discuss & Consider 2023 Seasonal Brush Permits Reimbursement
- 7. Discuss & Consider Routine Bill Policy

INTRODUCTION OF RESOLUTIONS OR AMENDMENTS

- 8. Discuss & Consider Proposed Amendment to Code of Ordinance 110.03 Peddler & Solicitor Regulations Section 4.1
- 9. Discuss & Consider Proposed Amendment to Code of Ordinance 110.01 Regulating Garage, Yard, Basement and Private Sale Regulations
- 10. Discuss & Consider Proposed Building Regulation Ordinance

ADJOURNMENT



AUGUST 8, 2023 LIST OF BILLS FOR FISCAL 2022-2023

	PAY TO	DESCRIPTION	SUBTOTAL	СНІ	ECK TOTAL
ABONMARCHE		PROFESSIONAL SERVICES FOR CDBG - CLARK & LINDEN PROJECT			1,561.75
AT&T MOBILITY		FIRST NET SERVICE FOR CELL PHONES 6/12-7/11/2023			451.40
CORE & MAIN		6 WATER METERS			1,523.04
FERGUSON WAT	ERWORKS	WATER REPAIR PARTS	412.14		
		WATER REPAIR PARTS	455.28		867.42
FLEMING BROTH	IERS OIL CO	GASOLINE FOR JUNE 2023	1,035.25		
		DIESEL FOR LIFT STATION PUMPS	481.99		1517.24
KENALL'S SEWE	R & SEPTIC	ROD SEWER AT 202 HEYWOOD			175.00
		TOTAL OF CHECKS TO BE WRITTEN ON AUGUST 10, 2023		\$	6,095.85
		FOR FISCAL 2022-2023			



AUGUST 8, 2023 LIST OF BILLS FOR FISCAL 2023-2024

P. Carlot					
,	PAY TO	DESCRIPTION SU	JBTOTAL	СН	ECK TOTAL
	ALEXANDER CHEMICAL	RENTAL INVOICE FOR IRP	198.00		
		CREDIT MEMO FOR IRP	(49.50)		148.50
	AUTO-WARES GROUP	REFRIGERANT FOR DPW TRUCKS			138.18
	MIKE BANIC	OCCUPANCY INSPECTIONS 7/19/2023			300.00
	PAMELA BENCH	CLEANING AT CITY HALL ON 7/20/2023 FOR 4 HOURS			100.00
	BENDER ELECTRIC, INC	REPLACE 200 AMP BREAKER AT IRON REMOVAL PLANT			1,450.00
	CONSUMERS ENERGY	CITY HALL GAS BILL 6/27-7/25/2023	33.62		
		DPW GAS BILL 6/23-7/25/2023	18.73		
		IRP GAS BILL 6/27-7/25/2023	14.48		66.83
	CURCIO LAW FIRM PLC	JULY 2023 LEGAL FEES			2,394.00
	FRONTIER COMMUNICATIONS	CASINO LIFT STATION PHONE 7/17-8/16/2023	81.74		
		WWTP PHONE, INTERNET & ALARM 7/13-8/12/2023	270.83		
		IRP INTERNET 7/16-8/15/2023	59.98		
		IRP LOCAL PHONE 7/19-8/18/2023	75.62		
		DPW LOCAL PHONE 7/25-8/24/2023	70.67		558.84
	GASVODA & ASSOCIATES, INC	4 LIFT STATION PUMP FILTERS			702.27
	HARDING'S MARKET	DRINKING WATER FOR WWTP	00000000000		30.54
	ROXANN ISBRECHT	MILEAGE TO PAW PAW - ELECTION EXECUTIVES MEETING	20.96		20000
		MILEAGE TO ALMENA TWP-ELECTION EARLY VOTING COMMITTEE MEETING	30.13		51.09
	KELLOGG HARDWARE, INC	MISC HARDWARE SUPPLIES FOR JULY 2023			395.10
	KSS ENTERPRISES	TOILET PAPER DISPENSER FOR ELY PARK RESTROOMS	43.71		
		PRIME SOURCE SOAP REFILLS	166.70		210.41
	MICHIGAN ASSOC OF MUNICIPAL CLERKS	CONFERENCE REGISTRATION FEE FOR CLERK (ROXANN RODNEY-ISBRECHT)			525.00
	MICHIGAN MUNICIPAL TREASURER'S ASSOC	FALL CONFERENCE REGISTRATION FEE FOR TREASURER (PAM SHULTZ)			399.00
	NATIONAL PENS	SETUP CHARGE FOR 2024 POCKET CALENDARS (\$212.95 PREVIOUSLY PAID)			29.95
	JOANN NEWNUM	CLEANING AT CITY HALL ON 7/20/2023 FOR 4 HOURS			100.00
	PC SERVICES	I.T. LABOR FOR JULY 2023			678.00
	ROSE PEST SOLUTIONS STAPLES CREDIT PLAN	ANNUAL CONTRACT FOR PEST CONTROL			798.00
		COPY PAPER, BINDER CLIPS, DISINFECTING SPRAY, HANGING FILE FOLDERS			246.72
	TRACE ANALYTICAL LABORATORIES, INC USA BLUEBOOK	IRP WATER SAMPLE TESTING 7/10/2023 (ALKALINITY & ANIONS) DPO TOTAL CHLORINE REAGEMS FOR WWTP	48.56		295.25
	USA BLUEBOOK	AMMONIA TESTS, CHLORIDE & VIALS, AND SULFATE TESTS	348.03		396.59
	JUSTIN VANDE VOREN	CAR WASH FROM VILLAGE AUTO WASH FOR POLICE VEHICLE	348.03		
	WALTER L DE VISSER SR	MECHANICAL PERMIT CH23009 - 305 S HAVER			11.00 145.00
	ANDREW WARNER	9.333 HOURS AS OPERATOR AT WWTP (7/3-7/16/2023)			466.65
	WATER SOLUTIONS UNLIMITED	CHLORINE & FLOURIDE FOR IRP			
	WIGHTMAN & ASSOCIATES	PROJECT 212004 - WASTEWATER COLLECTION SYSTEM IMPROVEMENTS			1,510.00 17,910.21
	WIGHTMAN & ASSOCIATES	PROJECT 212004 - WASTEWATER COLLECTION STSTEM IMPROVEMENTS			17,910.21
		TOTAL OF CHECKS TO BE WRITTEN ON AUGUST 10, 2023 FOR FISCAL 2023-2024		\$	30,057.13
	DEBIT CARD TRANSACTIONS				
7/20/2023	BAVARIAN INN LODGE	REFUND OF LODGING FOR MGR TRAINING THAT WAS CANCELLED			(145.77)
	GRAND TRAVERSE RESORT	DOWNPAYMENT ON LODGING FOR TREASURER FALL CONFERENCE			250.95
7/25/2023		Z BRACKET MOUNTS & CABLE FOR POLICE BODY CAMS			104.90
	B AMAZON.COM	SCREEN PROTECTORS FOR MGR PHONE & DPW PHONE + CASE FOR MGR PHONE			32.76
					32.70
		TOTAL DEBIT CARD/AUTO DEDUCTION TRANSACTIONS		\$	242.84
		TOTAL GROSS PAYROLL JULY 15, 2023 THROUGH JULY 28, 2023 (2	WEEKS)	\$	31,260.39
		TOTAL FOR FISCAL 2023-2024 - AUGUST 8, 2023		\$	61,560.36
		GRAND TOTAL OF ALL BILLS FOR AUGUST 8, 2023		\$	67,656.21

City Council Report Interim City Manager August 8, 2023

Thank you very much for the opportunity to act as your Interim City Manager. Already I am finding the position interesting and educational. As I'm typing this, I am less than 15 hours into the role, and I feel I'll be able to provide valuable assistance in the interim.

I have begun the development of a to-do list that will be prioritized with City employees and the Council. A "short" summary of the to-do list as of today includes:

- Developing a hiring plan for the City Manager Position and executing the plan to find a City Manager that will work well for the City, the staff, and the Council. This will include ensuring the current job description not only meets the directive of the City Charter, but also fits with the roles executed by the Clerk and Treasurer. The first step includes developing a position summary for the City Manager position outlining the compensation, fringe benefits, and working conditions and expectations. This will be helpful in the advertising and hiring process. In addition, an advertising plan will be presented with associated costs for Council's approval.
- Understanding the Clerk and Treasurer roles within the City to be able to present an effective plan for the Assistant or Deputy City Manager/Clerk, Treasurer, and Deputy Clerk roles moving forward.
- I will be asking RoxAnn and Pam to complete an Employee Job Analysis Questionnaire over the next two weeks that will provide feedback and data to provide appropriate working expectations and compensation. This will also be an important factor in determining expectations for the new City Manager so they may all work well together in an effective manner. I can already see that there is an abundance of work to be done and not enough hours for current staff to manage effectively. Any requested adjustments in compensation will be compared to similarly positioned Cities (utilizing MML), the contracts with the City Police Department and Department of Public Works, and the overall budget and compensation plan of the City of Hartford.
- Reviewing the budget, City Commission Rules of Order, City Ordinances, and policies to ensure my compliance and understanding of them so I work in accordance with them.
- Meeting with the Police Chief, and Department of Public Works to ensure I'm aware of the needs they have for the City Manager.
- Following up on ongoing projects the previous City Manager was working on. Thus far I have begun going through emails and looking into the Van Buren County Blight Elimination Grant, the roof issue at City Hall, the purchase of flower boxes that I believe the Council requested, the wastewater plant brush pile, and several others.
- Chief Prince is following up on the Bullet Proof Vest Grant and will be updating me soon as to the status so I can dig deeper if need be.
- Addressing the Building Inspector role.
- Looking into the reasons for the Ordinance Officer vacancy so the position can be filled appropriately.
- Standardizing the advertising, interviewing and hiring process to ensure the City is protected from litigation.

- Ensuring that the City budget can accommodate the employment needs of each department.
- Addressing the needs of the Community and Council.

While I would like to address every need of the City of Hartford as quickly as possible, available time is a factor. I will work hard to meet your expectations and complete everything I can while compiling notes and records for the incoming City Manager so they can hit the ground running upon hire.

We anticipate having my contract available for signature early the week of July 31.

We also anticipate the IT vendor having the laptop ready for remote use the week of July 31. This will allow me to address emails in a more efficient and timely manner as well as continue working on projects more efficiently. I am carrying the City phone if anyone needs to contact me.

I should have keys to City Hall this week as well so I can work outside of office hours, in the office, if needed.

I have met many of the City employees already. All have been very pleasant and helpful. You have a great group of dedicated people working for the City of Hartford.



CITY COUNCIL AGENDA REPORT

Meeting Date: August 8, 2023
Department: Administration

Submitted By: RoxAnn Rodney – Isbrecht, Clerk Prepared By: RoxAnn Rodney – Isbrecht, Clerk

Agenda Title: Recreational Marihuana Application - 501 Hillsborough

RECOMMENDED ACTION:

 At Council's June 26 meeting the agenda was amended to discuss & consider reopening the Recreational Marihuana RFP for two weeks to accept applications by interested parties.

 An application was received from Renaissance Cultivators to operate a Class B Grow facility at 501 Hillsborough St. The application was reviewed by the former City Manager and she had them scheduled to be at the July 24, Council Meeting. Their application has been sent to the City Attorney for review.



CITY COUNCIL AGENDA REPORT

Meeting Date: August 8, 2023
Department: Administration

Submitted By: RoxAnn Rodney – Isbrecht, Clerk

Prepared By: Mickey Bittner, Wightman

Agenda Title: Discuss & Consider EGLE FSR Signatory

RECOMMENDED ACTION:

Mickey has spoken with EGLE regarding the vacant position of City Manager and is recommending the Council designate someone from the City Staff to sign the Financial Status Reports until a new City Manager is hired.

Wightman would continue to use the same forms, strike Sanya's name, and print the name of the temporary signatory. Once a new City Manager is hired, we would notify EGLE and they would change the forms for the new manager. To accomplish either one, EGLE needs an email from the City stating who will be signing on behalf of the City in the interim. Since this is simply for reimbursement to the City and not for obligations this seems to be the most appropriate.



CITY COUNCIL AGENDA REPORT

Meeting Date: August 8, 2023
Department: Administration

Submitted By: RoxAnn Rodney – Isbrecht, Clerk Prepared By: RoxAnn Rodney – Isbrecht, Clerk

Agenda Title: 2023 Seasonal Brush Permits Reimbursement

RECOMMENDED ACTION:

• City Council closed the WWTP to brush drop offs for 90 day's ending July 31, 2023

- Prior to the closure, 8 Seasonal Brush Passes were sold to residents to dispose of their brush and yard waste between February 13 and April 20, 2023. One of those residents complained they bought a seasonal pass and now cannot use it and would like to have their money refunded.
- It is recommended that Council Consider refunding those seasonal pass permits either at a prorated amount or in full due to the WWTP closer to residents for the rest of the year.



CITY COUNCIL AGENDA REPORT

Meeting Date: August 8, 2023
Department: Administration

Submitted By: RoxAnn Rodney – Isbrecht, Clerk

Prepared By: Pam Shultz

Agenda Title: Routine Bill Policy

RECOMMENDED ACTION:

• Pam questioned some of her colleague's in other municipalities on how they handle "having routine bills (utilities, bonds, payroll) approved by Council in advance of paying them" when the municipality only has one meeting a month.

• After reviewing the responses from other municipalities it is recommended Council consider a routine bills and emergency purchases policy if Council moves back to one meeting per/month.

CITY OF HARTFORD COUNTY OF VAN BUREN STATE OF MICHIGAN PROPOSED AMENDMENT SECOND READING

THE CITY OF HARTFORD ORDAINS:

Amendment to Code of Ordinance 110.03 REGULATING PRIVATE PLACES; ACTIVITIES AND CONDUCT COMMERCIAL AREAS ARTICLE 1 PEDDLERS; SOLICITORS; TRANSIENT MERCHANTS AND PHOTOGRAPHERS DIVISION 1: PEDDLERS; SOLICITORS

Section 4.1 General Provisions Relating to Licenses Required By Article.

- A. <u>Application of Section</u>: The provisions of this section shall apply to licenses required by and issued under this chapter; provided; however, that, if any provision of this section is in conflict with any provision of this chapter relating to a specific license, the latter provision shall govern.
- B. <u>License</u>: Any person, firm or corporation that sells items from a walking, movable or stationary location in a public place, upon commercial property, or door to door, shall be required to obtain a license from the City of Hartford for each location or vehicle from which such sales takes place. The license fee shall be asfollows:
 - 1. <u>Annual License</u>: An annual license hundred in an amount as set by Council from time to time shall be charged. A year is defined as being one (1) year from issuance of said license.
 - 2. <u>Special Event License:</u> A special event license fee of twenty (\$20.00) dollars per twenty-four (24) hour day shall be charged.
- C. <u>Exceptions</u>: Excluded from this Article are service organizations and civic organizations, churches, as commercial/retail stores selling on their own property.

Section 4. 2 Use of Specific Portions of Streets by Peddlers and Special License Therefor.

- A. It shall be unlawful for any person, either directly or by his agents or employees, to sell, keep for sale or offer for sale any foodstuffs, fruits, vegetables, nuts, candies, rent to own furniture and equipment, computers, cellphones, internet service, utility service or utility carrier services or any other merchandise or goods whatsoever, except newspapers, from any stand, stall, cart, wagon, pack, basket, box from the hand or in any other manner, including door to door sales, on any public street, alley, sidewalk, curb or curb lawn in the city, provided that if application therefore, stating the goods or merchandise to be sold and the place and manner of selling the same, shall be made by any person, the city commission may, if it shall determine that such selling of goods and merchandise at the place and in the manner specified in the application will not cause congestion and interference with traffic, and will not cause accidents or be a nuisance and annoyance to the public, and will not be dangerous to the public or a detriment to the public welfare, set apart, permit and authorize the issuance of a license for the use and occupation of any part or portion of any public street, alley, sidewalk, curb or curb lawn in the city for any of the purposes herein before in this section prohibited.
- B. No license shall be granted or issued under this section, except upon payment to the city of a license fee to be fixed by the city commission from time-to-time. Such license, when granted and issued, shall not be transferable and shall contain a definite description, by metes and bounds, of the part or portion of any public street, alley, sidewalk, curb or curb lawn therein and thereby permitted and licensed to be used and occupied.
- C. This section shall not prevent a peddler regularly licensed under section 4.2A of this article from selling his goods, wares or merchandise, from house to house or for asking sales from his cart or other vehicle to householders along the route such peddler or huckster is traveling, provided he complies with all applicable provisions of this article and other ordinances and, provided further, that he shall not stop or make any sales in any public area not set aside under a license issued pursuant to this section.

Item 8.

D. This section is intended to prevent congestion and interference with traffic by persons soliciting, offering for sale and selling, peanuts, popeorn, and other merchandise in and from stands, carts, and other containers located on the curbs, streets, and sidewalks, and to prevent accidents and the nuisance, annoyance, and danger to the public resulting from such practices.

Section 4.20 Penalty for Violation

A person, firm or corporation convicted of violating this section is guilty of a misdemeanor punishable as set forth in Chapter 1 Section 1.4 (C). Chapter 10.99 of this Code of Ordinances.

Ordinance amendment declared adopted upon publication.

The City of Hartford

RoxAnn Rodney-Isbrecht, Clerk

First Reading: July 11, 2023 Second Reading: July 24, 2023

Adopted: Published:

CITY OF HARTFORD COUNTY OF VAN BUREN STATE OF MICHIGAN PROPOSED AMENDMENT SECOND READING

THE CITY OF HARTFORD ORDAINS:

Amendment to Code of Ordinance 110.01 REGULATING GARAGE, YARD, BASEMENT, AND PRIVATE SALE REGULATIONS

Section 3.54 Conditions and Limitations

Garage, yard, basement, or other similar or private sales shall be subject to the following conditions and limitations:

- **A.** Such sales may be held on a Thursday, Friday, Saturday and Sunday during the hours of 8:00 a.m. through 7:00 p.m. A permit must be obtained on the Wednesday the week prior to the sale date. The fee for said permit shall be set by Council from time to time five (\$5.00) for a three-four-day sale.
- **B.** No sale shall be commenced if the proposed sale would in any manner constitute an unreasonable nuisance to the neighborhood from noise, traffic, lighting, hours of operation, or the nature of the merchandise offered for sale. The garage and or yard where the sale is taking place shall be kept in a neat and orderly manner.
- C. No sale shall continue for a period of more than three (3) five (5) days, including Memorial Day and/or Labor Day.
- **D.** No more than three (3) five (5) such sales per calendar year shall be conducted on the same premises, including the two (2) one (1) free City-wide sale each year during the Memorial Day weekend and Labor Day weekend.
- **E.** Advertising signs concerning such sale shall be self-supporting only and shall be set up only during the hours the sale is being conducted. Such signs shall be removed immediately after the sale is finished.

Section 3.55 Advertising Sign Requirements

A. In any area, signs for advertising on site home occupations, sale of products derived from the land or premises upon which the sign is located, or sale of the premises shall be permitted without permit provided it meets the following criteria:

- 1. It does not exceed nine (9) square feet.
- 2. It shall be no closer to the street right-of-way than ten (10) feet.
- 3. It does not interfere with public safety.
- 4. Signs must be fifteen (15) feet from side lot lines.
- 5. No sign shall be more than ten (10) feet high.
- 6. No illuminated signs.
- B. A. All advertising signs located on other than the sale premises will indicate that permission has been received from the owner of the sign site property.
- C. B. All advertising signs will indicate the hours and dates of the sale.

Item 9.

D. No advertising signs will be posted in the city for sales on premises located in another governmental unit.

Section 3.56 Storage of Merchandise

All merchandise offered for sale shall be stored inside the buildings located upon the premises except during the period of the sale.

Section 3.57 Penalty for Violation

A violation of the provisions of Section 3.54 through 3.56 is a municipal civil infraction violation.

Ordinance amendment declared adopted upon publication.

The City of Hartford

RoxAnn Rodney-Isbrecht, Clerk

First Reading: July 11, 2023 July 24, 2023 Second Reading:

Adopted: Published:



CITY COUNCIL AGENDA REPORT

Meeting Date: August 8, 2023
Department: Administration

Submitted By: RoxAnn Rodney – Isbrecht, Clerk

Prepared By: City Attorney Curcio

Agenda Title: Discuss & Consider Proposed Building Code & Dangerous Building

Ordinance, Second Reading

RECOMMENDED ACTION:

- In looking for the appropriate place to put the IPMC, I saw that the way the City has adopted the various construction related codes is very outdated, and is essentially inconsistent with (or at least rendered unnecessary by) the Single-State Construction Code Act. Accordingly, this ordinance would eliminate quite a few of the sections that currently exist in Chapter 150, including all of the current sections in the "Certificate of Occupancy" division. The Single-State Construction Code Act governs certificates of occupancy and precludes municipalities from creating their own regulations regarding them.
- In addition to adopting the IPMC, I've also included a dangerous building ordinance in the form authorized by 1917 PA 167. These ordinances are useful to have because they can provide a more secure, higher priority lien than what's provided under the IPMC.
- I would recommend adopting a dangerous building ordinance for potential use in the future.

CITY OF HARTFORD COUNTY OF VAN BUREN STATE OF MICHIGAN PROPOSED SECOND READING

AN ORDINANCE TO AMEND THE FIRST TWO DIVISIONS OF CHAPTER 150 OF THE HARTFORD CITY CODE TO PROVIDE UPDATED BUILDING REGULATIONS TO ADDRESS NEW CONSTRUCTION, PROPERTY MAINTENANCE, AND DANGEROUS BUILDINGS

The City of Hartford ordains:

<u>Section 1</u>. <u>Amendment</u>. The first division of Chapter 15 of the Hartford City Code is amended to read in its entirety as follows:

ADOPTION OF REGULATORY CODES BY REFERENCE

Sec. 150.1. 2000 INTERNATIONAL RESIDENTIAL CODE Administration and enforcement of Michigan Construction Code.

(A) Code adopted. A certain document, a copy of which is on file in the Office of the City Clerk of the City of Hartford, being marked and designated as the 2000 International Residential Code, as published and subsequently revised and amended by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the City of Hartford in the State of Michigan for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions, and terms of the 2000 International Residential Code are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

(1993 Code, '6.1)

(B) Agency designated. Pursuant to the provisions of the 2000 International Residential Code, in accordance with Public Act 230 of 1972, M.C.L.A. "125.1501 through 125.1531, as amended, the Building Inspector of the City of Hartford is hereby designated as the enforcing agency to discharge the responsibilities of the City of Hartford, under Public Act 230 of 1972, M.C.L.A. ''125.1501 through 125.1531, as amended, State of Michigan. The City of Hartford assumes responsibility for the administration and enforcement of the Act throughout its corporate limits.

(1993 Code, '6.2)

The City has assumed responsibility for the administration and enforcement of the Michigan Construction Code, including the building, electrical, plumbing and mechanical codes, throughout its corporate limits. The City's building official is principally charged with the administration and enforcement of the codes. Any fees provided for in the codes shall be as prescribed by resolution of the City Commission.

Sec. 150.2. MICHIGAN MECHANICAL CODE Enforcement of the International Property Maintenance Code, 2015 Edition.

(A) Code adopted. A certain document, a copy of which is on file in the Office of the City Clerk of the City of Hartford, being marked and designated as the Michigan Mechanical Code, consisting of the 1990 B.O.C.A. Basic Mechanical Code, as amended, is hereby adopted as the Mechanical Code of the City of Hartford in the State of Michigan for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions, and terms of the Michigan Mechanical Code, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter. (1993 Code, '6.15)

- (B) Agency designated. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Public Act 230 of 1972, M.C.L.A. '' 125.1501 through 125.1531, as amended, the Building Inspector of the City of Hartford is hereby designated as the enforcing agency to discharge the responsibilities of the City of Hartford, under Public Act 230 of 1972, M.C.L.A. " 125.1501 through 125.1531, as amended, State of Michigan. The City of Hartford assumes responsibility for the administration and enforcement of the Act throughout its corporate limits. (1993 Code, '6.16)
 - (a) *Adoption of code*. The International Property Maintenance Code, 2015 Edition, including Appendix A, as promulgated and published by the International Code Council, Inc., is adopted by reference as the Property Maintenance Code of the City of Hartford, subject to the modifications provided herein and subject to such further modifications as the City shall adopt from time to time.
 - (b) *Definitions*. Whenever the words "city," "jurisdiction" or "governmental unit" are used in the International Property Maintenance Code, 2015 Edition, they shall mean the City of Hartford. Whenever the word "state" is used in the International Property Maintenance Code, 2015 Edition, it shall mean the State of Michigan.
 - (c) Amendments to the Property Maintenance Code. The International Property Maintenance Code, 2015 Edition, including Appendix A, is amended as follows:
 - (1) Section 101.1 is amended to read in its entirety as follows:

 101.1. Title. These regulations shall be known and may be cited as the "Property Maintenance Code of the City of Hartford," and will be referred to in this article as this "Code."
 - (2) Section 102.3 is amended to read in its entirety as follows:
 - 102.3. Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code and any applicable fire codes. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the City of Hartford Zoning Ordinance.
 - (3) Section 102.3.1 is added to read in its entirety:
 - 102.3.1. Reference to other codes. Whenever the "International Building Code" or "building code" is referenced in this Code it shall mean the Michigan Building Code. Whenever the "International Mechanical Code" is referenced in this Code it shall mean the Michigan Mechanical Code. Whenever the "International Plumbing Code" is referenced in this Code it shall mean the Michigan Plumbing Code. Whenever the "International Electrical Code" or "NFPA 70" is referenced in this Code it shall mean the Michigan Electrical Code. Whenever the "International Zoning Code" is referenced in this Code it shall mean the City of Hartford Zoning Ordinance.
 - (4) Section 103.1 is amended to read in its entirety as follows:
 - 103.1. General. Whenever the terms "code official" or "building official" are used in this Code it shall mean the designated building official of the City.
 - (5) Section 103.4 is amended to read in its entirety as follows:
 - 103.4. Liability. The code official, member of the City of Hartford Construction Board of Appeals or City employee charged with the enforcement of this Code, while acting for the City, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an

act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representative of the City until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

- (6) Section 103.5 is amended to read in its entirety as follows:
 - 103.5. Fees. The City Commission shall by resolution from time to time, establish a fee schedule for permits under this Code.
- (7) Section 106.3 is amended to read in its entirety as follows:
 - 106.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant to this Code. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (8) Section 106.4 is amended to read in its entirety as follows:
 - 106.4. Violation penalties. Any violation of this Code shall be punishable as a municipal civil infraction as provided in and subject to the fines and penalties provided under Code of Ordinances of the City of Hartford.
- (9) Section 111.1 is amended to read in its entirety as follows:
 - 111.1. Construction Board of Appeals. All appeals under this Code shall be brought before the City of Hartford Construction Board of Appeals which board is authorized and has jurisdiction to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this Code, using the rules of procedures adopted by the Construction Board of Appeals.
- (10) Section 111.2 is deleted in its entirety.
- (11) Section 111.2.1 is deleted in its entirety.
- (12) Section 111.2.2 is deleted in its entirety.
- (13) Section 111.2.3 is deleted in its entirety.
- (14) Section 111.2.4 is deleted in its entirety.
- (15) Section 111.2.5 is deleted in its entirety.
- (16) Section 111.3 is deleted in its entirety.
- (17) Section 111.4 is deleted in its entirety.
- (18) Section 111.4.1 is deleted in its entirety.
- (19) Section 111.5 is deleted in its entirety.
- (20) Section 111.6 is deleted in its entirety.
- (21) Section 111.6.1 is deleted in its entirety.
- (22) Section 111.6.2 is deleted in its entirety.
- (23) Section 111.7 is deleted in its entirety.

- (24) Section 111.8 is deleted in its entirety.
- (25) Section 112.4 is amended to read in its entirety as follows:
 - 112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Code.
- (26) Section 201.3 is amended to read in its entirety as follows:
 - 201.3. Terms defined in other codes. Where terms are not defined in this Code and are defined in the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code, any applicable fire code, or the City of Hartford Zoning Ordinance, such terms shall have the meanings ascribed to them as stated in those codes or ordinances.
- (27) Section 302.4 insert "eight (8) inches in height."
- (28) Section 304.14 insert "May 1 to October 31."
- (29) Section 602.2 is amended to read in its entirety as follows:
 - 602.2. Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature as provided within the Michigan Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- (30) Section 602.3 is amended to read in its entirety as follows:
 - 602.3. Heat supply. Every owner or operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish a heating system to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms, and toilet rooms.
 - *Exception:* When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the City shall be 6 degrees F.
- (31) Section 602.4 is amended to read in its entirety as follows:
 - 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F during the period the spaces are occupied.
 - *Exceptions:* Processing, storage and operation areas that require cooling or special temperature conditions or areas in which persons are primarily engaged in vigorous physical activities.
- (d) Copies of code. A complete copy of the International Property Maintenance Code, 2015 Edition, including Appendix A, is available for public use, inspection and purchase at the offices of the City Clerk.
- <u>Section 2. Amendment.</u> The second division of Chapter 150 of the Hartford City Code, which is currently named "Certificate of Occupancy," is hereby renamed "Dangerous Buildings" and is amended to read in its entirety as follows:

Dangerous Buildings

Sec. 150.20. Dangerous building and structures ordinance.

150.20 PURPOSE.

The City Commission finds that a certificate of occupancy program is in the public interest for the following reasons.

- (A) The City of Hartford is a mature community with much of the housing stock and commercial buildings being in excess of 40 years of age.
- (B) Based on past experiences with building inspections, many of these buildings have serious code violations which are a threat to the health, welfare, and safety of the residents of the city.
- (C) It takes special training and knowledge, which is beyond the expertise of the average property owner, to recognize many of these code violations.
- (D) In order to preserve the value of existing construction, to safeguard the public, and to prevent blight, it is necessary to inspect every building in the city.
- (E) The least intrusive method, which should result in eventual inspection of all residential properties, is to require a certificate of occupancy upon sale, transfer to the property, or change in occupancy. (1993 Code, '6.28)

This ordinance is specifically authorized by the housing law, 1917 PA 167, as amended, and shall be known and cited as the City of Hartford Dangerous Buildings Ordinance.

Sec. 150.21. Dangerous building unlawful.

150.21 CERTIFICATE OF OCCUPANCY REQUIRED.

- (A) It shall be unlawful to occupy any premises, except as identified as exempt under '' 150.24 and 150.25; in the City of Hartford unless there is an unexpired certificate of occupancy in effect which covers the specific use for which the premise are being occupied.
- (B) A violation of this section is a misdemeanor. Each day that the unlawful occupancy continues shall be a separate offence.
- (C) In the case of tenant-occupied commercial property, the owner or the tenant, or both, may be cited for the violation in addition to the corporation.
- (D) In the case of a corporation, the president or managing agent shall be personally responsible for the violation in addition to the corporation.
- (E) In the case of a partnership, any general partner may be cited for the violation. (1993 Code, '6.28) Penalty, see '150.99

It shall be unlawful for any owner, agent, lessee or party in interest to keep or maintain any building or part thereof which is a dangerous building or structure as defined in this ordinance.

Sec. 150.22. Dangerous building defined.

150.22 APPLICATION.

- (A) All owners or occupants of commercial property shall apply for a certificate of occupancy, as required in '150.29.
- (B) Owners of tenant-occupied residential property shall apply for a certificate of occupancy, as required in 150.28.
- (C) Owners of all owner-occupied residential property shall apply for a certificate of occupancy when the property is sold or transferred and thereafter, as required in '150.28.

(1993 Code, '6.28) Penalty, see '150.99

As used in this ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

(a) A door, aisle, passageway, stairway, or other means of exit does not conform to the requirements of applicable fire codes.

- (b) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is significantly impaired and the structure does not meet the minimum requirements of the housing law or the Michigan Building Code for a new building or structure, purpose, or location.
- (c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (d) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the housing law or the Michigan Building Code.
- (e) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (g) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

Sec. 150.23. Notice of dangerous building.

150.23 ENFORCEMENT.

- (A) If a residence is found to be vacated, or occupied without an occupancy permit, and material health or safety hazards exist, water service will be discontinued until all bills are paid and an occupancy permit is obtained. Any charges for delinquent water charges or turn-on or turn-off fees connected with obtaining an occupancy permit will be issued and before water service will be continued.
- (B) If the violations are not corrected within the time limits set by the building official, charges may be brought against the responsible party.
- (C) The owner or occupant will be contacted and an inspection will be requested.
- (D) If permission is refused, a search warrant shall be requested from the district court.
- (E) If the warrant request is granted, the premises will be inspected and the owner or occupant will be given written notice of any violations. The owner or other responsible party will be billed for the regular inspection fee, any court costs, and attorneys fees incurred in securing the search warrant. If not paid, these amounts will become a lien on the property.

(1993 Code, '6.28)

(a) The City's building official may issue a notice pursuant to this section upon finding that a building or structure is a dangerous building. The notice shall be served on the owner, agent, or lessee registered with the City. If an owner, agent, or lessee is not registered with the City, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

- (b) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (c) The hearing officer shall be appointed by the mayor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the City shall not be appointed as hearing officer. The City shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
- (d) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Sec. 150.24. Hearings and other proceedings.

150.24 EXEMPTION; MULTIPLE HOUSING.

A certificate of occupancy is not required for an apartment building, condominium, and cooperative or other multiple residential property that is already covered under the Rental Property Registration and Inspection Ordinance. (1993 Code, '6.28)

- (a) At the hearing, the hearing officer shall take testimony of the City, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under the provisions of this ordinance, the order may require the owner or agent, to bring and maintain the exterior of the building and adjoining grounds into compliance including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (c) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the City's construction board of appeals not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in Section 150.23.
- (d) The construction board of appeals shall set a date not less than 30 days after the hearing prescribed in subsection (a) for an appellate hearing on the findings and order of the hearing officer. The construction board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in Section 150.23 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The construction board of appeals shall either approve, disapprove, or modify the order. If the construction board of appeals approves or modifies the order, the City shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the construction board of appeals of the City determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or

- lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires expedited demolition exists.
- (e) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this ordinance. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears.
- (f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the City shall have a lien for the cost incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, as amended.
- (g) In addition to the other remedies provided under this ordinance, the City may bring an action against the owner of a dangerous building or structure for the full cost of demolition, of making the building safe, or of maintaining the exterior or grounds adjoining a dangerous building or structure. The City shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

Sec. 150.25. Enforcement of judgment against other assets.

150.25 PARTIAL EXEMPTIONS; OWNER-OCCUPIED RESIDENTIAL.

- (A) A certificate of occupancy is not required for a single-family housing unit, which was occupied by the owner as the owner-s principal residence on the effective date of this subchapter for as long as that occupancy continues. If the housing is sold, or if the owner no longer occupies it, a certificate of occupancy shall be required, except as provided in division (B) below. A land contract purchaser shall be considered an owner.
- (B) Application for a certificate of occupancy is not required when owner occupied residential property is transferred to a member of the household of the owner, provided the transferee has resided in the property for at least 1 year inunediately before the transfer, and the transfer is for a nominal consideration.
- (C) A certificate of occupancy is not required when an owner-occupied house has been inspected as a requirement for mortgage or bank approval for the house before a real estate closing, A copy of the inspection report is sufficient evidence for the purpose of this subchapter.
- (D) No part of this section shall be so construed as to prevent the city from investigating any complaint of hazardous conditions in any building, brought to the city—s attention by a responsible party, nor to prevent any code official from acting on violations discovered or suspected under the plain view doctrine.

(1993 Code, '6.28)

(a) A judgment in an action brought pursuant to subsection 150.24(g) may be enforced against assets of the owner other than the building or structure.

Item 10.

(b) The City shall have a lien for the amount of a judgment obtained pursuant to subsection 150.24(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens or encumbrances.

Sec. 150.26. Penalties.

150.26 APPLICATION PROCEDURE.

- (A) A certificate of occupancy may be obtained by submitting a written application to the City of Hartford on the prescribed form and by paying the standard inspection fee of \$45.
- (B) Before issuing a certificate of occupancy, the building official shall inspect the property and determine whether the property is in substantial compliance with all material provisions of the most recent edition of the B.O.C.A. National Property Maintenance Code and H.U.D. Section 8 housing quality inspection form, as amended and adopted by the city. The building official shall give the applicant a list of all violations found as a result of the inspection.
- (C) The building official shall issue a certificate of occupancy immediately if no violations are found. If violations are found to exist, a certificate of occupancy shall be issued after the building official is satisfied that all violations have been corrected. If the premises are occupied without a valid certificate of occupancy, the city may proceed under '150.21.
- (D) Upon any reinspections, should the building official discover any other violations or defect not first observed in an earlier inspection, the building official shall have the authority to require compliance within a specific time limit determined by the building official.
- (E) If an inspection appointment is made and no one is there when the building official goes for the inspection, a \$20 fee will be charged before another inspection appointment is made.
- (F) The certificate of occupancy shall state that the building official has inspected the dwelling or structure and has determined that the dwelling or structure may be occupied. The existence of an unexpired certificate of occupancy shall not bar enforcement of or excuse compliance with any building code or other ordinance of the city. The certificate of occupancy shall bear this legend in capital letters of bold face type: AThe city of Hartford does not warranty or guarantee that there are no defects in the premises covered by this certificate and the city shall not be held responsible for defects not noted in the inspection report. Interested persons are advised and encouraged to make their own inspection of the premise in order to determine their condition. @
- (G) The person applying for a certificate of occupancy shall sign an inspection agreement on a form prescribed by the city. The inspection agreement shall disclose the scope of the inspection, state the limitation on the inspection, and shall prohibit disclosure of the inspection report unless the scope and limitation of the inspection are also disclosed. In the case of a sale of the property, both the buyer and the seller shall sign and acknowledge receipt of completed inspection report. (1993 Code, '6.28) Penalty, see '150.99
 - (a) A person who violates any provision of this dangerous building ordinance shall be responsible for a municipal civil infraction.
 - (b) A person who fails or refuses to comply with an order approved or modified by the construction board of appeals is guilty of misdemeanor punishable by imprisonment for not more than 120 days or a fine of not more than \$1,000 or both.

Sec. 150.27. Appeal of circuit court.

150.27 LIMITATION OF INSPECTIONS.

(A) All occupancy inspections shall be made to determine substantial compliance with the B. O. C. A. National Property Maintenance Code and H.U.D. Section 8 housing quality inspection form, as amended. (B) All inspections shall be visual, or those which may require nondestructive testing to the extent of removal of covers and plates or the checking of electrical voltages or grounding conditions, as is deemed

Item 10.

necessary by the building official.

(C) A list of all defects, if any, shall be made at the initial inspection. Any additional defects or .code violations discovered or uncovered during repair or made known to the building official, prior to the issuance of the occupancy permit, shall be noted and will require repair within the time limits established by the building official.

(1993 Code, '6.28)

An owner or party in interest aggrieved by any final decision of the construction board of appeals may appeal the decision or order to the Van Buren County Circuit Court by filing an appeal within 20 days from the date of such decision.

Section 3. <u>Publication and Effective Date</u>. 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.

First Reading: Second Reading: Adopted: Published:	July 24, 2023 August 8, 2023		
	CF	ERTIFICATION	N
-	lete copy of Ordinance Noeld on, 2023.	was declared	ed adopted at a regular meeting of the Hartford
			Richard A. Hall, Mayor
			RoxAn Rodney-Isbrecht, City Clerk