

CITY OF HARTFORD, MICHIGAN
CODE OF ORDINANCES

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In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.

President

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' 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Hartford, Michigan, shall be designated as the Hartford City Code and may be so cited.

' 10.02 INTERPRETATION.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

' 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

' 10.04 CAPTIONS.

Headings and captions used in this code, other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

' 10.05 DEFINITIONS.

(A) General rule. Words and phrases shall be taken in their plain, ordinary, and usual sense. However,

technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) Definitions. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Hartford, Michigan.

CITY COMMISSION. The City Commission of Hartford, Michigan.

CODE, THIS CODE, THIS CODE OF ORDINANCES, CITY CODE, or HARTFORD CITY CODE. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Van Buren County, Michigan.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in those cases, the words SWEAR and SWORN shall be equivalent to the words AFFIRM and AFFIRMED.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of the municipality unless the context clearly requires otherwise.

PERSON* Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER, as applied to any unincorporated entity, shall mean the partners or members thereof and, as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of Michigan.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have

SUBCHAPTERS.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year unless otherwise expressed.

10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) AND or OR. Either conjunction shall include the other as if written Aand/or,@ if the sense requires it.

(B) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

‘ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

‘ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever, in a section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

‘ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

‘ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent; the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

‘ 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within this municipality for the transaction of all municipal business.

‘ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a

prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded,

‘ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

‘ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

‘ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

‘ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying it takes effect.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision unless it is expressly provided.

‘ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

‘ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. ' 15.231) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a statutory reference following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

' 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records unless otherwise exempted by state law. Statutory reference:

Inspection of public records, see Public Act 442 of 1976, being M.C.L.A. ' ' 15.231 et seq.

' 10.99 GENERAL PENALTY.

(A) Penalties in general.

(1) Whenever in this code or in any rule or regulation adopted under this code an act is prohibited or is made or declared to be unlawful or an offense is a misdemeanor, or wherever in the code or rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any provision of this code or rule or regulation shall be punishable by a fine of not more than \$500 and costs of prosecution, or by imprisonment of not more than 90 days, or by both the fine and imprisonment.

(2) Each set of violations and every day upon which any violation shall occur shall constitute a separate offense.

(3) (a) The penalty provided by this section, unless another penalty is expressly provided, shall apply to any amendment of this code, whether or not the penalty is reenacted in the amendatory ordinance.

(b) In addition to the penalties provided in this section, the city may enjoin or abate any violation of this code or any rule or regulation adopted under this code by appropriate action, and may avail itself of any other remedy provided by law to enforce this code or the rule or regulation.

(c) Additional penalties or costs applicable to particular sections of this code appear in those sections.

(B) *Civil infractions.* Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this code, for which violation is designated as a civil infraction, may be ordered to pay a civil fine of not more than \$100 plus costs of prosecution. The words **MUNICIPAL CIVIL INFRACTION** mean an act or omission that is prohibited by this code or any ordinance of the city, but which is not a crime under this code or other ordinance, and for which civil sanctions; including, without limitation, fines, damages, expenses, and costs; may be ordered, as authorized by Public Act 236 of 1961, M.C.L.A. ' ' 600.8701 et seq. A municipal civil infraction is not a lesser-included offense of violation of

this code that is a criminal offense.

(C) *General penalties and sanctions for violations; continuing violations.*

(1) Unless a violation of this code or any ordinance of the city is specifically designated in the code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(2) The penalty for a misdemeanor violation shall be a fine not exceeding \$500 plus costs of prosecution, or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this code or ordinance.

(3) The sanction for a violation, which is a municipal civil infraction, shall be a civil fine in the amount as provided by this code or any ordinance, plus any costs, damages, expenses, and other sanctions, as authorized under Public Act 236 of 1961, M.C.L.A. ' ' 600.8701 *et seq.*, and other applicable laws.

(4) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fine for violation shall be not less than \$50 plus costs and other sanctions for each infraction.

(5) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this code or any ordinance. As used in this section, **REPEAT OFFENSE** means a second (or any subsequent) municipal infraction violation of the same requirement or provision committed by a person within any 6-month period (unless some other period is specifically provided by this code or any ordinance) and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows.

(a) The fine for any offense which is a first repeat offense shall be not less than \$125 plus costs.

(b) The fine for any second repeat offense shall be not less than \$250 plus costs.

(c) A **VIOLATION** includes any act which is prohibited or made or declared to be unlawful or an offense by this code or any ordinance; and any omission or failure to act where the act is required by this code or any ordinance.

(d) Each day of which any violation of this code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(D) *Injunctive relief.* The foregoing penalties shall not prohibit the city from seeking injunctive relief against a violator, or other appropriate relief as may be provided by law. Costs of prosecution and/or enforcement and/or repair, alteration, or razing may be assessed to anyone in violation hereof.

(E) *Cost recovery.*

(1) That in addition to all other penalties, the City of Hartford may bring an action for costs of enforcement and prosecution expense upon person(s) that have violated any provision of the City of Hartford Code of Ordinances, City Charter, or Zoning Ordinance. The action shall be a civil action in a court of competent jurisdiction. The action shall be entitled in the name of the city and shall be against the person that

has allegedly violated the ordinance of the city.

(2) Should the city receive a judgment and should the judgment not be satisfied within 60 days of service upon the defendant, the city may, upon 30 days written notice, submit a copy of the judgment to the City Treasurer and County Treasurer for the costs to be added to the tax roll of the defendant=s property.

(3) The cost of enforcement and prosecution shall be the actual amount of attorneys fees for enforcement of the ordinance. An itemized list given under oath shall be prima facie evidence of the attorneys fees.

(1993 Code, ' 1.4) (Am. Ord. 303-07, passed 1-28-2008)

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TITLE III: ADMINISTRATION

Chapter

- 30. CITY OFFICERS AND EMPLOYEES
- 31. CITY ORGANIZATIONS

CHAPTER 30: CITY OFFICERS AND EMPLOYEES

Section

30.01 Ordinance Enforcement Officer

30.99 Penalty

' 30.01 ORDINANCE ENFORCEMENT OFFICER.

- (A) Establishment. The office of the City of Hartford Ordinance Enforcement Officer is hereby established.
- (B) Effective date. This section shall take effect immediately upon publication as required by law following adoption by the City Commission.
- (C) Appointment. The City Commission is hereby authorized, by motion or resolution, to appoint any person or persons to the office of Ordinance Enforcement Officer for the term or terms as may be designated in the motion or resolution and for the compensation as the City Commission may determine. The City Commission may further, by motion or resolution, remove any person from the office, in the discretion of the City Commission.
- (D) Authority. The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the city, whether heretofore or hereafter enacted, and whether the ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance, that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this section, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to the other specific officer. An Ordinance Enforcement Officer shall, in the performance of the officer's duties, be subordinate and responsible to the City Manager.
- (E) Duties. The Ordinance Enforcement Officer's duties shall include the following: investigation of ordinance violations; issuing and serving ordinance violations; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, M.C.L.A. ' 764.9c; issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under Public Act 12 of 1994, M.C.L.A. ' 600.8701; appearance in court other ordinance enforcing duties as may be delegated by the City Commission, Manager, or assigned by the City Attorney.
- (F) Supplementary effect. All ordinances of the city heretofore or hereafter adopted shall be considered to be supplemented by the terms of this section. (1993 Code, ' 1.8) Penalty, see ' 30.99

' 30.99 PENALTY.

Any person or other entity who violates any of the provisions of ' 30.01 is responsible for a municipal civil infraction, as defined by Michigan law, and subject to a civil fine of not more than \$500 plus costs, which may include all direct or indirect expenses to which the city has been put in connection with the violation. In no case, however, shall costs of less than \$50 or more than \$500 be ordered. A violator of ' 30.01 shall also be subject to the additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of ' 30.01 continues to exist constitutes a separate violation.

(1993 Code, ' 1.8)

CHAPTER 31: CITY ORGANIZATIONS

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Municipal Ordinance Violations Bureau

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- 31.02 Authority
- 31.03 Ordinance violation notice requirement
- 31.04 Denial of responsibility
- 31.05 Schedule of civil fines and costs
- 31.06 Records and accounting
- 31.07 Availability of other enforcement options
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- 31.23 Boundaries
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- 31.26 Downtown Development Plan and Tax Increment Financing Plan

MUNICIPAL ORDINANCE VIOLATIONS BUREAU

' 31.01 ESTABLISHMENT, LOCATION, AND PERSONNEL.

(A) Establishment. The City of Hartford Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to Public Act 12 of 1994, M.C.L.A. ' 600.8396, as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for the violations as prescribed herein.

(B) Location. The Bureau shall be located at the City Hall or any other location in the city as may be designated by the City Commission.

(C) Personnel. All personnel of the Bureau shall be city employees. The City Commission may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be designated by the City Commission.

(1993 Code, ' 1.9)

' 31.02 AUTHORITY.

(A) The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for the violations specified pursuant to ' ' 31.01 et seq. or other applicable ordinance.

(B) The Bureau shall not accept payment of fines/costs from any person who denies having committed the

alleged violation or who admits responsibility only with explanation.

(C) The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

(1993 Code, ' 1.9)

' 31.03 ORDINANCE VIOLATION NOTICE REQUIREMENT.

(A) Municipal civil infraction violation notices shall be issued and served by authorized city officials as provided by law.

(B) A municipal ordinance violation notice shall include, at a minimum, all of the following:

(1) The violation;

(2) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;

(3) The amount of the scheduled fines/costs for the violation;

(4) The methods by which the violation may be admitted or denied;

(5) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;

(6) The address and telephone number of the Bureau; and

(7) The days and hours that the Bureau is open. (1993 Code, ' 1.9)

' 31.04 DENIAL OF RESPONSIBILITY.

Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated city employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for the violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law. (1993 Code, ' 1.9)

' 31.05 SCHEDULE OF CIVIL FINES AND COSTS.

(A) Unless a different schedule of civil fines is provided by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule.

| Type of Violation | Fine or Cost |
|--|--------------|
| First violation within a 3-year period* | \$50 |
| Second violation within a 3-year period* | \$125 |
| Third violation within a 3-year period* | \$250 |

| | |
|--|-------|
| Fourth or subsequent violation within a 3-year period* | \$400 |
| * Determined on the basis of the date of violation(s) | |

(B) In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice, otherwise costs of \$20 shall be assessed by the Bureau.
 (1993 Code, ' 1.9)

' 31.06 RECORDS AND ACCOUNTING.

The Bureau Clerk or other designated city official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the City Commission once a month or at the other intervals as the City Commission may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to the violations. The civil fines/costs collected shall be delivered to the City Treasurer at the intervals as the Treasurer shall require, and shall be deposited in the General Fund of the city.
 (1993 Code, ' 1.9)

' 31.07 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS.

(A) Nothing in ' ' 31.01 et seq. shall be deemed to require the city to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice.

(B) As to each ordinance violation designated as a municipal civil infraction, the city may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take the other enforcement action as is authorized by law.
 (1993 Code, ' 1.9)

' 31.08 EFFECTIVE DATE.

Sections 31.01 et seq. shall take effect immediately upon publication as required by law following adoption by the City Commission. (1993 Code, ' 1.9)

DOWNTOWN DEVELOPMENT AUTHORITY

' 31.20 PURPOSE.

The purpose of ' ' 31.20 et seq. is to:

- (A) Correct and prevent deterioration in business districts;
- (B) Encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property;
- (C) Authorize the creation and implementation of development plans; and
- (D) Promote economic growth of the downtown district hereinafter described. (1993 Code, ' 5.91)

' 31.21 ESTABLISHMENT.

A Downtown Development Authority (hereinafter referred to as the "Authority") is hereby established pursuant to Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq., as amended. (1993 Code, ' 5.92)

' 31.22 MEMBERSHIP, POWERS, DUTIES, AND AUTHORITY.

The City of Hartford Downtown Development Authority shall be composed of the Chief Executive Officer of the municipality and 8 members appointed by the Chief Executive Officer, as is prescribed in Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq., and shall have all of the powers and duties prescribed therein, including, but not limited to, implementing development plans; acquiring and disposing of interests in real development plans; acquiring and disposing of interests in real and personal property; levying an ad valorem tax not to exceed 2 mils on the real and tangible personal property in the downtown district; issuing bonds and other evidences of indebtedness; and authorizing the use of tax increment financing plans, all as prescribed in Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq. (1993 Code, ' 5.93)

' 31.23 BOUNDARIES.

The "Downtown District" is described as:

Beginning at the northwest corner of Ely Park; then east along the north boundary of Ely Park to the northeast corner of Ely Park; then along the east boundary of Ely Park to the northwest corner of lot 3, block 9, of the original plat of Hartford; then east to the northeast corner of lot 3; then across Maple Street to the northwest corner of lot 6, block 2, of the original plat; then east to the northeast corner of lot 16 of block 2 of the original plat; then east to a point 100 feet west of the west line of Center Street; then north to a point on the north line of Michigan Avenue, 100 feet west of the west line of Center Street; then east to the east line of Center Street; then south to the north line of Olds Street; then east to the east line of Haver Street; then south to the northwest corner of lot 1, block 8, of Olds Addition; then east to the northeast corner of lot 1; then south to the north line of Main Street; then east along the north line of Main Street to the east line of East Street extended; then south along the east line of East Street to a point due east of the south line of lot 1, block 1, of the original plat extended; then west to the southwest corner of lot 2; then north to the southeast corner of lot 2, block 11, of the original plat; then west to the southwest corner of lot 2; then due west across Haver Street to the west line of Haver Street; thence north to the southeast corner of lot 3, block 3, of the original plat; then west to the southwest corner of lot 11; then south boundary of lot 1, block 1, of the original plat, extended; then west across Center Street along the south boundaries of lots 1,2, and 4 of block 1 of the original plat to the southwest corner of lot 7; then due west across Maple Street to the west line of Maple Street; then north to the southwest corner of lot 1, block 1, Stratton's Addition; then west to the southwest corner of lot 1; then south to the southeast corner of lot 2, block 1, of Stratton's Addition; then west to the southwest corner of lot 1, block 1, of Stratton's Addition; then due west across Franklin Street to the west line of Franklin Street; then north to the south line of Main Street; then west along the south line of Main Street to its intersection with the west boundary of Ely Park extended; then north to the southwest corner of Ely Park; then north along the west boundary of Ely Park to the point of beginning; all in the City of Hartford, Van Buren County, Michigan. (1993 Code, ' 5.94)

' 31.24 OATH; RULES.

Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. The Authority shall adopt rules governing its procedure and holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the Authority. Meetings of the Authority shall be open to the public. (1993 Code, ' 5.95)

' 31.25 DIRECTOR; PERSONNEL; BONDS.

(A) The Authority may employ and fix the compensation of a Director, Treasurer, Secretary, and other personnel pursuant to the provisions of Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq.

(B) Before entering upon the duties of his or her office, the Director shall take and subscribe to the constitutional oath and furnish bond, by posting a bond in the penal sum of \$10,000, payable to the Authority for use and benefit of the Authority, approved by the Authority, and filed with the Municipal Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expenses of operation.

(1993 Code, ' 5.96)

' 31.26 DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN.

(A) Preliminary findings. It is preliminarily determined that:

(1) A public hearing was held on the proposed Downtown Development Plan and Tax Increment Financing Plan, following notice thereof, all in accordance with Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq.

(2) There are no findings or recommendations of a development area citizen's council, as there was no statutory requirement to form a development area citizen's council;

(3) The proposed Downtown Development Plan and Tax Increment Financing Plan meet the requirement set forth in Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq.\

(4) The proposed method of financing the proposed development is feasible and the Downtown Development Authority of the city has the ability to arrange the financing;

(5) The proposed development is reasonable and necessary to carry out the purposes of Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq.\

(6) Any land included within the proposed development area is reasonably necessary to carry out the purposes of the plan and of Public Act 197 of 1975, M.C.L.A. ' ' 125.1651 et seq., in an efficient and economically satisfactory manner;

(7) The proposed Development Plan is in reasonable accord with the Master Plan of the city;

(8) Public services, such as fire and police protection and utilities, are or will be adequate to service the proposed project area; and

(9) Changes in zoning, streets, street levels, intersections, and utilities, if any, are reasonably necessary for the proposed project and for the city.

(1993 Code, ' 5.97)

(B) Approval of plan. It is hereby finally determined that:

(1) Based upon the foregoing findings, the Downtown Development Plan and Tax Increment Financing Plan constitutes a public purpose; and

(2) The Downtown Development Plan and Tax Increment Financing Plan is hereby approved. (1993 Code, ' 5.98)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. WATER

52. SEWERS

CHAPTER 50: SOLID WASTE

Section

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GARBAGE AND RUBBISH

50.01 DEFINITIONS.

For the purpose of ' ' 50.01 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURBSIDE COLLECTION SERVICE. The method of garbage or rubbish collection service whereby the collection company requires the container to be placed at or near the street right-of-way for pick-up.

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

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking, and/or service of food.

INSTITUTIONAL DWELLINGS. Those dwellings, other than an individual=s own home, used for the

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housing of, feeding of, and caring for the occupants; examples of the dwellings being hospitals and licensed nursing homes.

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

(1993 Code, ' 3.14)

' 50.02 STORAGE AND LOCATION OF GARBAGE AND RUBBISH CONTAINERS.

(A) No person, firm, or corporation shall place, or allow to remain on any lot, any garbage or rubbish container closer to the street right-of-way than the closest (to the street right-of-way) vertical roof-supporting member of the main structure on the lot. Any person who has curbside collection service may place his or her garbage or rubbish container at curbside (or street-side if there is no curb) for collection purposes only, but not earlier than 6:00 p.m. of the day preceding his or her collection day, and the container must be removed from the curbside (or street-side if there is no curb) no later than 8:00 p.m. of his or her collection day.

(B) All garbage must be stored in a watertight container that is constructed of metal, plastic, or other durable material impervious to rodents, has a tight-fitting lid or cover, and is capable of being serviced without creating unsanitary conditions. The lid or cover must be kept closed to provide a tight seal on the container. Those persons who have curbside collection service may place their garbage or rubbish at the curbside (or street-side if there is no curb), in accordance with division (A) above, in sealed bags, but only if the bags are provided by the collection company, meet the approval of the Van Buren County Health Department, and are a bright color, such as red, yellow, orange. If the bags are stored outside prior to collection day, they shall be placed in the watertight containers with a tight-fitting cover or lid.

(C) The owner of the premises upon which, or in front of which, a violation of this section occurs; the tenant, occupant, or person in charge of the premises upon, or in front of which, a violation occurs; or the person, firm, or corporation placing or using a container or bag in violation of this section; shall be responsible for the violation.

(1993 Code, ' 3.15) Penalty, see ' 50.99

' 50.03 COLLECTION OF GARBAGE OR RUBBISH.

(A) No garbage or refuse collection company operating in the city shall collect garbage or refuse from any dwelling, except hotels, motels, and public and private institutional dwellings, between the times of 11:30 p.m. and 6:00 a.m. the following day.

(B) Back door collection service is permitted on any day in any area of the city.

(C) Any rubbish or garbage collection company engaging in curbside collection service in the city shall remove all garbage, rubbish, or debris which has spilled from a container or during collection activities.

(D) Any rubbish or garbage collection company engaging in curbside collection service in the city, and providing containers (including bags) for their customers, shall identify the containers by placing the name and telephone number of the company in legible letters and numbers thereon.

(1993 Code, ' 3.16) Penalty, see ' 50.99

‘ 50.04 APPEARANCE TICKET PROCEDURE.

(A) Prosecution for violations of ‘ ‘ 50.02 and 50.03 may be commenced in a court of competent jurisdiction by issuing an appearance ticket.

(B) The City Manager may designate a city employee or employees as appearance ticket officer or officers and the employee or employees so designated are authorized to issue and serve the appearance ticket authorized by this section.

(1993 Code, ‘ 3.17)

REFUSE BINS

‘ 50.15 DEFINITIONS.

For the purpose of ‘ ‘ 50.15 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. A natural person, firm, partnership, association, or corporation and their legal successors.

REFUSE BIN. Those refuse receptacles designed to be transported by or mechanically emptied into a refuse collection vehicle, and does not include receptacles used in office buildings, businesses, and single family dwellings, which are less than a 25 gallon capacity.

SUBSTANDARD REFUSE BINS. Those refuse bins which do not meet the stability requirements established herein.

(1993 Code, ‘ 3.24)

‘ 50.16 SUBSTANDARD BINS TO BE MODIFIED OR REMOVED.

All persons owning, leasing, or using substandard refuse bins, or permitting the placing of the substandard refuse bins on private property within their custody or control, are hereby encouraged to assure the early modification or retrofitting of the substandard refuse bins or, in the alternative, removal of the bins from areas of public access.

(1993 Code, ‘ 3.25)

‘ 50.17 STABILITY REQUIREMENTS; PROTECTION AGAINST UNAUTHORIZED ACCESS.

(A) Each refuse bin shall be reasonably secured in some manner, such as secured to a stake, fence, wall, or other stationary object in a manner to prevent its tipping over; be enclosed within a fence or barrier at least 4 feet high with an access gate which is kept locked or otherwise reasonably protected from unauthorized access; or be designed, constructed, or modified so that it will not tip when subjected to 191 pounds hanging vertically from the leading edge thereof or to pull force of 70 pounds exerted horizontally from any edge thereof.

(1993 Code, ‘ 3.26)

(B) Except on the basis of an extension previously recommended and approved in accordance with the provisions of ‘ 50.02, no person shall rent, lease, place upon the property of another, or permit to remain upon property within this custody and control, any refuse bin which is not secured or protected from unauthorized

access or which does not meet the stability requirements established in division (A) above hereof in the immediate vicinity of a school or school yard or elsewhere in the City of Hartford to which the public has access. (1993 Code, ' 3.27) Penalty, see ' 50.99

' 50.18 TEMPORARY TRASH AND GARBAGE RECEPTACLES.

(A) *Definitions.* For the purpose of this section a **TEMPORARY TRASH, GARBAGE RECEPTACLE OR ROLL OFF CONSTRUCTION DUMPSTER** shall mean facilities which are designed and used to dispose of materials which are typically removed from the property of a customer and left onsite for some temporary time period.

(B) *Duration.* The onsite placement and use of a temporary roll-off construction dumpster is limited 30 days at any business or residential lot in the city and shall not be located on any city street or right-of-way at any time. Extension may be granted at the discretion of the City Manager in cases of inclement weather and other applicable circumstances.

(C) *Disposal of debris.* The contents placed in a disposal unit shall not be allowed at any time to overflow or fill to a capacity that a current of air may cause debris to exit the dumpster. No contents shall be placed adjacent to or outside of the dumpster at any time.

(Ord. 306-10, passed 3-22-2010) Penalty, see ' 50.99

BURNING OF SOLID WASTE

' 50.30 PROHIBITION.

(A) It shall be unlawful for any person to burn or cause to be burned, within the city limits, any dead grass, wood, tree limbs, brush, or similar substances.

(B) In addition, it shall also be unlawful for any person to burn or cause to be burned, within the city limits, any rubbish or garbage as defined by ' 50.01, or building materials as defined by ' 91.15.

(1993 Code, ' 3.47) Penalty, see ' 50.99

' 50.31 NOTICE.

A call to the Hartford Fire Department should be made to see if burning is permitted. For permission to burn or raze a structure, the Hartford Fire Department and the Department of Environmental Quality should be contacted.

(1993 Code, ' 3.48) Penalty, see ' 50.99

' 50.32 EXCEPTIONS.

(A) The only exception being the burning of wood (only), in a small recreational campfire.
(Res. passed 6-23-1997)

(B) The election of November 3, 1998 permitted the burning of leaves.
(1993 Code, ' 3.50)

§ 50.99 PENALTY.

(A) A violation of any of the provisions of this chapter, for which no other penalty is provided, is a municipal civil infraction and shall be punished according to § 10.99 of this code.

(B) Any violation of § 50.18 or any part thereof shall constitute a civil infraction punishable by a fine of \$100. In addition, the city specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with § 50.18.

(1993 Code, §§ 3.18, 3.28 and 3.49) (Am. Ord. 306-10, passed 3-22-2010)

CHAPTER 51: WATER

Section

General Provisions

- 51.01 Construction, alteration, repair, and management of water system
- 51.02 Definition
- 51.03 No free service
- 51.04 Operating year
- 51.05 Deposit of funds
- 51.06 Maintenance of water system
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Fees and Charges

- 51.30 Water furnished by the system
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GENERAL PROVISIONS

' 51.01 CONSTRUCTION, ALTERATION, REPAIR, AND MANAGEMENT OF WATER SYSTEM.

The construction, alteration, repair and management of the water system (hereinafter referred to as Asystem@) shall be under the supervision and control of the city. The City Commission may appoint and designate a board, commission, or officer to operate and manage the system, and may employ the person or persons in the capacity or capacities as it deems advisable to carry on the efficient management and operation of the system. The City Commission may make the rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

(1993 Code, ' 5.0)

' 51.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PROPERTY LINE. That part of a parcel of real estate, which is the edge of a paved roadway; should the roadway be unpaved, the edge of the traveled portion of a roadway.

(1993 Code, ' 5.1)

' 51.03 NO FREE SERVICE.

(A) No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency.

(B) All costs and expenses incidental to the application, installation and connection of the building water shall be borne by the owner/user or applicant. The user and/or the person installing the building water shall indemnify the city from any and all losses or damages that may directly or indirectly be occasioned by the installation of the building water service.

(1993 Code, ' 5.7)

' 51.04 OPERATING YEAR.

The system shall be operated on the same accounting year as the city.

(1993 Code, ' 5.9)

' 51.05 DEPOSIT OF FUNDS*

From and after the effective date of this chapter, the revenues of the system shall be set aside, as collected, and deposited in a separate depository account in the city=s designated bank, a bank duly qualified to do business in Michigan, in an account to be designated Water Supply System Receiving Fund (hereinafter referred to as AReceiving Fund@), and the revenues so deposited are pledged for the purpose of financing, operating and retiring debt and shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified. (1993 Code, ' 5.10)

' 51.06 MAINTENANCE OF WATER SYSTEM.

The city will maintain the system in good repair and working order and will operate the same efficiently and will faithfully and punctually perform all duties with reference to the system required by the Constitution and laws of the State of Michigan, including the making and collecting of sufficient rates for water services rendered by the system, and the segregation and application of the revenues of the system in the manner provided in this chapter. (1993 Code, ' 5.11)

' 51.07 RECORDS AND AUDITS.

The city will maintain and keep proper books of record and account, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. (1993 Code, ' 5.12)

' 51.08 INSURANCE.

The city will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of water supply systems. All monies received for losses under any insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling bonds. (1993 Code, ' 5.13)

' 51.09 MANDATORY CONNECTION.

(A) Within 9 months after the passage of this section, all dwelling places and non-dwelling places using or required to use potable water shall connect to the city water system, if available at the property line.

(B) A dwelling using an existing well may continue to use the well as long as that well is functional, without repairs. At the time as the well becomes non-functioning or needs repair, the dwelling place shall be required to connect to the city water system. (Ord. passed 11-24-2003) Penalty, see ' 10.99

' 51.10 PRIVATE WATER SUPPLY SYSTEMS.

(A) Approval required. No person shall install or maintain any private water supply system such as a well for a sprinkler system, within the city, without first obtaining approval from the City Commission. The approval will not be issued if the system is used for potable water.

(B) Interconnection of private and city water systems. There shall be no interconnection between any private water supply system and the city water system.

(C) Installation of private wells. Construction of any well must meet the requirements of M.C.L. A. ' ' 333.12701 et seq., as amended. (Ord. passed 11-24-2003) Penalty, see ' 10.99

' 51.11 CROSS CONNECTION; INSPECTIONS.

It shall be the duty of the city to cause inspections to be made of all properties served by the public water supply where cross connections between a private water system and the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by

the city. (Ord. passed 11-24-2003)

‘ 51.12 RIGHT OF CITY TO ACCESS FOR INSPECTION; REFUSAL DEEMED EVIDENCE OF CROSS CONNECTION.

The representative of the city shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on the property. The refusal of the information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections between a private water system and the public water system.

(Ord. passed 11-24-2003)

‘ 51.13 DISCONTINUANCE OF SERVICE UNTIL ELIMINATION OF CROSS CONNECTOR

The city is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take the other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to the property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section. (Ord. passed 11-24-2003)

‘ 51.14 PROTECTION OF POTABLE WATER SUPPLY.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination, as specified by this section and by the State and City Plumbing Codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as “water unsafe for drinking.”

(Ord. passed 11-24-2003) Penalty, see ‘ 10.99

‘ 51.15 BONDING AND FINANCING OF WATER SYSTEM.

Because certain requirements as to bonding and financing the water system have been previously enacted, Ord. 157, adopted June 27, 1987 and on file in the offices of the city, is herein adopted by reference. When there is an inconsistency between this chapter and Ord. 157, Ord. 157 shall control. Ord. 157 shall automatically terminate upon the payment of the last sums due under that ordinance.

(1993 Code, ‘ 5.28)

‘ 51.16 PROVISIONS SUPPLEMENTAL TO STATE PLUMBING CODE.

This provisions of this chapter do not supersede the State Plumbing Code, but are supplementary to it.

(Ord. passed 11-24-03)

FEES AND CHARGES

‘ 51.30 WATER FURNISHED BY THE SYSTEM.

Water furnished by the system shall be measured by meters installed by the city. The rates established for the use of water furnished by the system shall be set by the city from time to time.

(A) Consumption rates.

(1) For those dwelling places and non-dwelling places whose water is measured jointly by one water meter, the minimum quarter service charge per user is applicable. Each deed holder appearing on the general city tax roll who has more than one dwelling place or non-dwelling place utilizing a single water meter, shall be billed in accordance with the provisions of this section.

(2) Each dwelling place, or non-dwelling place, regardless of whether it has its own individual water meter, shall be billed the quarterly service charge. The minimum quarterly service charge (readiness to serve charge) per service unit or dwelling unit shall be set by the city from time to time.

(3) Those dwelling places and non-dwelling places, using city water that are located outside the city limits shall be billed V/I times the city rate.

(B) The deed holder of property who has multiple dwelling places and/or non-dwelling places thereon, utilizing a single water meter, shall be billed the minimum quarter service charge per dwelling place and/or non-dwelling place. Any additional charges for water usage shall be based upon the total amount of water metered.

(C) The deed holder of a State of Michigan licensed mobile home park utilizing a single water meter or less than one city meter per lot site shall be billed the minimum quarterly service charge per occupied lot in the mobile home park. An occupied lot during the billing period shall be the average of the number of occupied lots during each month in the billing period and shall be based upon the monthly report provided by the mobile home park to the city for tax purposes. The city and its representatives may enter into any mobile home park at any time for the purpose of determining and verifying the number of lots then occupied for verification of the reports filed by the operator.

(1993 Code, ' 5.2)

' 51.31 CONNECTION FEE.

All connections to the system shall be made by the city, and the city shall charge a fee as set from time to time. (1993 Code, ' 5.3)

' 51.32 DEPOSITS.

Cash deposits may be required as set from time to time by the city. (1993 Code, ' 5.4)

' 51.33 BILLING.

All bills shall be rendered to users on a monthly basis. If the bills are not paid within 30 days after the date rendered, a service charge of 15% of the amount of the bill shall be added to the original bill. (1993 Code, ' 5.5)

' 51.34 ENFORCEMENT.

(A) The city shall have the right to shut off and discontinue the supply of water to any premises where bills are unpaid for 30 days or more from the date rendered. The service shall be shut-off in those cases after a 5 day Ashut off notice@ has been sent. Shut off charges and turn-on charges as set from time to time by the city shall be collected in addition to the amount of the delinquent bill, before water service is turned on.

(B) Charges for water service shall constitute a lien on the property served. On or before March 1 of each year, the office in charge of collection of the charges shall deliver to the tax assessing officer a certified statement of all water charges then 6 months past due and unpaid. The tax assessing officer shall then place the charges on the next general tax roll and the same shall be collected as part of the general city taxes. Suit may be immediately commenced for those fees owing outside of the city.

(1993 Code, ' 5.6)

' 51.35 RATE CHARGES.

The rates fixed, as set from time to time by the city, are estimated to be sufficient to provide for the payment of the expenses of administration and operation and the expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, to provide for the payment of the interest upon and the principal of all the bonds as and when the same become due and payable, and the creation of the reserve therefore required by this chapter, and to provide for the other expenditures and funds for the system as this chapter may require. The rates shall be fixed and revised from time to time as may be necessary.

(1993 Code, ' 5.8)

GROUND WATER PROTECTION

' 51.45 PURPOSE.

(A) The City of Hartford, County of Van Buren, and State of Michigan has determined that:

(1) The ground water underlying the city is the sole source of the city=s drinking water.

(2) Ground water aquifers are integrally connected with, and flow into, the surface waters, lakes, and streams which constitute significant public health, recreational and economic resources of the city.

(3) Spills and discharges of petroleum products, sewage and other hazardous substances threaten the quality of the ground water supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses.

(B) Therefore, the City of Hartford has enacted an ordinance to:

(1) Preserve and maintain existing and potential ground water supplies, aquifers, and ground water recharge areas of the city, and protect them from adverse development or land use practices.

(2) Preserve and maintain existing and potential ground water supplies, aquifers, and ground water recharge areas of the city, and protect them from adverse development or land use practices.

(3) Conserve the natural resources of the city.

(4) Protect the financial investment of the city in its drinking water supply system and to meet state requirements for wellhead protection.

(5) Assure that state regulations which help protect ground water are implemented consistently when new or expanded development proposals are reviewed.

(Ord. 313-06, passed 8-22-2016)

’ **51.46 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUIFER. A geologic formation, group of formations or part of formation capable of storing and yielding a significant amount of ground water to wells or springs.

BEST MANAGEMENT PRACTICES. Measures, either managerial or structural to prevent or reduce pollution inputs to soil, surface water or ground water.

DEVELOPMENT. The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

ENVIRONMENTAL CONTAMINATION. The release of a hazardous substance, or the potential release of a discarded hazardous substance in a quantity, which is or may become injurious to the environment, or to the public health, safety or welfare.

FACILITY. Any building, structure, or installation from which there may be a discharge of pollutants.

HAZARDOUS SUBSTANCE. A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term **HAZARDOUS SUBSTANCE** includes, but is not limited to, hazardous substances as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767; Ahazardous waste@ as defined in the hazardous waste management act, Act No. 64 of the Public Acts of 1979, being M.C.L.A. ’ ’ 299.501 to 299-551; Apetroleum@ as defined in the leaking underground storage tank act, Act No. 478 of the Public Acts of 1988, being M.C.L.A. ’ ’ 299.831 to 299.850.

PRIMARY CONTAINMENT FACILITY. A tank, pit, container, pipe, or vessel of first containment of a hazardous substance.

SECONDARY CONTAINMENT FACILITY. A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, ground water, or surface waters, of any pollutant which may emanate from said storage container or containers.
(Ord. 313-16, passed 8-22-2016)

’ **51.47 SCOPE.**

These provisions shall apply to all business and facilities, including private and public facilities, which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), and which require site plan review under the provisions of this subchapter.
(Ord. 313-16, passed 8-22-2016)

’ **51.48 GENERAL PROVISIONS.**

(A) *Ground water protection standards.*

(1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, flood plains and ground water, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.

(2) Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland; water body, or watercourse, and shall not increase flooding, or the potential for environment contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.

(3) General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state surface or ground water discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may require compliance with the city's industrial pretreatment ordinance.

(4) Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and unpermitted discharges to air, surface of the ground water, lakes, streams, rivers, or wetlands.

(5) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without applicable permits and approvals.

(6) In determining a conformance with the standards in this zoning ordinance, the city shall take into consideration the publication entitled *A Small Business Guide to Secondary Containment*, @ Clinton River Watershed Council, 1991 and other applicable references.

(7) Bulk storage of pesticides shall be in accordance with Regulation No. 640, Commercial Pesticide Bulk Storage, of Act 171 of the Public Acts of 1976, as amended, being ' 286.569.

(B) Aboveground storage and use areas for hazardous substances and polluting material.

(1) Primary containment of hazardous substances shall be product tight.

(2) Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of 10 gallons or less packaged for retail use shall be exempt from this item.

(3) Outdoor storage of hazardous substances be prohibited except in product tight containers which are protected from weather, lease, accidental damage and vandalism, including an allowance for the expected accumulation of precipitation.

(4) Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, ground water, or nearby drains or natural water bodies unless a surface or ground water discharge permit has been obtained pursuant to applicable requirements of Act 451.

(5) Areas and facilities for loading and unloading of hazardous substances are well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetland, ground water, or soils.

(C) *Underground storage tanks.*

(1) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality Storage Tank Division.

(2) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality Storage Tank Division. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by city officials for 5 years.

(3) Underground storage tanks taken out of service permanently shall be emptied and permanently closed in accordance with the requirements of the Michigan Department of Environmental Quality.

(D) *Well abandonment.* Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Environmental Quality.

(E) *Site with contaminated soils and/or ground water.*

(1) Site plans shall take into consideration the location and extent of any contaminated soils and/or ground water on the site, and the need to protect public health and the environment.

(2) Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Environmental Quality is available indicating that cleanup will proceed in a timely fashion.

(F) *Construction standards.*

(1) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontract evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.

(2) Hazardous substances stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, ground water, lakes, streams rivers, or wetlands. Any storage container of over 25 gallons or 220 pounds containing hazardous substances shall have secondary containment.

(3) If the contractor will be storing or handling hazard substances that require a manufactures material safety data sheet the contractor shall familiarize him/herself with the sheet and shall be familiar with procedures required to contain and cleanup any release of the hazardous substance.

(4) Upon completion of construction all hazardous substances and containment systems no longer used or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor and shall be disposed of recycled or reused in a proper manner as prescribed by applicable state and federal regulations.

(G) *Maintenance.* In areas where hazardous substances are handled structural integrity of the building must

be maintained to avoid inadvertent discharge of chemicals to soil and ground water. Cracks and holes in floors, foundations and walls must be repaired in areas where chemicals are handled or stored.
(Ord. 313-16, passed 8-22-2016)

▸ **51.49 REVIEW REQUIREMENTS.**

(A) Specify location and size of interior and exterior areas and structure(s) to be used for on-site storage, use, loading/unloading, recycling, or disposal of hazardous materials.

(B) Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous materials storage, collection of contaminated storm water or wash water and all similar uses.

(C) Specify location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.

(D) Specify areas on the site that the applicant has reason to believe are contaminated together with a report on the status of site cleanup if applicable.

(E) Submit a Hazardous Materials Reporting Form for Site Plan Review@.

(F) Submit a State/County Environmental Permits Checklists@.
(Ord. 313-16, passed 8-22-2016)

▸ **51.50 CONDITIONS FOR APPROVAL OR DENIAL.**

The Planning Commission, upon reviewing a site plan, shall take one of the following actions.

(A) *Approval.* If the site plan meets all the zoning ordinance and related development requirements and standards the Planning Commission shall record such approval and the Chairman shall sign 3 copies of the site plan filing one in the official site plan file, forwarding one to the building inspector, and returning one to the applicant.

(B) *Disapproval.* If the site plan does not meet zoning ordinance and related development requirements and standards the Planning Commission shall record the reasons for the denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.

(C) *Conditional approval.* Conditions on approval of the site plan may be imposed meeting the requirements specified in the City Zoning Enabling Act. Conditions must be:

(1) Designed to protect natural resources and the health, safety, welfare and the social and economic well-being of residents, neighbors and the community as a whole;

(2) Related to the valid exercise of the police power;

(3) Necessary to meet the purposes of the Zoning Ordinance and related to the standards established in Zoning Ordinance for the land use or activity under construction.

(D) *Table.* If the site plan is found to be in violation of requirements, incomplete with respect to necessary information or presenting a unique situation, the Planning Commission may table the site until a public hearing can be scheduled to determine specific improvement requirements the Planning Commission feels are necessary but the applicant is not in agreement with.

(Ord. 313-16, passed 8-22-2016)

‘ **51.51 EXEMPTIONS AND WAIVERS.**

The transportation of any hazardous substance shall be exempt from the provisions of this subchapter provided the transporting motor vehicle or rail is in continuous transit or that it is transporting substances to or from a State licensed hazardous waste treatment, storage or disposal facility.

(Ord. 313-16, passed 8-22-2016)

‘ **51.52 APPEALS.**

(A) The City Council may grant a special permit if it finds by written decision that the proposed use:

(1) Meets the intent of this section as well as its specific criteria;

(2) Will not, during construction or thereafter, have an adverse impact on any aquifer or recharge area in the district;

(3) Will not adversely affect an existing or potential domestic or municipal water supply; and is consistent with existing and probable future development of surrounding areas.

(B) In addition to the findings described above the decision shall include an explanation of the reason for any variation to the requirements.

(Ord. 313-16, passed 8-22-2016)

‘ **51.53 PENALTIES AND COSTS.**

(A) *Falsifying information.* Any person or persons who is found to have violated an order of the city or who willfully or negligently fails to comply with any provision of this subchapter and the orders, rules and regulations and permits issued thereunder, shall be fined upon conviction not more than \$500.

(B) *Violations.* Any person or persons who is found to have violated an order of the city or who willfully or negligently fails to comply with any provision of this subchapter and the orders, rules, and regulations and permits issued thereunder, shall be fined upon conviction not more than \$500. Each day on which a violation shall occur, or continue to occur, shall be deemed a separate and distinct offense. In addition to the penalties provided herein the city may recover reasonable attorney’s fees, court costs, court reporters fees and other expenses of litigation by appropriate suit of law against the person found to have violated this subchapter or the orders, rules regulations, and permits issued thereunder. Any person or persons violating any of the provisions of this subchapter shall be liable to the city for any expense, loss, or damage caused by such violation. The city shall bill the person or persons for the costs incurred by the city (caused by the violation).

(Ord. 313-16, passed 8-22-2016)

CHAPTER 52: SEWERS

Section

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GENERAL PROVISIONS

' 52.01 SEWER USE IN GENERAL.

This chapter is to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of buildings to sewers, and the discharge of waters and waste into the public sewer system, and providing penalties for violations thereof in the city. (1993 Code, ' 5.38)

' 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD (BIOCHEMICAL OXYGEN DEMAND). The oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CITY. The City Council of the City of Hartford, Michigan.

COD (CHEMICAL OXYGEN DEMAND). The total demand or quantity of oxygen required by the wastewater as specified in the current edition of *Standard Methods for the Examination of Water and Wastewater*.@

COMBINATION SEWER or COMBINED SEWER. A sewer receiving storm or surface water and wastewater.

GARBAGE. Solid wastes from domestic or commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTEWATER. The liquid, gaseous or solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, processing or recovery of resources or containers as distinct from segregated domestic strength wastewater.

NATURAL OUTLET Any outlet into a water- course, pond, ditch, lake or other body of surface or ground water.

NPDES PERMIT The permit issued by the State of Michigan Department of Natural Resources pursuant to ' 402 of Public Laws 92-500, concerning discharge of effluence.

PERSON Any individual, firm, company, association, society, corporation, partnership or group, and shall apply to the masculine, feminine or neuter gender, singular or plural.

pH. The negative logarithm of the concentration of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the cooking, preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{16}$ inch in dimension.

PROPERTY LINE. That part of a parcel of real estate which is the edge of a paved roadway. Should the roadway be unpaved, it would be the edge of the traveled portion of a roadway.

PUBLIC SEWER. A sewer in which all owners of abutting property have equal rights and is controlled by a public authority, governmental agency, or public utility.

SANITARY SEWER. A sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with the ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. Any pipe, tile, tube or conduit for carrying wastewater. **SHALL** is mandatory; **MA F** is permissive.
STORM DRAIN or **STORM SEWER.** A sewer intended to carry only storm waters, surface waters, street and other wash waters, and drainage, but which excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of Public Works of the city, or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS (SS). Solids that either float on the surface of, or in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE. A channel in which flow of water occurs, either continuously or intermittently. (1993 Code, ' 5.39)

' 52.03 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet or watercourse within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provision of this section and/or applicable local, state or federal laws and regulations.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage or other polluted waters in the city.

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the city, is hereby required, at the owner=s expense, to install suitable toilet facilities therein, and to connect the facilities directly to the proper public sewer in accordance with the provisions of this chapter within 90 days after the date of the official notice to do so has been issued by the Superintendent of Public Works.

(E) Any industry or structure discharging industrial wastewater to the sanitary sewer, storm sewer or receiving stream shall file an Environmental Impact Statement with the city. The Environmental Impact Statement shall include:

(1) A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

(2) A plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwater as noted, described and the waste stream identified.

(3) Periodically sampling, testing and filing reports with the city and appropriate county, state or federal agencies, with respect to the characteristics of wastes, on a schedule, at locations, and according to methods

specified by the city.

(4) An Affidavit placing waste pretreatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate local, state or federal agency as properly qualified to supervise the facilities.

(5) A report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.

(6) Maintaining records and filing reports on the final disposal of specific liquids, solids, sludge, oil, radioactive materials, solvent or other wastes.

(7) If any industrial process is to be altered so as to increase or decrease process waste or potential waste discharge to the sanitary sewer, written notification shall be given to the city. Discharge of the altered waste streams shall be subject to the approval of the city and shall comply with all other provisions of this chapter and any applicable laws or regulations.

(1993 Code, ' 5.40) Penalty, see ' 10.99

' 52.04 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent of Public Works.

(B) (1) There shall be 2 classes of building sewer permits: for residential and commercial service and for service establishments producing industrial wastewater. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as set forth from time to time by the city shall be paid to the City Treasurer at the time the application is filed.

(2) The rate for industrial waste users shall be established after application and shall be based upon what is to be disposed.

(C) All costs and expenses incidental to the application, installation and connection of the building sewer shall be borne by the owner/user or applicant. The user or the person installing the building sewer shall indemnify the city from any and all losses or damages that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(E) Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his or her representative, to meet all requirements of this chapter.

(F) The size, slope alignment, materials of construction of a building sewer; and the methods to be used in

excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(G) Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the AS. T.M. and the W.P. C.F. Manual of Practice No. 9. All the connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(J) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her authorized representative.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent or his or her representative.

(L) All residential or commercial building sewers shall as a minimum have an inside diameter of 6 inches. Industrial building sewer sizes shall be as required by the Superintendent.

(M) No new connection will be allowed or permits issued for connection to the sanitary sewage system unless sufficient capacity exists in all downstream facilities of the system, including but not limited to sewage treatment plant, sewers, lift stations, and the like. The city shall determine whether the capacity exists.

(1993 Code, ' 5.41) Penalty, see ' 10.99

' 52.05 PROPER USE OF PUBLIC SEWERS.

(A) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted water or drainage shall be discharged to the sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state or federal agency to a storm sewer or natural outlet.

(1993 Code, ' 5.42) Penalty, see ' 10.99

' 52.06 WATER AND WASTE PROHIBITED.

(A) Except as hereinafter provided by specific limits, no person shall discharge or cause to be discharged any of the following described waters or wastes, characteristics or properties into any public sewer:

(1) BOD5 in excess of daily average of 300 mg/1.

(2) COD in excess of a daily average of 450 mg/1.

(3) Chlorine demand in excess of 15 mg/1.

(4) Color, as from but not limited to dyes, inks, vegetable tanning solutions, fruit or vegetable wastes shall be controlled to prevent light absorbency which would interfere with treatment plant processes or would prevent analytical determinations.

(5) Explosive liquid, solid, or gas, including but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable waste.

(6) Garbage which has not been properly shredded (no particle size greater than Vi inch).

(7) Grease, oils, wax or fat, whether emulsified or not, in excess of 50 mg/1, or other substances which may solidify or become viscous at temperatures between 32°F and 150°F.

(8) Wastes which contain the following substances in concentrations exceeding limitations set forth by local, state or federal agencies to protect the wastewater system or receiving water, to minimize deleterious concentrations in sludge, and/or to comply with NPDES permit limitations:

(a) Arsenic;

(b) Iron;

(c) Cadmium;

(d) Lead;

(e) Chromium;

(f) Hexavalent;

(g) Mercury;

(h) Chromium;

(i) Total nickel;

(j) Copper;

(k) Phenols;

(l) Cyanide;

(m) Zinc; or

(n) Any other compounds or substances in quantities which impair the operation or maintenance of the sewage treatment process.

(9) Inert suspended solids, including but not limited to, Fullers earth, lime slurrings, lime residues, or dissolved solids, including, but not limited to, sodium chloride and sodium sulfate.

(10) Insoluble, solid or viscous substances, included, but not limited to, ashes, cherry pits, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, plastics, wood, wood pulp, hair, fleshings, and manure, capable of settling out in the sewer or causing obstruction to the flow or other interference with the proper operation of the wastewater system.

(11) Noxious or malodorous gas, including, but not limited to, hydrogen sulfide, sulphur dioxide, or oxides

of nitrogen, and other substances capable of creating a public nuisance.

(12) pH less than 5.5 or greater than 9.5.

(13) Phosphorus in excess of 9 mg/1 or other discharges that would result in excess foaming, as determined by the Superintendent during the treatment process or in the amounts and strengths which would exceed or endanger the effluent standards applicable to the city, as established by the Department of Natural Resources or other appropriate authority.

(14) Radioactive wastes or isotopes of a half-life or concentration which may exceed limits established by applicable local, state or federal regulations.

(15) Suspended solids in excess of 350 mg/1.

(16) Wastewater less than 32°F or greater than 150°F.

(17) Waters or wastes containing substances which are not amenable to treatment or reducible by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(18) Wastewater from any source that exceeds 10% of the total capacity of the system.

(19) Wastewater which may cause or does cause:

- (a) Impairment of the strength or durability of structures in the system;
- (b) Restriction of hydraulic capacity of structures in the system; or
- (c) Unsafe conditions to personnel in the inspection or maintenance of structures of the system or unsafe conditions to the general public, with respect to the system.

(B) If any waters or wastes which are discharged or proposed for discharge into the public sewers and which contain the substances or possess the characteristics enumerated in division (A) of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may take any or all of the following actions:

(1) Prohibit the discharge to the public sewer;

(2) Temporarily permit the discharge to the public sewer subject to any reasonable conditions that the Superintendent may recommend based on its review of the factors as quantity of the discharge in relation to flows and velocities in the sewers, materials of construction of sewers, nature of the treatment process, capacity of the treatment system, degree of treatability of the discharge, and other pertinent factors;

(3) Require pretreatment to the level defined as A normal domestic strength wastewater@;

(4) Require pretreatment in accordance with applicable federal and state pretreatment regulations (other than normal domestic strength wastewater) for discharge to the public sewers;

(5) Require control over the quality, quantity and rate of discharge to the public sewer;

(6) Require payment of surcharges as may be established; or

(7) Require payment to cover any additional costs incurred by the Superintendent as a result of, or in connection with, the excess discharges, including, but not limited to, inspecting, sampling, testing, treating, pretreating, determining the treatability of the wastewater or determining damages to the system not covered by existing service charges.

(C) When pretreatment of sewage or flow equalization of waste is required, the design and installation of the plant and equipment shall be subject to the review and approval of the city, and subject to the requirements of all applicable codes, ordinances, regulations, and laws. Where wastewater pretreatment or flow equalization facilities are provided, they shall be continuously maintained for satisfactory and effective operation by the user at its expense in order to meet applicable pretreatment requirements.

(D) Plans, specifications and any other pertinent information relating to proposed pretreatment or flow equalization facilities, or additions to, or expansion of, existing equalization or treatment facilities shall be submitted, for the approval of the Superintendent and any appropriate local, state or federal authority. No construction of the facilities shall be commenced until the approval is obtained in writing.

(E) All non-domestic users shall report to the Superintendent, as soon as reasonably possible, any discharges of wastewater which are known to exceed the limits established by this chapter. The notice shall be given in advance whenever reasonably possible and contain available information regarding the intended or accidental discharge, volume, duration, constituents, loading and concentrations, and the other information as may be necessary to determine whether the discharge is compatible, incompatible, is prohibited, or may cause interference.

(F) Sewer service shall be subject to all provisions of this chapter and all applicable state and federal laws and regulations concerning disposal of wastewater.

(G) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that the interceptors shall be not required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(H) When required by the city, the owner of any property serviced by a building sewer carrying Industrial waste shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole shall be installed by the owner at his or her own expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(I) The city shall not be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption. The city shall make all reasonable efforts to eliminate interruptions of service, and, when the interruptions occur, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the system, all customers affected by the interruption will be notified in advance whenever possible.

(J) All measurements, tests and analysis of the characteristics of water and waste to which reference is made in this chapter shall be determined in accordance with the most recent edition of A Standard Methods of Examination

of Water and Sewer@, and 40 C.F.R 136, and shall be determined at the control manhole provided for, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property.

(K) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern.

(1993 Code, ' 5.43) Penalty, see ' 10.99

' 52.07 POWERS AND AUTHORITY OF INSPECTORS; CONFIDENTIALITY.

(A) The Superintendent and duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, repair, maintenance and testing in accordance with the provisions of this chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, fruit, vegetable, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, collection system, or facilities for waste treatment.

(B) The Superintendent and duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city or contractor holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance and testing of any portion of the wastewater system lying within the easement. All entry and subsequent work on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(C) Inspection by state or federal representatives pursuant to law shall not relieve a user from inspection by city representatives, and inspection by the city representatives shall not relieve any user from compliance with lawful inspection by state and federal representatives.

(D) All information and data submitted to the city by a user or obtained by the city through inspections and monitoring shall be confidential if it relates to trade secrets or is information which, if disclosed, would tend to injure the competitive position of the user. The following data is not entitled to confidential treatment:

(1) Data which directly expresses effluent characteristics at, or after, a point of discharge to the public sewer.

(2) Data which has previously been disclosed, or is available, to the public.

(E) With respect to information and data submitted to the city by the user, the user must indicate in writing that the information is to be held confidential in order for the information and data to be entitled to confidential treatment.

(F) If any person or government agency requests from the city information or data which is Aconfidential@, the city shall notify the user before any release of the information and data. The user may agree, or refuse, to release all or part of the requested information and data. If the user refuses to release the information and data at issue, it shall not be released by the city, without an order of a court of competent jurisdiction.

(1993 Code, ' 5.44) Penalty, see ' 10.99

' 52.08 RATES AND CHARGES.

(A) Rate/connection fee chart.

| | | | |
|----------------------------------|----------|----------|--------|
| <i>Non-Commercial</i> | | | |
| Meter Ready Service Charge | \$17.00 | \$5.92 | \$7.83 |
| Per 1,000 Gal | \$1.95 | \$3.80 | |
| Non-metered | | \$62.50 | |
| <i>Commercial</i> | | | |
| First 2,000,000 per 1,000 Gal | \$1.95 | \$3.80 | |
| Over 2,000,000 per 1,000 Gal | \$0.65 | | |
| Inspection and/or Connection Fee | \$500.00 | \$400.00 | |

(B) Deposits: If delinquent more than twice per calendar year, \$150 and a lien will be placed on land owners property if total delinquent amount not paid.

(C) Shut-off charge: \$15 plus time and materials.

(D) Turn-on charge: \$15 will only be turned on during normal work hours.

(E) Meter calibrations: No charge if meter is malfunctioning. Ten dollars if meter is working properly.

(F) Transfer of service: Free one time per calendar year. Ten dollars each time thereafter per calendar year.

(G) The township or non-city rate for services is IVi times the city rate. (1993 Code, ' 5.45)

SANITARY SEWAGE DISPOSAL SYSTEM

' 52.20 PURPOSE.

(A) This subchapter is to provide for the operation of all sanitary sewage disposal facilities in the city on a public utility basis under the provisions of Public Act 94 of 1933, as amended, and to prescribe the rates and connection fees to be charged for the use of the facilities as set forth in this chapter; and to provide for other matters relative to the system.

(B) It is hereby determined to be desirable and necessary for the public health, safety and welfare of the city that all sanitary sewage disposal facilities in the city be operated on a public utility rate basis in accordance with the provisions of Public Act 94 of 1933, as amended.

(1993 Code, ' 5.60)

' 52.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Hartford.

COMMERCIAL USER. Any establishment being involved in a commercial enterprise, business or service which based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

INDUSTRIAL USER. Any manufacturer or processing facility that discharges industrial waste to the system. More specifically, it means any non-governmental user of the system identified in the Standard Industrial Classification Manual, 1972, Office Management and Budget, as amended and supplemented under the following divisions:

- (1) Division A - Agricultural, Forestry and Fishing.
- (2) Division B - Mining.
- (3) Division D - Manufacturing.
- (4) Division I - Services.

INDUSTRIAL USER. Any establishment which is exempt from taxation and which based on a determination by the city, discharges primarily segregated domestic waste or waste from sanitary convenience.

MULTIPLE-FAMILY DWELLING. A residence in which more than one family resides.

OPERATION AND MAINTENANCE. All work materials, equipment, utilities, and other effort required to operate and maintain, including the cost of replacement, the wastewater collection, transportation, and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable county, state and federal regulations.

REPLACEMENT. The obtaining and installing of any equipment, accessories and appurtenances which are necessary during the service life of the system to maintain the performance and capacity for which the system was designed.

RESIDENTIAL USER. A user of the system whose premises or building is used primarily as a residence for one or more persons, including dwelling units as detached, semi-detached, and row houses, mobile homes, apartments or permanent multi-family dwellings. Transient lodging is not included as it is considered commercial.

REVENUES or NET REVENUES. These terms shall have the same meanings as defined in Public Act 94 of 1933, M.C.L.A. ' 3, as amended.

SINGLE-FAMILY DWELLING. A residence in which only one family resides.

SURCHARGE. The additional charge which a user discharging wastewater having strength in excess of the limits set by the city for treatment by the sewage system will be required to pay to cover the cost of treating the excess strength wastewater.

SYSTEM. Those facilities of the City of Hartford/Van Buren County Sanitary Sewage Disposal System under the operational control of the city, including all sewers, pumps, lift stations and all other facilities used by or useful in the collection and disposal of domestic, commercial or industrial wastes and all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

USER CHARGE. The charge assessed users of the system for the cost of operation and maintenance plus the cost of replacements to the system.

(1993 Code, ' 5.61)

§ 52.22 OPERATION AND MAINTENANCE OF THE- SYSTEM.

(A) The operation and maintenance of the system shall be under the general supervision and control of the city subject to the terms of the financing contracts, and any other contracts dealing with operation and use of sewage facilities.

(B) Pursuant to the terms of the contracts the city has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service, and in the capacity the City Commission may employ the person or persons in the capacity or capacities as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of the rates and charges.

(1993 Code, § 5.62)

§ 52.23 SEWER CHARGES.

(A) For those premises constructed prior to November 4, 1974, and whose water is measured jointly by one water meter, the minimum billing is applicable to each premises which is occupied for any portion of the billing period. Each deed holder appearing on the general tax roll who has more than one premises utilizing a single water meter shall be billed in accordance with the provisions of this section. Each premises, regardless of whether it has its own individual water meter, shall be billed the minimum for the first 10,000 gallons of water, or any portion thereof.

(B) Quarterly charges established for the use of city sewers shall be based upon § 52.08 of this chapter.
(1993 Code, § 5.63)

§ 52.24 CONNECTION FEE.

All connection to the system shall be made by the city and the city shall charge a fee for the connections as set forth in § 52.08.

(1993 Code, § 5.64)

§ 52.25 BILLING.

All bills shall be rendered to users monthly. If the bills are not paid within 30 days after the date rendered, a penalty of 15% of the amount of the bill shall be added and collected. Charges for sewer and water services may constitute a lien on the property served.

(1993 Code, § 5.65)

§ 52.26 REVISION OF RATES.

The rates hereby fixed are estimated to be sufficient to provide for the payment of operation and maintenance charges and replacement costs of the system. The rates shall be reviewed no later than the first regularly scheduled meeting of the City Council in the second month after the commencement of the city's fiscal year and the same may be revised and fixed by resolution of the City Council as may be necessary to produce the amounts required to pay the charges and expenditures and provide the funds. To effect this purpose, the Department of Public Works for the city shall prepare and present to the City Council annually at the time as they shall designate a complete financial report of the sewage treatment system, stating the expenses of the treatment. In addition to reviewing the rates to insure that they are providing sufficient revenue, the rates they shall be

reviewed to insure that revenue is being generated by each user in proportion to the cost of providing the service to the particular user and to meet debt retirement.

(1993 Code, ' 5.66)

' 52.27 NO FREE SERVICE.

No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(1993 Code, ' 5.67)

' 52.28 BONDING AND FINANCING OF SEWER SYSTEM.

Because certain requirements as to bonding and financing the sewer system have been previously enacted, Ord. 118, adopted May 22, 1978 and on file in the offices of the city, is herein adopted by reference. When there is an inconsistency between this chapter and Ord. 118, Ord. 118 shall control. Ord. 118 shall automatically terminate upon the payment of the last sums due under that ordinance. (1993 Code, ' 5.80) Penalty, see ' 10.99

CENTER STREET EXTENSION

' 52.40 PUBLIC NECESSITY.

(A) It is hereby determined and declared that public sanitary sewer and public water supply systems are essential to the health, safety and welfare of the people of the city; that, except for those properties listed in ' 52.45, all premises within the Center Street Extension upon which structures in which sanitary sewage originates are situated shall connect to the systems at the earliest, reasonable date as a matter for the protection of the public health, safety and welfare of the people of the city; and therefore, all premises upon which structures in which sanitary sewage originates are situated, and to which sewer and water services of the systems shall be available shall connect to the systems within 90 days after the mailing or posting of notice of the premises by the appropriate city official that the services are available.

(B) The notification and enforcement of this subchapter shall be in conformity with applicable state law.

(1993 Code, ' 5.69)

' 52.41 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATION. The Department of Public Works and its Director or his or her designee as appointed by the city.

COMMERCIAL USER. An establishment listed in the Office of Management and Budget=s Standard Industrial Classification Manual (SICM), involved in a commercial enterprise, business or service which, based on the determination by the city, discharges primarily segregated domestic wastes or waste from sanitary conveniences and which is not a residential user or an industrial user.

CUSTOMER. Any person, company, corporation or governmental authority or agency authorized to connect to

the public sewer and public water under a permit issued by the city.

GOVERNMENTAL USER. Any federal, state or government user of the wastewater treatment works.

INDUSTRIAL USER. A user of the treatment works which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, distinct from their employees domestic wastes or wastes from sanitary conveniences.

INSTITUTIONAL USER. Any establishment listed in the SICM involved in a social, charitable, religious or educational function which based on the determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

RESIDENTIAL USER. A user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included and is considered commercial).

RESIDENTIAL EQUIVALENT FACTORS. The equivalent use of various uses as compared to a residential use.

SYSTEMS. The complete sewage collection system and water distribution system within the Center Street Extension between 60th Avenue and U.S. Interstate 94 including all sewers, pumps, lift-stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances, thereto and including all extensions improvements thereto, pumps and water piping, which may hereafter be acquired.

TAP or CONNECTION. The connecting of the building sewer to the public sewer and building water to the public water. (1993 Code, ' 5.70)

' 52.42 RATES AND CHARGES.

Rates to be charged for connection to the systems shall be as follows:

(A) Direct connection. Each connection to the sewage collection system shall be charged a fee of \$8,700 per single-family residential equivalent factor. Each connection to the water distribution system shall be charged a fee of \$4,200 per single-family residential equivalent factor.

(B) Indirect connection. Indirect connections shall be prohibited unless authorized by the city. If authorized, an indirect connection shall pay a proportionate share of a direct connection as determined by Ord. 41 on file in the offices of the city.

(C) Equivalent user factor. Each premises other than a single-family residence shall pay a connection charge multiplied by a factor representing a ratio of sewage used by the class of premises to normal single-family residential use.

(D) Payment of connection charge. Connection charges as set forth above shall be due and payable upon connection to the systems. The charges, however, may be payable on yearly installments not to exceed 20 in number. Interest at the rate of 8% per annum shall be charged on the unpaid balance of the connection charge. If paid in installments, the first installment of the connection charge shall be payable on connection and all subsequent installments plus interest shall be payable on December 1 of each succeeding year.

(E) Pumping and filling of septic tanks and dry wells. Within 60 days after connection to the systems, all existing septic tanks and dry wells shall be pumped and filled with sand in accordance with Van Buren County Health Department requirements. No new or replacement septic tanks and/or dry wells shall be added.

(F) Plugging of water wells. Within 90 days of connection to the water distribution system, all existing water wells, with the exception of wells used exclusively for irrigation, shall be plugged and closed in accordance with Van Buren County Health Department requirements. No new or replacement septic tanks and/or dry wells shall be added.

(G) Future connections. Future connections shall be at a cost as determined in Ord. 41, on file in the offices of the city, plus 20%. A future connection shall be any connection requested after January 1, 2002. Before connection to the systems, all users shall obtain a permit for connection from the City Building Inspector at a cost to be determined by the City Administration and subject to modification from time to time. The permit applications shall include a diagram of the proposed connections prepared by the applicant. Before covering the connections, the Building Inspector shall certify the diagram and allow cover to take place.

(1993 Code, ' 5.71)

' 52.43 ENFORCEMENT.

(A) The connection fees, which are under the provisions of Public Act 94 of 1933, M.C.L.A. ' 21, as amended, shall become a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute the lien, and whenever any charge against any piece of property shall be delinquent for 6 months, the city officials in charge of the collection thereof shall certify annually, on August 1 of each year, to the tax assessing officer of the city the facts of the delinquency, whereupon the charge shall be by him entered upon the next tax roll as a charge against the premise and shall be collected and the lien thereof enforced in the same manner as general city taxes against the premises are collected and the lien thereof enforced. Provided, however, where notice is given that a tenant is responsible for the charges and service as provided by Public Act 94 of 1933, M.C.L.A. ' 21, as amended, no further services shall be rendered to the premises until a cash deposit in the amount of \$600 shall have been made as security for payment of the charges and service.

(B) In addition to the foregoing, the city shall have the right to shut off sewer and/or water services to any premises for which charges for sewer and/or water services are more than 1 year delinquent, and the services shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the city, have been paid. Further, the city may recover the charges and penalties through court action. (1993 Code, ' 5.72)

' 52.44 APPLICATION OF FEES.

The connection fees hereby fixed are estimated to be sufficient to provide for the payment of the expenses of construction, administration and operation, the expenses for maintenance of the systems as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the city relating to the systems, court action. (1993 Code, ' 5.73)

' 52.45 EXEMPTIONS.

The following premises within the Center Street Extension are exempt from this mandatory connection subchapter until its present system fails.

| Name | Address | Tax ID No. |
|-------|------------------------------|------------------|
| House | 60440 CR 687 Hartford, MI | 80-52-821-003-00 |

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC REGULATIONS

72. STOPPING, STANDING AND PARKING REGULATIONS

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

- 70.1 Adoption of Uniform Traffic Code
- 70.2 Reference in code

Traffic Offenses Involving Controlled Substances

- 70.15 Driving under the influence
- 70.16 Allowing a person under the influence to operate a vehicle
- 70.17 Operating a vehicle while visibly impaired
- 70.18 Open or uncapped containers; broken seals
- 70.19 Consumption of alcoholic liquor on a highway, public place, and the like

Off-Road Vehicles

- 70.30 Generally
- 70.31 Snowmobiles

Golf Carts

- 70.45 Title
- 70.46 Operation of golf carts on public roads within the corporate limits of City of Hartford
- 70.99 Penalty

Cross-reference:

Abandoned Vehicles, see Chapter 90

GENERAL PROVISIONS

' 70.01 ADOPTION OF THE UNIFORM TRAFFIC CODE.

The Uniform Traffic Code for Cities, Townships, and Villages promulgated by the Director of State Police and published in the Quarterly Supplements, as amended from time to time, of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, M.C.L.A. ' ' 257.951 - 257.955, State of Michigan, is hereby adopted by reference as modified by ' ' 70.01 *et seq.*

(1993 Code, ' 2.1)

' 70.02 REFERENCE IN CODE.

References in the Uniform Traffic Code for Michigan Cities, Townships, and Villages to Agovernmental unit@ shall mean the City of Hartford.

(1993 Code, ' 2.2)

TRAFFIC OFFENSES INVOLVING CONTROLLED SUBSTANCES

§ 70.15 DRIVING UNDER THE INFLUENCE.

A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Hartford, if either of the following applies:

(A) The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance; or

(B) The person has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(1993 Code, § 2.10) Penalty, see § 70.99

§ 70.16 ALLOWING A PERSON UNDER THE INFLUENCE TO OPERATE A VEHICLE.

The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the City of Hartford, by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(1993 Code, § 2.11) Penalty, see § 70.99

§ 70.17 OPERATING A VEHICLE WHILE VISIBLY IMPAIRED.

(A) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Hartford, when due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired.

(B) If a person is charged with violating § 70.15, a finding of guilty under this section may be rendered. (1993 Code, § 2.12) Penalty, see § 70.99

§ 70.18 OPEN OR UNCAPPED CONTAINERS; BROKEN SEALS.

(A) Except as provided in division (B) below, a person who is an operator or occupant shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in the City of Hartford.

(B) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in the City of Hartford, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(C) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.
(1993 Code, ' 2.13) Penalty, see ' 70.99

' 70.19 CONSUMPTION OF ALCOHOLIC LIQUOR ON A HIGHWAY, PUBLIC PLACE, AND THE LIKE.

A person shall not consume alcoholic liquor upon a highway, street, alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises, or within the passenger compartment of a moving vehicle upon a highway or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in the City of Hartford.
(1993 Code, ' 2.14) Penalty, see ' 70.99

OFF-ROAD VEHICLES

' 70.30 GENERALLY.

(A) No motorcycle, motor scooter, moped, dune buggy, or off-road or other motorized vehicle shall be permitted to operate upon any public or private property within the city other than public and private roadway or parking lots and similar facilities. This section does not apply to snowmobiles.

(B) When any police officer arrests or issues a citation to a person and charges him or her with a violation of this section, the officer may impound the motorcycle or motor-driven vehicle and cause the same to be removed to a place or places to be designated by the Chief of Police. The seizure and impounding shall be subject to all applicable statutory provisions relative to the removal of parked vehicles from public highways, streets, and alleys, including the removal and impounding fees therein provided for, redemption by the owner or operator of the vehicle upon payment of removal and impounding fees and the settlement of the violation involved, notice thereof to the registered owner of the vehicle, and foreclosure of the lien for the removal and impounding fees upon failure to redeem or repossess in accordance with all applicable statutory provisions.
(1993 Code, ' 2.72) Penalty, see ' 70.99

' 70.31 SNOWMOBILES.

(A) *Registration.* No snowmobile shall be operated within the city unless it is currently registered as required by state law. A person convicted of violating this section shall be guilty of a misdemeanor.
(1993 Code, ' 2.70)

(B) *Equipment.* No person shall operate a snowmobile in the city:

(1) Unless it has at least 1 headlight, 1 taillight, and adequate brakes capable of producing deceleration at 14 feet per second on level ground at a speed of 20 mph;

(2) During the hours from 2 hour after sunset to 2 hour before sunrise without displaying a lighted headlight and a lighted taillight; and

(3) Unless it is equipped with a muffler in good working order and in constant operation to prevent
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excessive or unusual noise and annoying smoke.
(1993 Code, ' 2.71) Penalty, see ' 70.99

GOLF CARTS

' 70.45 TITLE.

This subchapter shall be known and cited as City of Hartford Golf Cart Regulation Ordinance.
(Ord. 312-16, passed 6-2-2016)

' 70.46 OPERATION OF GOLF CARTS ON PUBLIC ROADS WITHIN THE CORPORATE LIMITS OF CITY OF HARTFORD.

A person may operate a golf cart on city roads within the City of Hartford subject to the following restrictions.

(A) A person shall not operate a golf cart unless he or she is at least 16 years old and licensed to operate a motor vehicle.

(B) The operator of a golf cart shall comply with the signal requirements of M.C.L.A. ' 257.648 that apply to operation of a vehicle.

(C) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(D) A person shall not operate a golf cart on a state trunk line highway (including Red Arrow Highway). This subsection does not prohibit a person from crossing a state trunk line highway when operating golf carts on Public Street using the most direct line of crossing.

(E) Where a usable and designated path for golf carts is provided adjacent to a highway or street, a person operating a golf cart shall be required to use that path.

(F) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a two-way street or on the left or right of traffic in the case of a one-way street, in the unoccupied lane.

(G) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.

(H) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 30 miles per hour except to cross that highway or street.

(I) A golf cart shall not be operated on public streets during the time period from one-half (2) hour before sunset to one-half (1/2) hour after sunrise.

(J) A person operating a golf cart or who is a passenger in a golf cart is not required to wear crash helmet.

(K) This subchapter does not apply to a police officer in the performance of his or her duties.

(L) A golf cart operated on Public Street under this subchapter is not required to be registered under the Michigan Vehicle Code for purposes of ' 3101 of the insurance code of 1956, 1956 PA 218, M.C.L.A. ' 500.3101.

(M) As used in this subchapter, **GOLF CART** means a vehicle designed for transportation while playing a game of golf. A **GOLF CART** is not required to meet the vehicle safety standard requirements of a low-speed vehicle for approval under this subchapter.
(Ord. 312-16, passed 6-2-2016) Penalty, see ' 70.99

' **70.99 PENALTY.**

(A) *Violation of ' ' 70.15 et seq.*

(1) *Violation of ' 70.15.* If a person is convicted of violating ' 70.15, the following shall apply.

(a) Except as otherwise provided in divisions (b) and (c) below, the person is guilty of a misdemeanor, and may be punished by 1 or more of the following:

1. Service to the community of a period of not more than 45 days;
2. Imprisonment of not more than 93 days; and/or
3. A fine of not less than \$100 or more than \$500.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to both a fine of not less than \$200 or more than \$1,000 and 1 or more of the following:

1. Performing service to the community for a period of not less than 30 days or more than 90 days; and/or
2. Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this division shall be served consecutively.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$5,000 and to either of the following:

1. Imprisonment for not less than 1 year or more than 5 years; or
2. Probation with imprisonment for not less than 30 days or more than 1 year, and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this division shall be served consecutively.

(d) A term of imprisonment imposed under division (A)(1)(b)2., (A)(1)(c)1., or (A)(1)(c)2. above shall not be suspended.

(e) A person sentenced to perform service to the community under this section shall not receive compensation, and shall reimburse the appropriate local unit of government for the cost of supervision incurred by the local unit of government as a result of the person=s activities in that service.

(f) As used in divisions (A)(1)(b) and (A)(1)(c) above, **PRIOR CONVICTION** means a conviction for a violation of Public Act 30 of 1949, M.C.L.A. ' 257.625(1), (4), or (5) or former Public Act 30 of 1949, M.C.L.A. ' 257.625(1) or (2), a local ordinance substantially corresponding to Public Act 30 of 1949, M.C.L.A. ' 257.625(1), or former Public Act 30 of 1949, M.C.L.A. ' 257.625(1), (4)

or (5) or former Public Act 30 of 1949, M.C.L.A. ' 257.625(1) or (2).

(g) In addition to imposing the sanctions prescribed under divisions (A)(1)(a) and (A)(1)(b) above, the court may, pursuant to the Code of Criminal Procedure, Public Act 175 of 1927, M.C.L. A. ' ' 760.1 through 760.22, order the person to pay the costs of the prosecution, and shall include a separate and distinct element of costs the actual charges paid by the city for any chemical tests performed at or near the time of the person=s arrest.

(h) The court shall impose license sanctions pursuant to applicable state statutes.

(2) Violation of ' 70.16. A person convicted of violating ' 70.16 is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100 or more than \$500 or both.

(3) Violation of ' 70.17. If a person is convicted of violating ' 70.17, the following shall apply.

(a) Except as otherwise provided in division (A)(3)(b) and (A)(3)(c) below, the person is guilty of a misdemeanor punishable by 1 or more of the following:

1. Service to the community of a period of not more than 45 days;
2. Imprisonment of not more than 93 days; and/or
3. A fine of not more than \$300.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to both a fine of not less than \$200 or more than \$1,000 and 1 or more of the following:

1. Performing service to the community for a period of not less than 30 days or more than 90 days; and/or
2. Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this division shall be served consecutively.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$500 or more than \$5,000, and either of the following:

1. Imprisonment for not less than 1 year or more than 5 years; and/or
2. Probation with imprisonment for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this division shall be served consecutively.

(d) A term of imprisonment imposed under divisions (A)(3)(b)2., (A)(3)(c)1., or (A)(3)(c)2. above shall not be suspended.

(e) A person sentenced to perform service to the community under this section shall not receive compensation, and shall reimburse the local unit of government for the cost of supervision incurred by the local unit of government as a result of the person=s activities in that service.

(f) As used in divisions (A)(3)(b) and (A)(3)(c) above, **PRIOR CONVICTION** means a conviction for a violation of Public Act 30 of 1949, M.C.L.A. ' 257.625(1), (3) (4), or (5) or former Public Act 30 of 1949, M.C.L.A. ' 257.625(1) or (2), or former Public Act 30 of 1949, M.C.L.A. ' 257.625b or a local ordinance substantially corresponding to Public Act 30 of 1949, M.C.L.A.

§ 257.625(1), (3), (4) or (5), or former Public Act 30 of 1949, M.C.L.A. § 257.625(1) or (2) or former Public Act 30 of 1949, M.C.L.A. § 257.625(b).

(g) In addition to imposing the sanctions prescribed under divisions (A)(3)(a), (A)(3)(b), and (A)(3)(c) above, the court may, pursuant to the Code of Criminal Procedure, Public Act 175 of 1927, M.C.L.A. §§ 760.1 through 760.22, order the person to pay the costs of the prosecution, and shall include a separate and distinct element of costs, the actual charges paid by the city for any chemical tests performed at or near the time of the person=s arrests.

(h) The court shall order the Secretary of State to impose license sanctions pursuant to former Public Act 30 of 1949, M.C.L.A. § 257.625b.

(4) *Violation of § 70.18.* A person convicted of violating § 70.18 is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100 or more than \$500 or both. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense, as described in § 703(1) of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, M.C.L.A. § 436.1703.

(5) *Violation of § 70.19.* A person convicted of violating § 70.19 is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$100 or more than \$500 or both.

(6) *Enhanced sentencing.* If the City Attorney intends to seek an enhanced sentence under divisions (A)(1) and (A)(3) above based upon the defendant having 1 or more convictions, the City Attorney may give notice of intent to seek enhanced penalties in the documents which charge the defendant with a violation of §§ 70.15 *et seq.* Notice of intent to seek an enhanced sentence may also be served on the defendant at or prior to the defendant=s pre-trial, or may be placed orally on the record at the defendant=s pre-trial.

(7) *Prior conviction.* A prior conviction shall be established at sentencing by 1 or more of the following:

- (a) An abstract of conviction;
- (b) Any copy of the defendant=s driving record; and/or
- (c) An admission by the defendant.

(1993 Code, § 2.20)

(B) *Violation of § 70.19.* Any person who violates § 70.19 is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100 or both. (1993 Code, § 2.14)

(C) *Violation of § 70.30.* A person convicted of violating § 70.30 is guilty of a misdemeanor punishable as set forth in § 10.99(C). (1993 Code, § 2.72)

(D) *Violation of § 70.31.* A person convicted of violating this section is guilty of a misdemeanor punishable as set forth in § 10.99(C). (1993 Code, § 2.71)

(E) Any person found guilty of violating any provisions of §§ 70.45 through 70.46 shall be guilty of a civil infraction as set forth in § 10.99(c) and be punishable by a fine of \$50 dollars for the first offence and a fine

of \$150 dollars for the second violation and a fine of \$300 for the third and each subsequent violation. Each violation of the provisions hereof shall be deemed a separate offence. (1993 Code, 6.27).
(Am. Ord. 312-16, passed 6-2-2016)

CHAPTER 71: TRAFFIC REGULATIONS

Section

General Provisions

- 71.1 License required
- 71.2 Safety belt required; enforcement
- 71.3 Mandatory child restraints
- 71.4 School buses; overtaking, meeting, or passing
- 71.99 >Penalty

' 71.01 LICENSE REQUIRED.

A person whose operator=s or chauffeur=s license or registration certificate has been suspended or revoked and who has been notified as provided in Public Act 300 of 1949, M.C.L.A. ' 257.212, of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the City of Hartford. A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, within the City of Hartford, by a person whose license or registration certificate is suspended or revoked, whose application has been denied, or who has never applied for a license, except as permitted by the Motor Vehicle Code. (1993 Code, ' 2.26) Penalty, see ' 71.99

' 71.02 SAFETY BELT REQUIRED; ENFORCEMENT.

- (A) This section shall not apply to a driver or passenger of:
- (1) A motor vehicle manufactured before January 1, 1965;
 - (2) A bus;
 - (3) A motorcycle;
 - (4) A moped;
 - (5) A motor vehicle if the driver or passenger possess a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons;
 - (6) A motor vehicle, which is not required to be equipped with safety belts under federal law;
 - (7) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pick-up or delivery of goods or services;
 - (8) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route; and
 - (9) A passenger of a school bus.

(B) Each driver and front seat passenger of a motor vehicle operated on a street or highway in the City of Hartford shall wear a properly adjusted and fastened safety belt, except that a child less than 4 years of age shall be protected as required in ' 71.03.

(C) Each driver of a motor vehicle transporting a child 4 years of age or more, but less than 16 years of age, in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. If the motor

vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the driver and all front seat passengers comply with division (B) above, then the driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age for which there is not an available safety belt is in compliance with this division, if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the driver may transport the child in the front seat without a safety belt.

(D) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, the negligence shall not reduce the recovery for damages by more than 5 %.

(E) Points shall not be assessed for a violation of this section. (1993 Code, ' 2.27) Penalty, see ' 71.99

71.03 MANDATORY CHILD RESTRAINTS.

(A) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, M.C.L.A. ' ' 24.201 through 24.323, as amended, for federal regulation, each driver transporting a child in a motor vehicle shall properly secure the child in a child restraint system as follows:

(1) Any child less than 1 year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. ' 571.213, except as provided in division (E) below;

(2) Any child 1 year of age or more but less than 4 years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. ' 571.213, except as provided in division (E) below; and/or

(3) Any child 1 year of age or more but less than 4 years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. ' 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in division (E) below.

(B) This section does not apply to any child being nursed.

(C) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

(D) Points shall not be assessed for a violation of this section.

(E) The Secretary of State may exempt by rules promulgated pursuant to Public Act 306 of 1969, M.C.L.A. ' ' 24.201 et seq., as amended, a class of children from the requirements of this section, if the Secretary of State determines that the use of the child restraint system required under this section is impractical because of physical unfitness, medical problem, or body size. The Secretary of State may specify alternate means of protection for children exempted under this division.

(1993 Code, ' 2.28) Penalty, see ' 71.99

' 71.04 SCHOOL BUSES; OVERTAKING, MEETING, OR PASSING.

(A) The driver of a vehicle overtaking or meeting a school bus which was stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer activated. At an intersection where traffic is controlled by an officer or traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped bus, but may proceed past the school bus at a speed not greater than is reasonable and proper but not greater than 10 mph, and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus as required by this division, who passes a school bus in violation of this division, or who fails to stop for a school bus in violation of an ordinance that complies with this division, is responsible for a civil infraction.

(B) The driver of a vehicle upon a highway which has been divided into 2 roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.

(C) In a proceeding for a violation of division (A) above, the proof that the particular vehicle described in the citation was in violation of division (A) above, together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation (1993 Code, ' 2.29) Penalty, see ' 71.99

' 71.99 PENALTY.

(A) Violation of ' 71.01. A person who violates ' 71.01 is guilty of a misdemeanor, punishable as follows:

(1) If the person=s operator=s or chauffeur=s license has been suspended under Public Act 300 of 1949, M.C.L.A. ' 257.321a, because that person has failed to answer a citation or has failed to comply with an order or judgment issued pursuant to Public Act 300 of 1949, M.C.L.A. ' 257.907, by imprisonment for not more than 90 days, or a fine of not more than \$100 or both;

(2) For a violation, other than a violation punishable under division (A)(1) above, by imprisonment for not more than 90 days, or a fine of not more than \$500, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated;

(3) For a second or subsequent violation under division (A)(2) above, by imprisonment for not more than 93 days, or a fine of not more than \$500, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated;

(4) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the driving record of the person from the Secretary of State and shall furnish the record to the court. The driving record of the person may be obtained from the Secretary of State=s computer information network;

(5) This section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and the summoning of prompt aid is essential; and

(6) When a person is convicted under ' 71.01 of operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the motor vehicle, if it is owned in whole or in part by that person, may be ordered impounded for not less than 30 days or more than 120 days from the date of judgment. The order of impoundment shall include the implied consent of the owner of the vehicle to

the storage for insurance coverage purposes.

(a) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in Chapter 90 of the City of Hartford Code Ordinances.

(b) Nothing in this section affects the rights of a conditional vendor, chattel mortgage, or lessor of a motor vehicle registered in the name of another person as owner who becomes subject of this section. (1993 Code, ' 2.26)

(B) Violation of ' 71.02. A person who violates ' 71.02 is responsible for a civil infraction punishable as set forth in ' 10.99(B). (1993 Code, ' 2.27)

(C) Violation of ' 71.03. A person who violates ' 71.03 is responsible for a civil infraction punishable as set forth in ' 10.99(B). (1993 Code, ' 2.28)

(D) Violation of ' 71.04. In addition to a civil fine and costs, the judge, district court referee, or district court magistrate may order a person who violates ' 71.04 to perform not to exceed 100 hours of community service at a school. (1993 Code, ' 2.29)

CHAPTER 111 STOPPING, STANDING AND PARKING REGULATIONS

- 72.1 General prohibitions
- 72.2 Parallel parking
- 72.3 Angle parking
- 72.4 Parking not to obstruct traffic
- 72.5 Parking for certain purposes prohibited
- 72.6 Parking limited between 2:00 a.m. and 6:00 a.m.
- 72.7 Parking of trailers, house cars, and the like
- 72.8 Breakdowns
- 72.9 Parking ticket; notice of violation
- 72.10 Presumption as to responsibility for parking violation

Parking Violations Bureau

- 72.25 Generally
- 72.99 Penalty

' 72.01 GENERAL PROHIBITIONS.

No persons shall stop, stand, or park a vehicle, except when necessary to avoid conflict with either traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(A) On a sidewalk;

(B) In front of a public or private driveway;

- (C) Within an intersection;
- (D) Within 15 feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within 20 feet of a crosswalk or, if none, then within 15 feet of the intersection of property lines at an intersection of highways;
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a highway;
- (H) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (I) Within 50 feet of the nearest rail of a railroad crossing;
- (J) Within 20 feet of the driveway entrance to any fire station and, on the sides of a street opposite the entrance to any fire station, within 75 feet of the entrance when properly sign-posted;
- (K) Alongside or opposite any street excavation or obstruction when the stopping, standing, or parking would obstruct traffic;
- (L) On the street side of any vehicle stopped or parked at the edge of a curb or a street;
- (M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (N) Within 200 feet of an accident at which police officers are in attendance;
- (O) In front of any theater;
- (P) In any place or in any manner as to block immediate egress from any emergency exit or exits conspicuously marked;
- (Q) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape, conspicuously marked, providing an emergency means of egress from any building;
- (R) In a parking space reserved for a handicapped person unless the person parking the vehicle is a handicapped person as so defined in the Motor Vehicle Code or is parking the vehicle for the benefit of that person. Absence of both the certificate of identification issued under Public Act 300 of 1949, M.C.L.A. 257.675, as amended, and the special registration plate issued under Public Act 300 of 1949, M.C.L.A. 257.803d, as amended, shall be prima facie evidence of a violation of this division;
- (S) On a street or highway in a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the U.S. Postal Service;
- (T) In a place or manner which blocks the use of an alley;
- (U) In any space or area designated a loading zone, or posted with the following signs:

- (1) No parking here to corner;
- (2) No parking anytime;
- (3) No parking between signs;
- (4) No stopping or standing;
- (5) No double parking;
- (6) No parking between signs;
- (7) No parking except Sunday;
- (8) City vehicles only; and
- (9) No parking in alley.

(V) In a front or side yard or curb lawn, which is defined as the area between a sidewalk and the curb;
or

(W) In a manner of parking against traffic obstructing traffic, or not parked within the space provided.
(1993 Code, ' 2.53) Penalty, see ' 72.99

' 72.02 PARALLEL PARKING.

Except as otherwise specifically provided in this chapter, every vehicle parked upon a street shall be so parked with the wheels of the vehicle parallel to the roadway and within 12 inches of any existing right-hand curb. Vehicles may be parked with the left-hand wheels adjacent to and within twelve 12 inches of the left-hand curb of properly signed one-way streets.

(1993 Code, ' 2.54) Penalty, see

' 72.99 ' 72.03 ANGLE PARKING.

(A) The City of Hartford shall determine the location of angle parking zones and shall erect and maintain appropriate signs or markings indicating the same and giving notice thereof, except that no zones shall be established on state trunk line highways.

(B) Upon those streets, which have been signed or marked by the City of Hartford for angle parking, no person shall park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.

(1993 Code, ' 2.55) Penalty, see ' 72.99

' 72.04 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street in a manner or under the conditions as to leave available insufficient width of the roadway for the free movement of vehicular traffic. (1993 Code, ' 2.56) Penalty, see ' 72.99

' 72.05 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any street for the principal purpose of:

(A) Greasing or repairing the vehicle, except repairs necessitated by an emergency; or

(B) Selling merchandise from the vehicle, except in a duly established market place, or when so
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authorized or licensed under the ordinance of this city.
(1993 Code, ' 2.57) Penalty, see ' 72.99

' 72.06 PARKING LIMITED BETWEEN 2:00 A.M. AND 6:00 A.M.

(A) It shall be unlawful for any person to park, allow to be parked, or allow to remain parked, any motor vehicle on any paved surface of any public street of the city between the hours of 2:00 a.m. and 6:00 a.m.

(B) The city shall erect signs giving notice of the provisions of this section.

(C) Vehicles parked in violation of division (A) above shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Chief of Police or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations.
(1993 Code, ' 2.58) Penalty, see ' 72.99

' 72.07 PARKING OF TRAILERS, HOUSE CARS, AND THE LIKE.

(A) No unattached trailer or semi-trailer shall be parked at any time in or upon the public streets of the city, except when it is necessary for loading or unloading.

(B) No vehicle with a trailer, house car, or mobile home attached thereto shall be parked on any public street where angle parking is allowed nor shall it be parked for a period of more than 3 hours on any public street in the city.
(1993 Code, ' 2.59) Penalty, see ' 72.99

' 72.08 BREAKDOWNS.

In case of the breakdown of a vehicle, the driver shall immediately take reasonable precautions to prevent accidents by warning other drivers thereof by means of flares, lights, or other signals. (1993 Code, ' 2.60) Penalty, see ' 72.99

' 72.09 PARKING TICKET; NOTICE OF VIOLATION.

(A) Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the provisions of this chapter or any order promulgated under this chapter, or in violation of state law, the police officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a parking ticket or notice of violation. The City Manager may delegate to other persons the power to issue and affix the tickets or notices of parking violations, but shall not delegate any other power normally exercised by a police officer or public safety officer in the exercise of his or her normal duties.

(B) The issuance of a parking ticket or notice of violation by a police officer or public safety officer or other authorized person shall be deemed an allegation of parking violations. The traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of penalty scheduled for the offense of the person to whom the ticket was
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issued, and advise that a civil infraction citation will be sought if the person fails to respond within the prescribed time.

(1993 Code, ' 2.61) Penalty, see ' 72.99

' 72.10 PRESUMPTION AS TO RESPONSIBILITY FOR PARKING VIOLATION.

In any proceeding for violation of the parking provisions of this chapter, the registration of ownership of the plate displayed on the motor vehicle shall constitute, in evidence, a prima facie presumption that the owner of the motor vehicle was the person who parked or placed the motor vehicle at the point where the violation occurred. In case 2 or more persons are the registered owners, either may be presumed to be the person who parked or placed the motor vehicle as aforesaid. In case the motor vehicle is or has been rented or leased from a commercial leasing establishment or service, it shall be presumed, as prima facie evidence, that the person whose name appears as lessee on the lease agreement was the person who parked or placed the motor vehicle at the point where the violation occurred. In case 2 or more persons signed the lease agreement, as lessees, either may be presumed to be the person who parked or placed the motor vehicle as aforesaid. (1993 Code, ' 2.62) Penalty, see ' 72.99

PARKING VIOLATIONS BUREAU

'72.25 GENERALLY.

(A) Pursuant to ' 8395 of the Revised Judicature Act, State of Michigan, as amended, being ' 600.8395 of the Michigan Compiled Laws, Parking Violations Bureau is hereby established for the purpose of handling alleged parking violations within the city and to collect and retain civil fines and costs prescribed in the ordinance. The Parking Violations Bureau shall be under the supervision and control of the City Manager.

(B) The City Manager shall, subject to the approval of the City Commission, establish a convenient location for the Parking Violations Bureau, and the City Manager shall appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

(C) No violation not scheduled in ' 72.99 shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau, and, in any case, the person in charge of the Bureau may refuse to dispose of the violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

(D) No violation may be settled at the Parking Violations Bureau, except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any violation processed before a court having jurisdiction thereof, if he or she so desires. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or her in any way diminish the rights, privileges, and protections accorded to him or her by law. (1993 Code, ' 2.63)

' 72.99 PENALTY.

| Violation | Fines |
|-----------|-------|
|-----------|-------|

| | |
|----------------------------------|---|
| Obstructing traffic | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Keys in ignition | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Not parked within space provided | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| No parking between signs | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Parking within intersection | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Blocking emergency exit | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Blocking fire escape | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Taking 2 spaces | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Within 20 feet of crosswalk | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Within 15 feet of intersection | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Alternate side street parking | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| City vehicles only | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| No parking except Sunday | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Front yard | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Other, as described | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |
| Handicapped vehicles only | The initial fine is \$25; penalty after 7 days is \$35; penalty after 14 days is \$50 |

(1993 Code, '2.64)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ABANDONED VEHICLES

91. NUISANCES

92. ANIMALS

93. FIRE PREVENTION AND PROTECTION

94. SOIL, WASTE AND FILL MATERIAL

95. NOISE CONTROL

96. TREES

97. TEMPORARY STORAGE UNITS

CHAPTER 90: ABANDONED VEHICLES

Section

- 90.1 Definition
- 90.2 Police requirements
- 90.3 Notice
- 90.4 Custody of vehicle on private property
- 90.5 Steps after vehicle is taken into custody
- 90.6 Immunity for police and municipality
- 90.7 Sale of an abandoned vehicle
- 90.8 Additional remedies not limited

90.99 Penalty

Cross-reference:

Breakdowns, see ' 72.08

Off-Road Vehicles, see ' ' 70.30 et seq.

Traffic Regulations, see Chapter 71

Vehicular Noise, see ' ' 91.01 et seq.

' 90.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE.

(1) Every device in, upon, or by which any person or property is or may or was capable of being transported or drawn upon a highway or street, including motor vehicles and trailers;

(2) Any motor home constructed or altered to provide living quarters, in use now or in the past, for recreation, camping, or other similar uses, which has remained on public property or private property outside of an enclosed building, for a period of 48 hours after a police agency or other governmental agency designated by a police agency has affixed a written notice to a vehicle stating that it is deemed an abandoned vehicle.

(1993 Code, ' 2.37)

' 90.02 POLICE REQUIREMENTS.

(A) As provided in this chapter, if a vehicle has remained on public or private property, outside of an enclosed building, for a period of 48 hours or more, so that it appears to the police agency to be abandoned, the police agency shall do all of the following prior to issuing a written notice of abandoned vehicle:

- (1) Determine if the vehicle has been reported stolen; and
- (2) Determine if the vehicle is currently licensed and registered.

(B) If the vehicle is currently licensed and registered, it shall not be considered to be an abandoned vehicle.

(1993 Code, ' 2.37)

' 90.03 NOTICE.

Upon the determination by the police agency that the vehicle is abandoned, the police agency shall affix a written notice to the vehicle. The written notice shall contain the following:

- (A) The date and time the notice was affixed;
- (B) The name and address of the police agency taking the action;
- (C) The name and badge number of the police officer affixing the notice;
- (D) The date and time the vehicle may be taken into custody and stored at the owner=s expense or scrapped if the vehicle is not removed or recovered from custody;
- (E) The year, make, and vehicle identification number of the vehicle if available; and
- (F) The last known owner, secured party, and registration information. (1993 Code, ' 2.37)

' 90.04 CUSTODY OF VEHICLE ON PRIVATE PROPERTY.

(A) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.

(B) If the abandoned vehicle is on private property, the police agency shall have the power to enter onto the private property, both to post notice and to tow or haul the abandoned vehicle into custody. If the abandoned vehicle is on private property, the following additional procedures shall be employed.

(1) A copy of the notice posted on the vehicle shall be posted on a building (if any) located on the property upon which the vehicle is located.

(2) A copy of the notice shall be mailed by first class mail to the occupant of the property upon which the vehicle is located, and, to the last registered owner and secured party, if any, together with a copy of this chapter. A vehicle on private property, unless the owner of the vehicle requests an administrative hearing before the City Manager and representative of the police agency, shall have his or her vehicle taken into custody 180 hours after the last performed of the following actions:

- (a) Notice has first been placed on the vehicle;
- (b) The notice has been posted on a building located on the property, if any; and/or
- (c) The date upon which the notice has been mailed.

(1993 Code, ' 2.37) Penalty, see ' 90.99

' 90.05 STEPS AFTER VEHICLE IS TAKEN INTO CUSTODY.

(A) A police agency which has an abandoned vehicle taken into custody shall do all the following:

- (1) Recheck to determine if the vehicle has been reported stolen;
- (2) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information; and
- (3) Within 7 days after taking the vehicle into custody, send the registered owner and secured party, as shown by the records of the Secretary of State, by first class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the Secretary of State; however, each notice shall contain the following:

- (a) The year, make, and vehicle identification number of the vehicle if available;
- (b) The location from which the vehicle was taken into custody;

- (c) The date on which the vehicle was taken into custody;
- (d) The name and address of the police agency which had the vehicle taken into custody;
- (e) The business address of the custodian of the vehicle;
- (f) The procedure to redeem the vehicle; and
- (g) The cost to redeem the vehicle.

(B) The registered owner or secured party may contest the fact that the vehicle has been deemed abandoned and/or the reasonableness of the towing fees and daily storage fees by requesting a hearing before the City Manager and representative of the police agency. This hearing shall be in addition to any other hearing, but shall be limited only to the matter of whether the vehicle has been abandoned and the reasonableness of the towing fees, and shall be requested, in writing, within 30 days after the vehicle has been taken into custody.

(C) At any time an abandoned vehicle is in custody, but prior to a sale, the owner or secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

(D) Forty days after taking an abandoned vehicle into custody, the police agency may offer the vehicle for sale at a public or private sale, pursuant to ' 90.07.

(E) If the ownership of a vehicle which has been deemed abandoned cannot be determined either because of the condition of the vehicle identification number or because a check with the records of the Secretary of State does not reveal ownership, the police agency may sell the vehicle at public sale, but the notice of sale shall describe the vehicle by year, make, color, or other distinguishing factors. (1993 Code, ' 2.37)

' 90.06 IMMUNITY FOR POLICE AND MUNICIPALITY.

When a vehicle is removed from private property and the procedures of this chapter have been substantially complied with, the police agency and municipality, and their agents and employees, shall have absolute immunity from civil and criminal prosecution. (1993 Code, ' 2.39)

' 90.07 SALE OF AN ABANDONED VEHICLE.

(A) A public or private sale for a vehicle, which has been deemed abandoned under this chapter, shall be conducted in the following manner.

(1) It shall be under the control of the police agency or agent of the police agency.

(2) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.

(3) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.

(B) The money received from the sale of the vehicle shall be applied in the following order of priority:

- (1) Towing and storage charges;
- (2) Expenses incurred by the police agency;

- (3) To the secured party, if any, in the amount of the debt outstanding on the vehicle; and
- (4) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.

(C) If there are no bidders on the vehicle, the police agency may do one of the following:

- (1) Turn the vehicle over to the towing firm to satisfy charges against the vehicle; or
- (2) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
 - (a) Paying the towing and storage charges;
 - (b) Apply for title to the vehicle; and
 - (c) Hold another public sale.

(3) Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

(1993 Code, ' 2.43) Penalty, see ' 90.99

' 90.08 ADDITIONAL REMEDIES NOT LIMITED.

The provisions of this chapter shall in no way limit any additional remedies provided by Public Act 300 of 1949, M.C.L.A. ' 257.252a, or other statutory authority. (1993 Code, ' 2.44)

' 90.99 PENALTY.

A violation of the provisions of this chapter is a municipal civil infraction. (1993 Code, ' 2.45)

CHAPTER 91: NUISANCES

Section

Vehicular Noise

- 91.01 Definitions
- 91.02 Prohibitions

Anti-Blight

- 91.15 Purpose
- 91.16 Causes of blight or blighting factors
- 91.17 Enforcement and penalties

Grass, Noxious Weeds and Harmful Vegetation

- 91.30 Purpose; scope
- 91.31 Definitions
- 91.32 Notice of violation
- 91.99 Penalty

Cross-reference:

Noise control, see Chapter 95

VEHICULAR NOISE

' 91.01 DEFINITIONS.

(A) For the purpose of ' ' 91.01 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMBINATION VEHICLE. Any combination of truck, truck tractor, trailer, semi-trailer, or pole trailer used upon the highways or streets in the transportation of passengers or property.

DECIBEL. A unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American National Standards Institute standard S1.1-1960.

DECIBELS ON THE A-WEIGHTED NETWORK or dB(A). Decibels measured on the a-weighted network of a sound level meter, as specified in American National Standards Institute standard S1.4-1971.

EXHAUST SYSTEM. The system comprised of a combination of components, which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

FAST METER RESPONSE. The meter ballistics of meter dynamic characteristics as specified by American National Standards Institute standard S1.4-1971.

GROSS VEHICLE WEIGHT RATING. The value specified by the manufacturer as the loaded weight of a vehicle.

MAXIMUM NOISE. The noise emitted from a vehicle during the manner of operation, which causes the highest dB(A) level possible from that vehicle.

MUFFLER. A device for abating the sound of escaping gases of an internal combustion engine.

NOISE. Any sound.

TOTAL NOISE. Noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell, or other similar device of an authorized emergency vehicle.

(B) For purposes of this section, a motor vehicle does not include special mobile equipment.
(1993 Code, ' 2.47)

' 91.02 PROHIBITIONS.

(A) *General prohibitions.*

(1) *Exhaust system required.* A motor vehicle, while being operated on a highway or street in the City of Hartford, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this section.

(2) *Noise limits.* A motor vehicle shall not be operated or driven on a highway or street in the City of Hartford if the motor vehicle produces total noise exceeding one of the following limits at a distance of 50 feet, except as provided in divisions (A)(2)(a)3. and (A)(2)(b)3. below.

(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight rating of 8,500 pounds or more:

1. Ninety dB(A) if the maximum lawful speed on the highway or street is greater than 35 mph;
2. Eighty-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 mph; or
3. Eighty-eight dB(A) under stationary run-up test.

(b) A motorcycle or moped:

1. Eighty-six dB(A) if the maximum lawful speed on the highway or street is greater than 35 mph:
2. Eighty-two dB(A) if the maximum lawful speed on the highway or street is not more than 35 mph: or
3. Ninety-five dB(A) under stationary run-up tests at 75 inches.

(c) A motor vehicle, or a combination of vehicles, towed by a motor vehicle not covered in divisions (A)(1), (A)(2)(a), and (A)(2)(b) above:

1. Eighty-two dB(A) if the maximum lawful speed on the highway or street is greater than 35 mph;
2. Seventy-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 mph; or
3. Ninety-five dB(A) under stationary run-up test 20 inches from the end of the tailpipe.

(B) *Defects.* A person shall not operate a vehicle on a highway or street in the City of Hartford if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise-dissipating device, or is equipped with a cutout, bypass, amplifier, or a similar device.

(C) *Exhaust systems.* A person shall not modify, repair, replace, or remove a part of an exhaust system, if the act causes the motor vehicle to which the system is attached to produce a noise in excess of the levels established by this section, or operate a motor vehicle so altered on a street or highway in the City of Hartford.

(D) *Mufflers and exhaust parts.* A person, either acting for himself or herself or as the agent of employee of another, shall not sell, install, or replace a muffler or exhaust part, if that act causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this section.

(E) *Sale of new motor vehicles.* A dealer shall not sell or offer for sale for use upon a street or highway in this state in the City of Hartford a new motor vehicle manufactured after 1-1-1978, which produces a maximum noise exceeding the following limits:

- (1) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more: 83 dB(A);
- (2) A motorcycle or moped: 83 dB(A); and
- (3) A motor vehicle not covered in division (A)(1) and (A)(2)(a) above: 80 dB(A).

(F) *Sale of used or secondhand motor vehicles.* A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway, which is not in compliance with this section.

(G) *Proof of violation.* If it is shown that the noise level of a motor vehicle is in excess of the dB(A) levels established in this section, that evidence shall be prima facie evidence that the motor vehicle was producing excessive noise in violation of this section.

(H) *Test procedures.* Test procedures under this section shall comply with those established pursuant to Public Act 300 of 1949, M.C.L.A. ' 257.707e. (1993 Code, ' 2.47) Penalty, see ' 91.99

ANTI-BLIGHT

' 91.15 PURPOSE.

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this subchapter 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.

(Ord. 304-07, passed 1-28-2008)

' 91.16 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 subchapter, 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 subchapter, 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.

(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.

(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 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.

(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.

(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.

(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.

(Ord. 304-07, passed 1-28-2008)

' 91.17 ENFORCEMENT AND PENALTIES.

(A) This subchapter shall be enforced by such persons who shall be so designated by the City Council.

(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 ' 91.16 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 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.

(C) Failure by the owner and/or occupant to comply with terms of the notice required by division (B) of this section within the time allowed shall constitute a violation of this subchapter.

(D) Violation of this subchapter shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding \$500 or by imprisonment not exceeding 93 days or by both such fine and imprisonment in the discretion of the Court of competent jurisdiction.

(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.* 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.
(Ord. 304-07, passed 1-28-2008)

GRASS, NOXIOUS WEEDS AND HARMFUL VEGETATION

91.30 PURPOSE; SCOPE.

This subchapter shall be known as the Grass, Noxious Weed and Harmful Vegetation Ordinance and is intended to regulate the control and maintenance of grass, noxious weeds and poisonous or harmful vegetation.

(A) No person occupying any premises and no person owning any unoccupied premises in the City of Hartford shall permit or maintain on any such premise any growth of grass, noxious weeds, or poisonous or harmful vegetation to a greater height than 7 inches or any accumulation of dead weeds, grass or brush.

(B) It shall be the duty of the landowner owning land within the City of Hartford, or the occupant thereof, to cut down, or cause to be cut down, and destroy and remove all grass, noxious weeds, as well as poisonous or harmful vegetation.
(Ord. 308-10, passed 5-24-2010)

91.31 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS WEEDS. Shall include poison ivy, wright weed, Canadian thistle, dodders, mustard, wild carrots, bind weed, sow thistle, poison oak, poison sumac and other poisonous, noxious, or unhealthy growth, as well as any and all vegetation that becomes a hazard to, or is detrimental to the health of, any person.

OWNER. The person having the legal title to the property.

OCCUPANT. The person(s) occupying the premises.

PARCEL OF LAND. Any contiguous piece of land owned by one or more persons in the City of Hartford, including the area between the sidewalk and the street or alley abutting such piece of land.

POISONOUS OR HARMFUL VEGETATION. Any or all vegetation that in any way becomes a hazard to or detrimental to the health of any person.

WEEDS. All weeds, grass, brush, wildings, second growth, rank vegetation or other vegetation growing or not growing having a height greater than seven inches, or a spread more than 7 inches.
(Ord. 308-10, passed 5-24-2010)

91.32 NOTICE OF VIOLATION.

(A) Any violation of this subchapter, if found to exist, shall be addressed by a letter to the owner of the property in question, or to the occupant(s) thereof, stating that:

(1) The owner or occupant(s) are required to maintain their property so as to keep grass, weeds, or poisonous or harmful vegetation growing or not growing so that they do not have a height greater than 7 inches, or a spread more than 7 inches.

(2) In the event you fail to comply with this notice, the City of Hartford will enter onto your property and mow it or have it mowed or in any other reasonable manner remove the vegetation.

(3) You have 10 days from the day of this notice to correct the violation.

(4) If you disagree with this notice you have the right to request an informal hearing before the City Manager and Code Enforcement Officer. Such a request must be made in writing within the 10 days that you have to correct the violation.

(B) *Failure to comply.* Should the city have to correct the situation because of noncompliance by the owner/occupant(s), the city may enter onto private property which is not securely fenced or enclosed for the purpose of cutting, removing or destroying any or all grass, noxious weeds, and poisonous or harmful vegetation constituting violations of this subchapter as set forth in the notice.

(C) The actual cost of the removal of the grass, noxious weeds, and poisonous or harmful vegetation shall be levied against the property by way of a special assessment for the cost of said clean up in addition to an administrative fee of \$50.

(Ord. 308-10, passed 5-24-2010)

' 91.99 PENALTY.

(A) A person who violates ' ' 91.01 *et seq.* is responsible for a civil infraction.

(B) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of ' 91.02(C) and (D) shall be liable for a fine in an amount of not less than \$100 plus reasonable attorneys fees and court costs.

(1993 Code, ' 2.47)

CHAPTER 92: ANIMALS

Section

- 92.01 Pit bull dogs
- 92.02 Licensing
- 92.03 Leash requirements
- 92.04 Noisy dogs or other pets
- 92.05 Livestock, horses, and fowl
- 92.06 Impoundment
- 92.99 Penalty

' 92.01 PIT BULL DOGS.

(A) Because of the great inherent danger to the public health, welfare, and safety, it shall be unlawful to keep, harbor, own, possess, walk on a leash, or allow to be at large, any pit bull dog at any time within the city.

(B) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PIT BULL DOG.

(a) A bull terrier breed of dog;

(b) A Staffordshire bull terrier breed of dog;

(c) An American pit bull breed of dog;

(d) An American Staffordshire terrier breed of dog;

(e) A dog of mixed breed or of other breed than the above list, which breed or mixed breed is known as pit bull dog or pit bull terrier; or

(f) Any dog which has the appearance or characteristics of being predominantly of any of the above listed breeds or any combination thereof.

(1993 Code, ' 3.1) Penalty, see ' 92.99

' 92.02 LICENSING.

All animals legally possessed must have and wear a current valid license when required by Van Buren County ordinance or State of Michigan statute or regulation, and must have had all shots and inoculations required by county ordinance or state statute or regulation. Evidence of all shots or inoculations shall be shown upon request to any enforcement officer.

(1993 Code, ' 3.2) Penalty, see ' 92.99

' 92.03 LEASH REQUIREMENTS.

(A) It shall be unlawful for any owner, keeper, or person in charge of a dog or any animal to permit or allow the dog or the animal to stray or go beyond the premise of its owner, keeper, or custodian, unless the dog is held properly in leash. The maximum leash length shall be 5 feet in length. It shall also be unlawful for any person who, while walking or escorting a dog, or any animal on a leash to allow such animal to deposit feces on public or private property, other than the property of the animal=s owner, or the property of the person walking or escorting the animal, without immediately removing such feces and deposit same in a suitable refuse disposal container or upon the property of the person.

(B) Any person owning a dog, or any other animal, whether or not on a leash, which deposits feces on public or private property, other than the property of the animal=s owner shall upon being made aware of such fact, immediately remove such feces and properly dispose of same in a suitable refuse disposal container or upon the property of that person.

(Ord. - - , passed 11-15-2010) Penalty, see ' 92.99

' 92.04 NOISY DOGS OR OTHER PETS.

It shall be unlawful to permit any dog or any other pet owned or possessed to make continuous or intermittent barking, yelping, growling, or other loud or disturbing noises, which cause annoyance to neighbors or third parties.

(1993 Code, ' 3.4) Penalty, see ' 92.99

' 92.05 LIVESTOCK, HORSES, AND FOWL.

It shall be unlawful to stable or keep, except temporarily during parades or festival periods, when the same will be ridden, driven, or shown within the city, any horses, ponies, mules, donkeys, calves, cows, steers, bulls, pigs, shoats, sheep, goats, chickens, turkeys, geese, ducks, or any other domestic livestock or fowl.

(1993 Code, ' 3.5) Penalty, see ' 92.99

' 92.06 IMPOUNDMENT.

(A) The city may impound any animal that is required to be licensed or is prohibited under this chapter. The impoundment may be at the City of Hartford or the Van Buren County Animal Control facility.

(B) The animal shall be impounded and shall not be released until:

(1) The cost of impoundment has been paid; and

(2) Satisfactory arrangements have been made to comply with this chapter.

(1993 Code, ' 3.6)

' 92.99 PENALTY.

Any person, firm, partnership, corporation, association, or any other party found guilty of violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100 or imprisoned in the county jail not more than 90 days or both. Further, the city may enforce the provisions of this chapter in any manner permissible by law; including seeking injunctive remedies.

(1993 Code, ' 3.6)

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Section

General Provisions

- 93.01 State Fire Prevention Code adopted
- 93.02 Agency designated
- 93.03 Motor vehicle accident and fire cost recovery

Hazardous Materials

- 93.15 Purpose
- 93.16 Effective date
- 93.17 Definitions
- 93.18 Charges imposed upon responsible party
- 93.19 Costs determination
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Open Burning

- 93.35 Title
- 93.36 Purpose
- 93.37 Prohibited open burning
- 93.38 Permitted open burning; restrictions; permits; fees
- 93.39 Compliance with federal and state law
- 93.40 Violations; municipal civil infractions; authorized city officials; civil fines and sanctions

Cross-reference:

Buildings and Building Regulations, see Chapter 150

GENERAL PROVISIONS

' 93.01 STATE FIRE PREVENTION CODE ADOPTED.

The State Fire Prevention Code, Public Act 207 of 1941, M.C.L.A. ' ' 29.1 *et seq.*, is hereby adopted by reference as if fully set forth in ' ' 93.01 *et seq.*
(1993 Code, ' 6.60)

' 93.02 AGENCY DESIGNATED.

As set forth by resolution and as permitted by statute, the city from time to time shall designate Fire Inspectors to enforce the rules promulgated under ' ' 93.01 *et seq.*
(1993 Code, ' 6.61)

' 93.03 MOTOR VEHICLE ACCIDENT AND FIRE COST RECOVERY.

(A) *Definitions.* For the purpose of ' ' 93.01 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE ACCIDENT. Any collision within the public right-of-way or on private property, which results in a response by the Hartford Fire Department.

MOTOR VEHICLE FIRE. Any instance in which a motor vehicle is destroyed by or suffers any damage as a result of fire.

(B) *Abatement of vehicle fires.* The Fire Chief, or his or her authorized representatives, and the Hartford Fire Department may immediately, upon receiving notice of the same, abate or extinguish any vehicle fire or otherwise provide emergency fire service in the event of a vehicle fire.

(C) *Assessment of expenses; joint and several responsibility; assessment of insurer.* Pursuant to the authority granted in Public Act 102 of 1990, M.C.L.A. ' 41.806a, the Fire Chief, or his or her authorized representative, may on behalf of the City of Hartford assess a fee and charges in accordance with the following.

(1) A fee may be assessed for all expenses incurred by the Hartford Fire Department in abating the discharge, release of accumulation, which resulted from a motor vehicle accident or motor vehicle fire. This fee shall include, but not be limited to, the actual labor and material costs to Hartford Fire

Department (including workers compensation benefits, fringe benefits, administrative overhead, cost of equipment, and any other cost) associated with abatement, mitigation, and cleanup, whether or not the services are provided by Hartford Fire Department or by a third party independent contractor on behalf of the Fire Department.

(2) The fee, which is assessed, shall be jointly and severally responsible of each person who has caused, suffered to be caused, in any way contributed to the discharge, release, or accumulation, regardless of whether that person is at fault. The Fire Chief or his or her authorized representative may charge this fee directly to the insurer or any person made responsible therefore under this section.

(D) *Failure to pay; procedure to recover.*

(1) All fees assessed pursuant to ' ' 93.01 *et seq.* shall be paid within 30 calendar days of service of the statement therefore, unless otherwise approved in writing by the Fire Chief or his or her authorized representative. Any person who fails to pay a fee assessed pursuant to this section within 30 calendar days of service of the statement therefore shall be considered in default. In case of default, the Fire Board may commence suit to recover the fee, plus interest of 1% per month or part of a month during which the fee remains unpaid, together with any other costs allowed by the law.

(2) All ordinances or parts thereof in conflict with the provisions of ' ' 93.01 *et seq.* are, to the extent of the conflict with the provisions of ' ' 93.01 *et seq.* , hereby repealed.

(3) Sections 93.01 *et seq.* shall take effect immediately upon publication thereof, and is hereby declared to be an emergency ordinance, and is hereby adopted on 1-27-2003 at a regular meeting of the Hartford City Commission.

(1993 Code, ' 6.62)

HAZARDOUS MATERIALS

' 93.15 PURPOSE.

In order to protect the city from incurring extraordinary expenses resulting from the utilization of its Fire Department=s resources to respond to an incident involving hazardous materials, the city authorizes the imposition of charges to recover reasonable and actual costs incurred by it in responding to calls for assistance in connection with a hazardous materials release.

(1993 Code, ' 7.1)

' 93.16 EFFECTIVE DATE.

Sections 93.15 et seq. shall take effect 30 days after its adoption and publication. (Adopted 7-28-1997, published 9-24-1997, and effective 10-24-1997.) (1993 Code, ' 7.8)

' 93.17 DEFINITIONS.

For the purpose of ' ' 93.15 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIRE BOARD. The Joint Fire Administrative Board established by the Township of Hartford and the City of Hartford for the purpose of operating and administrating the Hartford Fire Department in accordance with Public Act 207 of 1941, M.C.L.A. ' ' 29.1 et seq.

FIRE CHIEF. The chief operational and administrative officer of the Fire Department or, in his or her absence, the senior fire officer in charge at the scene of a hazardous materials incident.

FIRE DEPARTMENT. The Hartford Fire Department established by the Township of Hartford and City of Hartford under the Joint Fire Administrative Board and recognized as an organized fire department by the State of Michigan under the provisions of Public Act 207 of 1941, M.C.L.A. ' ' 29.1 et seq.

HAZARDOUS SUBSTANCE OR MATERIALS. Include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, an explosive, a flammable and organic peroxide, an oxidizer, a pyrophoric, an unstable reactive or water reactive substance, petroleum and/or petroleum by-products, a flammable solid, a poisonous or infectious material, a radioactive material, a corrosive, or any other material that may be defined as hazardous by the U.S. Department of Transportation or by the laws of the State of Michigan.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, leaching, dumping, or disposing of a substance or material into the environment.

RESPONSIBLE PARTY. Any individual, firm, corporation, association, partnership, or commercial entity that is responsible for a release of a hazardous material, either actual or threatened, or as an owner, tenant, occupant, or party in control of the property onto which or from which hazardous material is released, or the owner, possessor, or party in control of the hazardous substance immediately prior to the release. (1993 Code, ' 7.2)

' 93.18 CHARGES IMPOSED UPON RESPONSIBLE PARTY.

When the Fire Department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by it in responding to and mitigating the incident shall be imposed upon the responsible party, including, but not limited to:

(A) A fee at the prevailing rate for each Fire Department apparatus required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of a hazardous materials incident. For each hour or fraction thereof that the apparatus is used or is required at the site by the officer in command, an additional hourly sum shall be charged;

(B) All personnel-related cost incurred by the Fire Department as a result of responding to and mitigating a hazardous materials incident. The costs may include, but are not limited to, wages, salaries, and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit

costs for hourly employees and fire run fees paid to on-call firefighters. The personnel related charges shall commence at the time the Fire Department is dispatched to the hazardous materials incident and shall continue until all personnel have concluded hazardous material incident related responsibilities;

(C) Other expenses incurred by the Fire Department in responding to and mitigating a hazardous materials incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, water purchased from municipal water systems, charges of emergency response teams of other governmental agencies, meals, refreshments for personnel working at the scene of a hazardous materials incident, and all like and similar incidental costs arising from the response and mitigation;

(D) Any and all charges to the Fire Department imposed by any local, state, or federal entities related to the hazardous materials incident;

(E) The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, or consumed as a result of the response and mitigation activities; and

(F) Costs incurred in accounting for all hazardous material incident-related expenditures to include billing and collection of the expenditures, including court costs, witness fees, and expert fees incurred in support thereof.

(1993 Code, ' 7.3)

' 93.19 COSTS DETERMINATION.

The foregoing described costs shall be determined in accordance with a standardized policy established by the Fire Board. Where applicable, the costs shall be the actual expense to the Fire Department. With respect to apparatus use, charges shall from time to time be established by further resolution of the Fire Board. In the event of a hazardous materials release, the most current prevailing apparatus charge schedule shall be applied.

(1993 Code, ' 7.4)

' 93.20 BILLING PROCEDURE.

Following the conclusion of a hazardous materials incident, the Fire Chief shall submit a detailed listing of all known expenses to the Fire Board Treasurer; the Fire Board Treasurer shall prepare an invoice to the responsible party for payment. The Treasurer=s invoice shall demand full payment within 30 days of receipt. Any additional expense, which becomes known to the Fire Chief following the transmittal of the bill to the responsible party, shall be billed in the same manner on a subsequent bill to the responsible party. Any amounts due that remain unpaid 30 days after the date of billing, there shall be imposed a late charge thereon at the maximum amount allowed by law, per month or fraction thereof, until the account shall be paid in full.

(1993 Code, ' 7.5)

' 93.21 OTHER REMEDIES.

In addition to the foregoing, the Fire Board and/or the Township of Hartford and/or City of Hartford may pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction to collect the charges imposed under ' ' 93.15 *et seq.* The recovery charges imposed under ' ' 93.15 *et seq.* does not limit the liability of the responsible party or parties under any other local

ordinance, or state or federal law, rule, or regulation, which may include, but not be limited to, the cleanup of contaminated sites resulting from any hazardous materials release.

(1993 Code, ' 7.6)

OPEN BURNING

' 93.35 TITLE.

This subchapter shall be known as and may be cited as the ACity of Hartford=s Open Burning Ordinance@.

(Ord. 301-06, passed 12-18-2006)

' 93.36 PURPOSE.

The purpose of this subchapter is to prohibit certain types of burning within the City of Hartford and to regulate and control certain limited types of open burning within the City of Hartford subject to restrictions as set forth in this subchapter.

(Ord. 301-06, passed 12-18-2006)

' 93.37 PROHIBITED OPEN BURNING.

The following types of open burning are expressly prohibited within the City of Hartford. No person or entity shall burn or cause to be burned outside the following types of materials unless otherwise permitted under ' 93.38.

(A) The open burning of leaves, dead grass, grass clippings, hedge clippings, weeds and similar types of materials.

(B) The open burning of trees, logs, tree trimmings, branches, brush and similar types of materials unless burned in a bonfire regulated and permitted under ' 93.38.

(C) The open burning of building debris or construction debris by a general contractor, sub-contractor, property owner, or their agents or employees, or by any other person or entity.

(D) The open burning of rubbish, refuse, trash, waste paper, garbage, or other types of waste materials.

(E) The open burning of any materials by a general contractor, sub-contractor, property owner, their agents or employees, or by any other person or entity for the purpose of melting, thawing or warming the sand or ground around, at or near a construction site. The use of a propane tank/flame shall be permitted for such melting, thawing or warming purposes.

(F) The open burning of all other materials not permitted under ' 93.38.

(Ord. 301-06, passed 12-18-2006)

' 93.38 PERMITTED OPEN BURNING; RESTRICTIONS; PERMITS; FEES.

The following types of limited open burning shall be permitted within the City of Hartford subject to the restrictions set forth herein.

(A) Open burning within an outside grill or barbeque for the expressly limited purpose of food preparation.

(B) Open burning of bonfires for recreational purposes only, provided that any such bonfire shall be no more than 3 feet in diameter and shall be at least 20 feet from all property lines and structures. Bonfires shall be permitted under the direct and constant supervision and control of a person at least 18 years of age.

(C) The open burning of structures and/or materials by the Hartford Fire Department, the Fire Chief, Members of the Hartford Fire Department, and by trainees or other persons under the direct supervision and control of the Hartford Fire Department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, life saving, and /or fire prevention.

(D) Open burning permitted under this ' 93.38 shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premise.

(E) All open burning permitted under this ' 93.38 shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.

(Ord. 301-06, passed 12-18-2006)

' 93.39 COMPLIANCE WITH FEDERAL AND STATE LAW.

Notwithstanding anything set forth in this subchapter, all open burning permitted under the terms and provisions of this subchapter shall also be conducted and performed in compliance with all federal and state laws, statutes, rules and regulations applicable thereto.

(Ord. 301-06, passed 12-18-2006)

' 93.40 VIOLATIONS; MUNICIPAL CIVIL INFRACTIONS; AUTHORIZED CITY OFFICIALS; CIVIL FINES AND SANCTIONS.

Any violation of any provision of this subchapter or any permit granted hereunder, or of any lawful order of the Fire Chief, or other public official issued in pursuance of this of this subchapter shall and shall constitute a municipal civil infraction. A Violation includes any act, which is prohibited or made or declared to be unlawful or an offense by this subchapter and any omission or failure to act where the act is required by this subchapter.

(A) The sanction for any violation of this subchapter, which constitutes a municipal civil infraction, shall be a civil fine as provided hereunder, plus any costs, damages, expense and other sanctions, as authorized and permitted under Chapter 87 of Act No.236 of the Public Acts of 1961, as amended, and under other applicable laws.

(1) Any person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity, or association acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this subchapter, is responsible for a municipal civil infraction, shall pay a civil fine of not less than \$50 nor more than \$500, plus cost and other sanctions as authorized and permitted by law, for each municipal civil infraction.

(2) Repeat violations shall be subject to increased civil fines as set forth below. As used in this section, Repeat violations means second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this subchapter (1) committed by violating party within any 12-month period and (2) for which the violating party admits responsibility or is determined to be responsible. The

increased civil fine for a repeat violation under this subchapter shall be as follows:

(a) The civil fine for any violation, which is a repeat violation, shall be no less than \$250 plus costs and other sanctions as authorized and permitted by law.

(b) The civil fine for any violation which is a second repeat violation or any subsequent repeat violation shall be no less than \$500 plus costs and other sanctions as authorized and permitted by law.

(B) (1) A person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this subchapter, receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay a civil fine at the City of Hartford=s Clerk office as follows:

(a) Fifty dollars (\$50) for the first violation.

(b) Two hundred fifty dollars (\$250) for the first repeat violation.

(c) Five hundred dollars (\$500) for the second repeat violation and for any subsequent repeat violation.

(2) The establishment of municipal civil infractions, the handling and processing of municipal civil infraction violations, the establishment and collection of civil fines and other sanctions for municipal civil infractions violations, and the handling and administration of all matters incident to municipal civil infractions shall be expressly governed by provisions of Act No. 236 of the Public Acts of 1961 ,as amended, and all other applicable statutes of the State of Michigan related to municipal civil infractions.

(C) The City of Hartford=s Code Enforcement Officer and all police officers are the City Officials Authorized to issue municipal infraction violations notices for violations of this subchapter. (Ord. 301-06, passed 12-18-2006)

CHAPTER 94: SOIL, WASTE AND FILL MATERIAL

Section

- 94.1 Purpose
- 94.2 Applicability
- 94.3 Permit requirement
- 94.4 Permit application
- 94.5 Permit fee
- 94.6 City Planning Commission recommendation
- 94.7 Findings of City Commission
- 94.8 Other considerations
- 94.9 City Commission decision
- 94.10 Permit revocation
- 94.11 Exceptions
- 94.12 Distance of excavations from county or state road right-of-way
- 94.13 Distance of excavations from property lines
- 94.14 Hazards

94.15 Condition of property areas after excavation is completed

' 94.01 PURPOSE.

The purpose of this chapter is to:

(A) Protect public health, safety and welfare.

(B) Ensure that nuisances and hazards are not created and that property will be left in usable condition when operations are completed.

(C) Recognize the consideration of adverse effect upon property values as a criterion in limiting permits under this chapter.

(Ord. passed 9-25-2000)

' 94.02 APPLICABILITY.

(A) This chapter shall apply to all operation in the city involving excavation, removal, deposit or relocation of sand, gravel, topsoil, clay, marl, other materials and similar materials, referred to in this chapter as earth solids, and fill materials that involve an amount of the earth solids in the excess of 500 cubic yards per year, except as provided in division (B) of this section.

(B) This chapter shall not apply to excavation, removal, deposit and relocation of earth solids involving:

(1) Operations necessary to construction of a building when a building permit has been properly issued and is in effect for the project and when the amount of earth solids to be excavated, removed, deposited or relocated will not exceed 4,000 cubic yards;

(2) Uses accessory or incidental to another lawful use, including parking, landscaping, gardening and similar uses, that do not exceed an amount of earth solids to be excavated, removed, deposited or relocated in excess of 800cubic yards;

(3) Uses accessory or incidental to farming operations;

(4) Residential construction and improvements involving a plat duly approved and recorded pursuant to the Land Division Act, Public Act 288 of 1967, M.C.L.A. ' ' 560.101 et seq.; and

(5) Operations necessary by a governmental agency in construction of highway s, sewers, drains and flood control projects.

(Ord. passed 9-25-2000)

' 94.03 PERMIT REQUIREMENT.

It shall be unlawful for any person, firm, or corporation to remove deposit, or relocate any sand, gravel, topsoil, clay, marl, minerals in excess of 500 cubic yards, waste or fill materials, or other similar materials, in or from lands in the city, except as hereinafter provided, without first obtaining a written permit therefore from the City Commission. (Ord. passed 9-25-2000) Penalty, see ' 10.99

' 94.04 PERMIT APPLICATION.

Any person, firm, or corporation desiring to obtain a permit, as provided in this chapter, shall first file an application therefore with the City Clerk and shall set forth the following information:

- (A) Name and address of petitioner.
- (B) Legal description of land involved.
- (C) Maximum amount of material to be moved, removed, deposited or relocated.
- (D) Type or kind of material to be moved, removed or relocated or used for fill material.
- (E) Measures to be taken by the applicant to control noise, vibration, dust, and traffic during the operations.
- (F) A description of any traffic control devices, public facilities, or public services, which will be required by the proposed operations and that, the costs thereof are paid.
- (G) Any measures which applicant proposes to take to ensure public safety, the exclusion of children from premise, and the lateral support of surrounding land and structures.
- (H) The time required for the proposed operations.
- (I) Proof of a copy of the permit application mailed to Van Buren County Administrator, Health Department, Drain Commissioner, County Road Commission and DEQ if a wetland or natural wildlife habitat at least 14 days prior to the hearing on the permit.
- (J) In addition, the applicant shall describe in detail, contour maps or otherwise, the contour and the condition of the lands as he or she proposes to leave the premises in a reasonable level and usable condition and to prevent erosion, dust and unsightly conditions. (Ord. passed 9-25-2000)

94.05 PERMIT FEE.

Each application for a permit shall be accompanied by a fee in the amount of \$3 for each acre or fraction, thereof described therein; provided, however, that the minimum fee shall be \$30 and provided further that in the event that the permit is denied, the permit fee shall be refunded to the applicant. (Ord. passed 9-25-2000)

94.06 CITY PLANNING COMMISSION RECOMMENDATION.

Upon receipt of any application and fee, the application shall be transmitted forthwith by the City Clerk to the Planning Commission for its advice and recommendation and public hearing, and no action shall be taken thereon by the City Commission until the City Clerk has received a report from the Planning Commission. The recommendation of the Planning Commission shall not be binding upon the City Commission. Either the City Commission or the Planning Commission may make suggestions regarding amendment of the application by the applicant, and no application, which has been amended in pursuance of any suggestion, need be referred to the Planning Commission a second time as a result of the amendment. (Ord. passed 9-25-2000)

94.07 FINDINGS OF CITY COMMISSION.

No permit shall be issued unless the City Commission, after considering the application and the recommendation of the Planning Commission, if any, and after giving the applicant an opportunity to be heard in person or by counsel, shall find that:

- (A) The proposed operations are not likely to cause any dangerous, unsanitary or unhealthy condition;
- (B) They will impose no undue financial burden on the city;
- (C) They are not likely to create any public or private nuisance;
- (D) They are not likely to be conducted in violation of any state law or city ordinance;
- (E) There is adequate assurance that the premises will be left in the condition as to protect it from erosion;
- (F) After completion of the operations, the premises will be at least as usable for purpose permitted by the city zoning ordinance as at the time of granting the permit;

(G) To this end as a condition of granting the permit the City Commission may require the applicant to post bond or escrow funds to assure the operations will be conducted and premises left as herein required, and that any undertakings of the application will be carried out.
(Ord. passed 9-25-2000)

' 94.08 OTHER CONSIDERATIONS.

In addition to the matters heretofore mentioned, the City Commission in considering the granting of a permit may hear any other person or consider any other factor which may bear on the public health, safety, or general welfare in the particular situation. The effect upon surrounding property values may be considered as a factor affecting the general welfare, but no permit shall be denied solely because its granting would have an adverse effect upon property values. (Ord. passed 9-25-2000) ' 94.09 CITY COMMISSION DECISION.

After the City Commission has reached a decision regarding the granting or denial of an application for a permit, the City Clerk shall advise the applicant thereof in writing, and if the application is favorably acted upon by the City Commission the permit shall be issued forthwith. (Ord. passed 9-25-2000)

' 94.10 PERMIT REVOCATION.

Each permit shall apply only to the lands described in the application and may be revoked if the permit holder operates in any manner inconsistent with the statements in the application or any amendment hereto or fails to comply with any special requirement which the City Commission may order set forth in the permit to protect public health, safety and welfare in the special circumstances of the situation, or if it shall at any time appear that any of the findings set forth in this chapter could not be made if the matter were then before the City Commission for decision. Provided however, that no permit shall be revoked unless the permit holder is given a written notice, mailed or personally served at least 5 days prior to the date of the meeting at which revocation is considered, and the opportunity be given to the permit holder to be heard in person or by counsel. The notice shall specify date, time and place of the meeting at which revocation will be considered and inform the permit holder of the reason or reasons why revocation is under consideration and of his or her right to be heard either in person or by counsel. Revocation of a permit shall not exempt the permit holder from punishment for any violation of this chapter as hereinafter provided. (Ord. passed 9-25-2000)

' 94.11 EXCEPTIONS.

This chapter shall not apply to normal and necessary excavation or grading done in connection with construction of roads, and acceptable farming procedures, drains, sewers, water mains, construction of dwellings and other buildings where a construction permit is granted therefore under the city ordinances, nor shall it apply in any case where the amount removed from or relocated or deposited on any parcel of land in any one calendar year is less than 500 cubic yards of sand, gravel, clay, marl, minerals, waste and fill materials or other similar materials. Provided, however, nothing herein contained shall in any way permit any kind of mining, mineral removal or relocation or dumping of waste and fill materials in any amount, where the use would be apt to interfere with the public health, safety, or welfare or create a public or private nuisance or the use would be apt to endanger children or deprive adjoining owners of property of the beneficial use and enjoyment of their lands. (Ord. passed 9-25-2000) ' 94.12 DISTANCE OF EXCAVATIONS FROM COUNTY OR STATE ROAD RIGHT-OF-WAY.

(A) Excavation shall not be permitted within 50 feet of either a county or state road right-of-way unless the existing grade is higher than the highest elevation of the adjacent road.

(B) Excavation beyond 50 feet of a county or state road right-of-way must maintain a grade no steeper than 2-to-1 slope.

(C) If the terrain is not of highway or road level, but in the nature of a mound, a high bank or hill, excavation will be permitted to the road right-of-way and to that road=s highest level at that point.

(D) Any further excavation or removal of dirt below the road=s highest level must then be made 50 feet from the road right-of-way, and a slope no steeper than 2-to-1 must be maintained as provided in division (B) of this section.

(E) The permittee is responsible for properly maintaining the road during mining operation and restoring the road to the original state on completion of the project.

(F) If excavation as in division (D) of this section takes place and terrain remaining on the road right-of-way is higher than the road level, an agreement must be reached between the Road Commission and persons doing the excavation to remove the terrain from the right-of-way to the Road Commission=s specification.

(Ord. passed 9-25-2000) Penalty, see ' 10.99

94.13 DISTANCE OF EXCAVATIONS FROM PROPERTY LINES.

(A) Excavation shall not be permitted closer than 15 feet to any property line, and the slope shall not be steeper than 2-to-1.

(B) Excavation from inclined terrain may be leveled 15 feet from property lines with all property owner=s agreement.

(C) Excavation from level or declining terrain shall not be permitted within 15 feet of property lines, and then only at a slope of not less than 2-to-1.

(D) When excavation takes place on both sides of a property line, excavation or removal of earth solids from property line may be permitted provided that both property owners agree, and a slope no steeper than 2-to-1 must be maintained.

(Ord. passed 9-25-2000) Penalty, see ' 10.99

94.14 HAZARDS

(A) Excavation taking place on private property within 50 feet from the property line or within 100 feet from any road right-of-way with a slope steeper than 1-to-1 and deeper than 5 feet is considered hazardous and will not be left unmanned overnight unless one of the following is present at the point of danger.

- (1) Snow fence.
- (2) Temporary board fence.
- (3) Saw horses placed at close intervals.

(B) Any excavation within 50 feet of public property shall not be left overnight without adequate blinker lights mounted on saw horses or similar support.

(C) Unpaved roads used to transport any materials subject to this chapter that are located within 500 feet of a private residence, business or public recreation area shall be adequately treated for dust control by the permittee.

(Ord. passed 9-25-2000) Penalty, see ' 10.99

94.15 CONDITION OF PROPERTY AREAS AFTER EXCAVATION IS COMPLETED,

(A) Within 6 months after excavation operations have ceased, the excavated area must be leveled to a grade no steeper than 2-to-1 slope.

(B) Where operations described in this chapter have caused a pond or water hole, the permittee shall grade a slope that is not steeper than 3-to-1 within 75 feet of any place in the pond or water hole.

(Ord. passed 9-25-2000) Penalty, see ' 10.99

CHAPTER 95: NOISE CONTROL

Section

95.01 Noise control generally

95.02 Exceptions

95.99 Penalty

Cross-reference:

Vehicular noise, see ' ' 91.01 et seq.

' 95.01 NOISE CONTROL GENERALLY.

Each of the following acts is declared to constitute a municipal civil infraction and be prohibited, but this enumeration shall not be deemed to be exclusive:

(A) *Animal and bird noises.* The keeping of any animal or bird, which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person.

(B) *Construction noises.* The erection (including excavating thereof), demolition, of any building, and the excavation of streets and highways, on Sunday, and other days except between 7:00 a.m. and 6:00 p.m., unless a permit is first obtained from the city.

(C) *Sound amplifiers.* Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose, except by speakers in the course of a public address which in noncommercial in character, shall be subject to the following restrictions:

(1) A permit from the city must first be obtained.

(2) Sound amplification permitted shall be limited to music or human speeches.

(3) The permitted hours shall be limited to between the hours of 11:30 a.m. and 6:30 p.m., each day excepting on Sundays and legal holidays during which no such use, other than the above excepted, shall be permitted.

(4) Sound amplifying equipment mounted on vehicles shall not be operated unless the vehicle upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when the vehicle is stopped or impeded by traffic.

(5) Sound amplification equipment shall not be used within 100 yards of schools or churches.

(6) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound amplifying equipment and so that it is not unreasonably loud, raucous, jarring, disturbing, or otherwise a nuisance to persons within the area of audibility.

(7) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

(D) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary, internal combustion engine, or motor vehicle except through a muffler or device which effectively prevents loud or explosive noises there from.

(E) *Handling merchandise.* The creation of a loud and excessive noise in connection with a loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.

(F) *Blowers.* The discharges into open air from any noise-creating blower or power fan unless the noise

from such blower or fan is muffled sufficiently.

(G) *Hawking*. The hawking of goods or merchandise, of any type, in a loud and boisterous manner, except with the city's permission.

(H) *Radio and musical instruments*. The playing of any radio, television set, phonograph, or any musical instrument in such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, place of worship, school, dwelling unit, or other type of residence, or of any person in the vicinity.

(I) *Shouting and whistling*. Yelling, shouting, hooting, whistling, or singing or making of any other loud noise on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time as to disturb the quiet, comfort or repose of persons in any office, place of worship, school, dwelling unit, or other type of residence, or of any person in the vicinity.

(J) *Whistle or siren*. The blowing of any whistle or siren, excepting the duly authorized sounding of a whistle or siren to give notice of the time to begin or stop work, for which a permit from the city setting forth reasonable controls has been issued, or as a warning of fire or danger.

(K) *Drum*. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise emanating there from would be unreasonably disturbing and annoying to other persons in the vicinity.

(Ord. 300-06, passed 12-18-2006)

' 95.02 EXCEPTIONS.

None of the terms or prohibitions of ' 95.01 shall apply to or be enforced against:

(A) *Emergency vehicles*. Any police or fire vehicle or any ambulance, while engaged upon emergency business.

(B) *Highway and construction*. Excavations or repairs of bridges, streets, or highways by or on behalf of the City of Hartford or State of Michigan.

(C) Organized auto racing at the Hartford Speedway Racetrack.
(Ord. 300-06, passed 12-18-2006)

' 95.99 PENALTY.

Violation of any provision of this chapter shall constitute a municipal civil infraction. Upon an admission or determination of responsibilities for such municipal infraction, the violator shall be subject to a civil infraction fine and costs in the amounts specified in the Official Municipal Civil Infraction Fines and Costs Schedule already adopted by Hartford City Commission.

(Ord. 300-06, passed 12-18-2006)

CHAPTER 96: TREES

Section

General Provisions

96.01 Definitions

Tree Planting and Care

- 96.15 Street tree species to be planted
- 96.16 Spacing; distance from curbs, sidewalk street corners and fire plugs
- 96.17 Planting in vicinity of utility lines or wires
- 96.18 Public tree care
- 96.19 Tree topping
- 96.20 Pruning and corner clearance
- 96.21 Dead or diseased tree removal on private property
- 96.22 Removal of stumps

Administration and Enforcement

- 96.35 Assessments and review of actions by the City Commission
- 96.36 Arborist license and bond
- 96.37 Interference with tree maintenance

GENERAL PROVISIONS

96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park. (Ord. 305-08, passed 10-27-2008)

TREE PLANTING AND CARE

96.15 STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees, without written permission of the City Manager.

| <i>Small Trees</i> | <i>Medium Trees</i> | <i>Large Trees</i> |
|--------------------|----------------------|---------------------|
| Hawthorne | Ash, Green | Honey Locust |
| Apricot | RedBud | Kentucky Coffeetree |
| Crabapple | Hackberry | Bur Oak |
| Flowering | Linden or Basswood | Red Oak |
| Goldenraintree | Mulberry, Red | English Oak |
| Bradford Pear | Pagodatree, Japanese | River Birch |

| | | |
|---------------------|--------------|-------------|
| RedBud | Pecan | Osageorange |
| Soapberry | Persimmon | Sugar Maple |
| Japanese Tree Lilac | White Poplar | Cottonwood |
| Peach | Sassafras | Sycamore |
| Plum, Purpleleaf | | |
| Serviceberry | | |

(Ord. 305-08, passed 10-27-2008)

' 96.16 SPACING; DISTANCE FROM THE CURBS, SIDE WALKS, STREET CORNERS AND FIRE PLUGS.

(A) The spacing of trees will be in accordance with the three species size classes listed in ' 96.15, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet and large trees 50 feet; except in special planting designed or approved by a landscape architect.

(B) The distance trees may be planted from curbs or curb lines and sidewalk will be in accordance with the three species size classes listed in ' 96.15, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

(C) *Streets and sidewalks.* No street trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street trees shall be planted closer than 10 feet of any fire plugs.

(Ord. 305-08, passed 10-27-2008)

' 96.17 PLANTING IN VICINITY OF UTILITY LINES OR WIRES.

No street trees other than those species listed as small trees in ' 96.15 may be planted under or within ten lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground waterline, sewer line, transmission line or other utility.

(Ord. 305-08, passed 10-27-2008)

' 96.18 PUBLIC TREE CARE.

(A) The city shall have the right to plant, prune, maintain and remove trees, plant and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The City Manager may remove or cause or order to be removed, any tree or part thereof, which in an unsafe condition of which by reason of its nature is injurious to sewers, electric power lines, gas lines water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of trees by adjacent property owners providing that the selection and the location of the trees in accordance with ' ' 96.15 through 96.17 of this chapter.

(Ord. 305-08, passed 10-27-2008)

' 96.19 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree,

park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the City Manager.

(Ord. 305-08, passed 10-27-2008) Penalty, see ' 92.99

' 96.20 PRUNING AND CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic-control device or sign.

(Ord. 305-08, passed 10-27-2008)

' 96.21 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City Manager will notify in writing the owners of such trees. Removal shall be done by owners at their own expense within 60 days after the date of service notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Ord. 305-08, passed 10-27-2008)

ADMINISTRATION AND ENFORCEMENT

' 96.35 ASSESSMENTS AND REVIEW OF ACTIONS BY THE CITY COMMISSION.

It shall be the responsibility of the City Manager and the Superintendent of Public Works to study, investigate, counsel and develop/and or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the parks, along streets and in other public areas. Such plan will be presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city.

(Ord. 305-08, passed 10-27-2008)

' 96.36 ARBORIST LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum of \$50,000 for bodily injury and \$100,000 for property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 305-08, passed 10-27-2008) Penalty, see ' 92.99

' 96.37 INTERFERENCE WITH TREE MAINTENANCE.

It shall be unlawful for any person to prevent, delay, interfere with the actions of tree maintenance, while the city is engaged in about the planting, cultivating, pruning spraying, or removing of any street trees, park trees or trees on private grounds, as authorized in this chapter.

(Ord. 305-08, passed 10-27-2008) Penalty, see ' 92.99

CHAPTER 97: TEMPORARY STORAGE UNITS

Section

- 97.01 Definitions
- 97.02 Permit required
- 97.03 Placement of temporary storage units
- 97.04 Prohibitions
- 97.99 Penalty

' 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TEMPORARY STORAGE UNIT. Subject to this chapter, includes a transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis. For purposes of this chapter, the term

TEMPORARY STORAGE UNIT shall also include semi-trailers being used for storage. Any such

TEMPORARY STORAGE UNIT shall not be considered an accessory structure as provided in the city=s zoning ordinance.

(Ord. 305-10, passed - -)

' 97.02 PERMIT REQUIRED.

No temporary storage unit shall be placed on a parcel in the city for more than 48 hours without having first obtained a permit for such placement from the City Manager or his or her designee. The fee for such permit shall be \$15.

(Ord. 305-10, passed - -) Penalty, see ' 97.99

' 97.03 PLACEMENT OF TEMPORARY STORAGE UNITS.

(A) Temporary storage units shall not be permitted in any residential zoning district.

(B) Temporary storage units shall not be located within any city street or right-of-way at any time.

(C) The location of any temporary storage unit must comply with the applicable setback requirements established for accessory structures within the applicable zoning district.

(Ord. 305-10, passed - -) Penalty, see ' 97.99

' 97.04 PROHIBITIONS.

No temporary storage unit shall be used for retail sales, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property where the temporary storage unit is located, or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall temporary storage unit may be used for any of the purposes set forth herein.

(Ord. 305-10, passed - -) Penalty, see ' 97.99

' 97.99 PENALTY.

Any violation of this chapter or any part thereof shall be constitute a civil infraction punishable by a fine of \$100. In addition, the city specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this chapter.

(Ord. 305-10, passed - -)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS REGULATIONS

CHAPTER 110: BUSINESS REGULATIONS

Section

110.1 Adoption of garage, yard, basement, and private sale regulations

110.2 Adoption of advertising regulations

110.3 Adoption of peddler and solicitor regulations

110.4 Adoption of amusement regulations

110.5 Adoption of telecommunications regulations

110.6 Adoption of sexually-oriented business and obscenity regulations

' 110.01 ADOPTION OF GARAGE, YARD, BASEMENT, AND PRIVATE SALE REGULATIONS.

The city's garage, yard, basement, and private sale regulations are hereby adopted by reference and incorporated herein as if set out in full.

' 110.02 ADOPTION OF ADVERTISING REGULATIONS.

The city's advertising regulations are hereby adopted by reference and incorporated herein as if set out in full.

' 110.03 ADOPTION OF PEDDLER AND SOLICITOR REGULATIONS.

The city's peddler and solicitor regulations are hereby adopted by reference and incorporated herein as if set out in full.

' 110.04 ADOPTION OF AMUSEMENT REGULATIONS.

The city's amusement regulations are hereby adopted by reference and incorporated herein as if set out in full.

' 110.05 ADOPTION OF TELECOMMUNICATIONS REGULATIONS.

The city's telecommunications regulations are hereby adopted by reference and incorporated herein as if set out in full.

' 110.06 ADOPTION OF SEXUALLY-ORIENTED BUSINESS AND OBSCENITY REGULATIONS.

The city's sexually-oriented business and obscenity regulations are hereby adopted by reference and incorporated herein as if set out in full.

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

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- 130.1 Public areas; prohibited conduct
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GENERAL PROVISIONS

' 130.01 PUBLIC AREAS; PROHIBITED CONDUCT.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC AREAS. Any area to which the general public has access and a right of resort for business, entertainment, or other lawful purpose, including, but not limited to, sidewalks, pathways, parking areas of businesses, public buildings, parks, and playgrounds.

(B) It shall be unlawful for any person or persons to:

(1) Obstruct any public street, public highway, public sidewalk, or other public area or building, or interfere with the free and uninterrupted passage of vehicles, traffic, or pedestrians;

(2) Commit in or upon any public street, public highway, public sidewalk, or any other public area or building an act which interferes with the free and uninterrupted use of the property or business lawfully conducted by anyone in or upon, facing or fronting, any public street, public highway, public sidewalk, or any public area or building; and/or

(3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent, or person in control or charge of the building or premises.

(1993 Code, ' 2.87) Penalty see, ' 130.99

' 130.02 CITY PARKS; PROHIBITED CONDUCT.

(A) *Prohibited activities.* In any city park, it shall be unlawful for any person(s) to:

(1) Posses or consume intoxicants;

(2) Injure, deface, destroy, or to remove any trees, shrubs, flowers, seats, fences, or any other property in and upon Ely Park or any other park in the City of Hartford, except by order of the City Council;

(3) Walk or allow any dog, cat, or other animal into Ely Park or any other park in the City of Hartford; and/or

(4) Ride a bicycle, skateboard, or any similar device in Ely Park or any other park in the City of Hartford.

(B) *Motorized vehicles.* It shall be unlawful for motor driven vehicles, other than city-owned or operated vehicles authorized by the city, to be driven into or upon Ely Park or any other park in the City of Hartford.

(C) *Hours of use.* All parks shall be open for public use between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., the park shall be closed and no person other than city personnel or persons authorized by the city shall be in Ely Park or any other park in the City of Hartford.

(1993 Code, ' 2.88) Penalty, see ' 130.99

' 130.03 MINORS; CURFEWS.

(A) It shall be unlawful for any person under the age of 17 years to be or remain in or upon any of the streets, alleys, playgrounds, public places, or places of amusement, or other unsupervised places, in the City of Hartford between the hours of 10:30 p.m. and 6:00 a.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday; and 11:30 p.m. and 6:00 a.m. on Friday and Saturday. The provisions of this section shall not apply to a minor under the age of 17 years accompanied by his or her parent, guardian, or other person having legal custody and control of the minor, or where the employment of a minor makes it necessary that the minor be upon the streets, alleys, playgrounds, public places, or places of amusement, or other unsupervised places, during the nighttime after the specified hours.

(B) It shall be unlawful for the parent, guardian, or other person having legal custody and control of a minor under the age of 17 years to knowingly assist, aid, abet, allow, permit, or encourage the minor to violate this section.

(1993 Code, ' 2.89) Penalty, see ' 130.99

' 130.04 ROLLER SKATES, SKATEBOARDS, BICYCLES, AND THE LIKE,

(A) It shall be unlawful for any person(s) to operate and use roller skates, street skates, skateboards, coasters, scooters, toy vehicles, bicycles, and other similar devices upon the streets, highways, sidewalks, alleys, public parks, public and private parking lots, and other areas of the city within the downtown area, with the boundaries of the downtown area generally described as follows: on the north side of Main Street from Railroad Street east to North Haver Street, on the south side of Main Street from Mary Street east to East Street, on the west side of Center Street from Shepard Street north to Michigan Avenue, and on the east side of Center Street from Shepard Street north to Olds Street.

(B) No person(s) shall operate or use roller skates, street skates, skateboards, coasters, scooters, toy vehicles, or other similar devices on any of the streets, highways, alleys, public parks, or public parking lots within the City of Hartford outside the afore described city Adowntown area@, or where this prohibition is posted or printed.

(C) (1) No person(s) shall operate or use the devices on any bench, table, planter wall, retaining wall, building, curb, or other device or structure in the city, which is not intended for pedestrian or vehicle traffic, or jump or step on or off the devices or structures in the process of operating or using the devices.

(2) No person(s) shall operate or use the devices in the city when the device is being attached to or propelled by a sail or motor vehicle. No person(s) shall use the devices with a jump ramp, or similar device, upon the streets, highways, sidewalks, alleys, public parks, or public parking lots within the city.

(D) All person(s) operating the devices on sidewalks within the city but outside the Adowntown area@ shall be granted the rights and shall be subject to all the duties and laws applicable to pedestrians. All person(s) operating or using the devices on the sidewalks within the city shall yield the right-of-way to pedestrians at all times and shall not travel too fast for the existing conditions. The person(s) shall at all times exercise due care for the safety of other person(s) using the sidewalks and must give pedestrians audible warnings before overtaking and passing the pedestrians.

(E) The above regulations and provisions shall not apply to wheelchairs or other similar devices used by handicapped persons.

(1993 Code, ' 2.90) Penalty, see ' 130.99

' 130.05 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES PROHIBITED.

No person shall consume or possess any uncapped, open container of any alcoholic liquor, as that term is defined in the Michigan Liquor Control Commission Act, on the public streets, parkways, or sidewalks of the City of Hartford, or in any other place open to the general public, including any store or establishment doing business with the public not licensed to serve alcoholic beverages; provided, however, that the alcoholic liquor may be sold, possessed, and/or consumed during the period of a special license with the specific approval and in conformance with the conditions of the approval and the conditions of a special license granted by the Michigan Liquor Control Commission. (1993 Code, ' 2.94) Penalty, see ' 130.99

PARENTAL RESPONSIBILITY; SUPERVISION OF MINORS

' 130.15 PURPOSE.

This subchapter is declared necessary for the preservation of the public peace, health, safety, and welfare of

the people of the city, and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.
(1993 Code, ' 2.96)

' 130.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DELINQUENT ACTS. Those acts which violate the laws the United States, or the statutes of this state, or the ordinances of the city, or those acts which would cause or tend to cause the minor to come under the jurisdiction of the juvenile division of the Probate Court, as defined by Public Act 288 of 1939, M.C.L.A. ' 712A.2, but does not include traffic violations.

ILLEGAL DRUGS. Controlled substances obtained without a legal prescription.

MINOR. Any person under the age of 17 years residing with a parent.

PARENT. Mother, father, legal guardian, and any person having the care or custody of a minor or any person acting in the parents= stead who have custody or control of the minor.
(1993 Code, '2.97)

' 130.17 EFFECTIVE DATE.

This subchapter became effective March 22, 2000.
(1993 Code, ' 3.01)

' 130.18 PARENTAL DUTIES.

(A) It is the continuous duty of the parent, of an exercise of reasonable control, to prevent the minor from committing any delinquent act.

(B) Included, without limitation, in this continuous duty of reasonable parental control are the following parent duties:

(1) To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor;

(2) To know the curfew ordinance of the city and to require the minor to observe the curfew ordinance.

(a) No child under the age of 17 years shall be permitted or allowed to be upon the public streets or in public place between the hours of 10:30 p.m. and 6:00 a.m. on Sunday through Thursday, and 11:30 p.m. and 6:00 a.m. on Friday and Saturday.

(b) Division (B)(2)(a) above shall not apply when the child is with the parent, legal guardian, or adult selected by the parent or legal guardian to be with the child, or if the child is 16 years or over and is upon an errand or other legitimate business directed by his or her parent or guardian.

(3) To require the minor to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission;

(4) To arrange proper supervision for the minor when the parent must be absent;

(5) To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal, or mixed property, which belongs to the city, or located in the city; and

(6) To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

(C) This section does not apply to a minor who is:

(1) Accompanied by the minor=s parent or guardian;

(2) On an errand at the direction of the minor= s parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor=s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor=s presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

(1993 Code, ' 2.98) Penalty, see ' 130.99

' 130.19 NOTIFICATION OF PARENTS.

Whenever a minor is arrested or detained for the commission of any delinquent act within the city, the parent of the minor shall be immediately notified by Hartford Police Department, advising the parent of the arrest or detention, the reason therefore, and the parent=s responsibility under this subchapter. (1993 Code, ' 2.99)

DISPENSING OF MEDICAL MARIJUANA

' 130.30 COMPLIANCE WITH STATE LAW.

Any establishment that sells or dispenses medical marijuana shall comply with all State of Michigan laws.

(Ord. 307-10, passed 5-24-2010)

' 130.31 DISPENSING REGULATIONS.

No person other than a State of Michigan licensed doctor of chiropractic, doctor of dentistry, doctor of medicine, doctor of optometry, doctor of osteopathic medicine and surgery, physician=s assistant as licensed under the Public Health Code, M.C.L.A. ' 333.16103(2) *et seq.* or a registered, licensed pharmacist shall dispense medical marijuana.

(Ord. 307-10, passed 5-24-2010) Penalty, see ' 130.99

' 130.32 LICENSE REQUIRED.

All establishments that sell medical marijuana must obtain a dispensing license from the City of Hartford. The license application shall include the name and home address and home telephone number of the person in charge as well as a copy of that person=s license with the State of Michigan, the address of the establishment, and phone number shall be furnished. An annual fee of \$5 shall be paid prior to the issuance of a license.

(Ord. 307-10, passed 5-24-2010) Penalty, see ' 130.99

' 130.33 INJUNCTIVE RELIEF.

The penalties in ' 130.99 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.

(Ord. 307-10, passed 5-24-2010)

' 130.34 COST RECOVERY.

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 prima facia evidence of the fees and costs.

(Ord. 307-10, passed 5-24-2010)

' 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) When any person causes or commits any of the conditions in ' 130.01, a police officer or any law enforcement officer shall order that person to stop causing or committing the conditions and to move on or disperse.

(2) Any person who fails or refuses to obey the orders shall be guilty of a misdemeanor punishable as set forth in ' 10.99(C).

(1993 Code, ' 2.87)

(C) Any person violating ' 130.03 shall be guilty of a misdemeanor, punishable as set forth in ' 10.99(C). The parent, guardian, or other person having legal custody and control of a minor found in violation of ' 130.03 shall be guilty of a misdemeanor, punishable as set forth in ' 10.99(C).
(1993 Code, ' 2.89)

(D) Upon violation of any provisions of ' 130.04, the owner of the device used by a person(s) at the time of the violation of this section shall be issued a citation and an appearance ticket for violation of divisions (A) through (D), with a fine not to exceed \$25.
(1993 Code, ' 2.90)

(E) Any person violating ' 130.05 shall be guilty of a misdemeanor.
(1993 Code, ' 2.95)

(F) (1) Pursuant to the violation of ' ' 130.15 *et seq.*, parent/guardian of a minor shall be held civilly responsible, in addition to the civil infraction penalty and enforcement provision of the City of Hartford Code of Ordinances, for the damages caused by the commission of any delinquent act within the City of Hartford.

(2) Upon the first conviction of a violation of ' ' 130.15 *et seq.*, the parent shall be subject to a fine of not less than \$75, or more than \$100.

(3) Upon the second conviction of a violation of ' ' 130.15 *et seq.*, the parent shall be subject to a fine of not less than \$100, nor more than \$500, and in addition shall be sentenced to probation with the condition that the parent participate in, and complete, a court-approved, community-based treatment program (such as parent skills, family services, employment and training, and the like), or, at the discretion of the court, be imprisoned for a period of up to 30 days.

(4) Upon the third or subsequent violation and conviction, the parent shall be subject to a fine of not less than \$200, nor more than \$500, and, at the discretion of the court, imprisoned for a period of up to 90 days.
(1993 Code, ' 2.99)

(G) Violation of ' ' 130.30 *et seq.* shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding \$500 or by imprisonment not exceeding 93 days or by both such fine and imprisonment in the discretion of the court of competent jurisdiction.
(Ord. 307-10, passed 5-24-2010)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDINGS AND BUILDING REGULATIONS**
- 151. ZONING CODE**

CHAPTER 150: BUILDINGS AND BUILDING REGULATIONS

Section

Adoption of Regulatory Codes by Reference

- 150.1 2000 International Residential Code
- 150.2 Michigan Mechanical Code
- 150.3 Michigan Residential Code 2000
- 150.4 Plumbing Code
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Certificate of Occupancy

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- 150.21 Certificate of occupancy required
- 150.22 Application
- 150.23 Enforcement
- 150.24 Exemption; multiple housing
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- 150.26 Application procedure
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- 150.45 Purpose
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ADOPTION OF REGULATORY CODES BY REFERENCE

150.01 2000 INTERNATIONAL RESIDENTIAL 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)

' 150.02 MICHIGAN MECHANICAL 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 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)

' 150.03 MICHIGAN RESIDENTIAL CODE 2000.

(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 Residential Code 2000, as published and subsequently revised and amended by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Existing Structures 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 Residential Code are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

(1993 Code, ' 6.25)

(B) Agency designated. Pursuant to the provisions of the Michigan 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, ' 6.26)

' 150.04 PLUMBING 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 AThe B.O.C.A. National Plumbing Code,@ as published and subsequently revised and amended by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing 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 Plumbing Code are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

(1993 Code, ' 6.40)

(B) Agency designated. Pursuant to the provisions of the B.O.C.A. National Plumbing Code, in accordance with Public Act 230 of 1972, M.C.L.A. ' ' 125.1501 - 125.1531, as amended, the State Plumbing Inspector of the State of Michigan 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 -125.1531, as amended, State of Michigan. The State of Michigan shall be responsible for the administration and enforcement of the Act throughout the City of Hartford. (1993 Code, ' 6.41)

' 150.05 ELECTRICAL 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 AThe B.O.C.A. National Electrical Code,@ as published and subsequently revised and amended by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Electrical 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 B.O.C.A. National Electrical Code are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

(1993 Code, ' 6.50)

(B) Agency designated. Pursuant to the provisions of the B.O.C.A. National Electrical Code, in accordance with Public Act 230 of 1972, M.C.L.A. ' ' 125.1501 -125.1531, as amended, the Electrical 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 -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, ' 6.51)

CERTIFICATE OF OCCUPANCY

' 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)

' 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

' 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

' 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)

' 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)

' 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 immediately 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)

' 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

' 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 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)

' 150.28 DURATION; RESIDENTIAL.

(A) A certificate of occupancy issued for residential property shall be valid until the property is sold or transferred or occupancy changed. In the case of property occupied by the tenant, the certificate of occupancy shall be valid until there is a change of tenant, or until the property is sold, whichever comes first.

(B) 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 building official from acting on violations discovered or suspected under the plain view doctrine. (1993 Code, ' 6.28)

' 150.29 DURATION; COMMERCIAL.

(A) A certificate of occupancy for commercial property shall be valid until the property is sold or transferred or the occupancy has changed.

(B) 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 building official from acting on violations discovered or suspected under the plain view doctrine. (1993 Code, ' 6.28)

' 150.30 CONDITIONAL CERTIFICATE OF APPROVAL.

(A) In the event, for any reason, an owner requests that a certificate of approval be issued prior to complete compliance with the provisions of this subchapter, and if the absence of the complete compliance does not, in the judgment of the building official, constitute a material health or safety hazard, a conditional certificate of approval may be issued upon the condition that complete compliance be achieved within a reasonable time specified by the building official, but not more than 60 days for good cause. In the event of issuance of a conditional certificate of approval, the owner shall notify the city by or before the time periods specified for achieving compliance that the conformance has been achieved. A certificate of approval shall then be issued if the building official determines compliance after inspection.

(B) The building official shall require submission of a cash or surety bond in the amount equal to 150% of the estimated cost of repairs as determined by the building official prior to issuance of a conditional certificate of approval, or in the event the official agrees to extend the time for compliance, or in the event the inspection of the premise, buildings, or structures after the time set forth for compliance has expired reveals that all the deficiencies have not been corrected. The bond or any moneys deposited as same shall be refunded within 30 days after certificate of approval is issued. (1993 Code, ' 6.28)

' 150.31 APPEALS.

Any violation notice may be appealed to the city=s Board of Appeal as provided in the Property Maintenance Code in effect. The appeal shall be in writing and shall be filed within 10 days of receipt of the violation notice. The appeal fee shall be in an amount of \$25, as prescribed in ' 150.52. (1993 Code, ' 6.28)

RENTAL PROPERTY

' 150.45 PURPOSE.

The purpose of this subchapter is to protect the public health, safety, and welfare of occupants in the residential buildings, occupied pursuant to a verbal or written lease agreement, in which rental consideration is a condition of occupation or, if offered for rental, by the registration, inspection, and certification of rental properties every 3 years, as set forth in this subchapter. (1993 Code, ' 6.27)

' 150.46 EFFECTIVE DATE.

This subchapter shall take effect immediately upon November 28, 2001. (1993 Code, ' 6.27)

' 150.47 REGISTRATION REQUIREMENT.

(A) Required information.

(1) No person shall hereafter occupy, allow to be occupied, or let to another person for occupancy any residential rental property within the City of Hartford for which a registration statement has not been properly made and filed with the City Clerk and for which a certificate of occupancy has not been issued.

(2) Registration shall be made upon forms furnished by the City Clerk for that purpose and shall specifically require the following minimum information:

(a) Name, address, and phone number of the property owner;

(b) Name, address, and phone number of the designated local property manager, if the property owner lives outside the metropolitan area;

(c) The street address of the rental property;

(d) The number and types of units within the rental property (dwelling units or sleeping rooms);

(e) The maximum number of occupants permitted for each dwelling unit or sleeping room;

(f) The name, address, and phone number of the person authorized to make or order made repairs or services for the property, if in violation of city or state codes, if the person is different than the owner or local manager; and

(g) The name of the current tenant.

(B) Manner of registering.

(1) The registration must be made on or before January 31, every 3 years, or when there is a turn over by the property owner or designated local property manager, in the Office of the City Clerk.

(2) The applicant or owner, or his or her designated representative, by filing an application, shall be deemed to have given the consent to the Hartford Building Inspector to enter each rental unit, at reasonable times and upon reasonable notice, to inspect the premises at any time after the application is made or a certificate of compliance is issued.

(1993 Code, ' 6.27) Penalty, see ' 150.99

' 150.48 TRANSFER OF PROPERTY.

Every new owner of rental property (whether as fee owner or contract purchaser) shall be required to furnish to the City Clerk the new owner=s name, address, and phone number and the name, address, and phone number of the owner=s designated manager before taking possession of the property. No registration fee

shall be required of the new owner during the year in which possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of ' ' 150.45 et seq. and any notices from the city concerning violations of health, zoning, fire, or safety codes of the city. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration statement will be required. (1993 Code, ' 6.27) Penalty, see ' 150.99

' 150.49 INITIAL INSPECTION; ORDERS; POWER TO VACATE.

After registration, an initial inspection of the rental unit(s) shall be conducted as soon as inspection schedules permit. If the rental unit(s) is not in compliance with the rules, regulations, laws, or housing codes of the City of Hartford and/or the State of Michigan, the Building Inspector shall furnish the applicant with a written list of the specific violations which shall be corrected before the rental certificate of compliance is issued, provided further that the violation does not render the unit(s) unfit for occupancy or is of a nature which, if not corrected, would result in further deterioration and subsequent danger to human life, safety, or welfare. However, if occupancy can continue safely, the City of Hartford shall issue a temporary certificate of compliance allowing occupancy to continue while violations are being corrected. No certificate of compliance shall be issued; occupancy will endanger the health, safety, or welfare of the public. In those cases, an order to vacate shall be issued. (1993 Code, ' 6.27)

' 150.50 ISSUANCE OF CERTIFICATE OF COMPLIANCE.

If after the initial inspection the dwelling unit is found to be in compliance with the rules, regulations, laws, and ordinances of the City of Hartford and/or the State of Michigan, the Building Inspector shall issue a certificate of compliance for the unit(s) in the name of the owner or designated representative. (1993 Code, ' 6.27)

' 150.51 REINSPECTION; REVOCATION.

No later than 60 days after the initial inspection, a follow-up inspection shall be conducted, if necessary, to verify that all the violations listed pursuant to ' 150.48 have been corrected. If not corrected, either a second reinspection shall be scheduled or, if in the opinion of the Building Inspector a good faith effort to correct the code violations has not been made, the temporary certificate of compliance, issued pursuant to ' 150.48, shall be revoked and the unit(s) vacated. The landlord shall have the right to request inspections at no cost. (1993 Code, ' 6.27)

' 150.52 FEES.

(A) There will be a charge of \$5 dollars for initial registration required under this subchapter; however, there shall be a \$25 fee assessed for late registration.

(B) No fees shall be charged by the city for inspections contemplated by this subchapter to determine that any violations of this subchapter has been corrected by the owner or property manager; however, there shall be a fee of \$75 to be assessed against the property, property owner, or designated local property manager for each additional inspection required because of violations not being corrected. Additional inspections shall mean inspections required after the initial and follow-up compliance inspections. (1993 Code, ' 6.27)

' 150.53 CERTIFICATE OF COMPLIANCE REQUIREMENT.

(A) Requirement.

(1) After the initial inspection of the rental unit(s), pursuant to ' 150.48, no single-unit dwelling, multiple unit dwelling, boarding house, lodging house, or other rental property offered to let or hire shall be occupied unless the Hartford Building Inspector has issued a certificate of compliance for the single unit dwelling, multiple unit dwelling, boarding house, or lodging house in the name of the owner or his or her designated representative.

(2) Each certificate of compliance shall be effective until revoked by the city, however all units must be registered annually as set forth herein.

(B) Distribution. A certificate of compliance shall be given to the owner or his or her designated representative, and the City of Hartford shall retain a copy.

(C) Transferability. A certificate of compliance shall not be transferred to any other dwelling or unit, but must stay with the 1 for which it was originally issued.

(1993 Code, ' 6.27) Penalty, see ' 150.99

' 150.54 MAINTENANCE OF RECORDS.

All records, files, and documents pertaining to the Rental Registration and Rental Unit Inspection Program shall be maintained by the City Clerk and made available to the public as allowed or required by Michigan State law or city ordinance.

(1993 Code, ' 6.27)

' 150.55 APPEAL.

Any person who is grieved by a decision of the Building Inspector, or whose certificate of compliance has been revoked, or if the unit(s) are found to be unfit for occupancy, shall be entitled to reconsideration by appealing the decision to the City Board of Appeals as provided in the Property Maintenance Code in effect.

(1993 Code, ' 6.27)

' 150.56 TENANT RESPONSIBILITY.

In the event a violation exists or occurs which prevents the issuance of a certificate of compliance or violates the currently approved B.O.C.A. National Property Maintenance Code due to the actions or failure to act by the tenant, then the tenant may also be cited for the violation and subject to punishment under ' 150.99(B).

(1993 Code, ' 6.27)

' 150.99 PENALTY.

(A) Any person who violates any of the provisions of ' ' 150.20 et seq. shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not to exceed 90 days or both the fine and imprisonment. In addition to the fine and cost imposed for violation of ' 150.20, the owner shall pay the administrative late charge of an additional \$25 as prescribed in ' 150.52. (1993 Code, ' 6.28)

(B) Any person, owner, or designated representative admitting responsibility or found guilty of violating any provision of ' ' 150.45 et seq. shall be guilty of a civil infraction as set forth in ' 10.99(C), and shall be

punishable by a fine of \$50 dollars for the first offense and a fine of \$150 for the second violation and a fine of \$300 for the third and each subsequent violation. Each violation of the provisions hereof shall be deemed a separate offense. (1993 Code, ' 6.27)

CHAPTER 151: ZONING CODE

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GENERAL PROVISIONS

' 151.001 PURPOSE.

The City of Hartford, for the purpose and in the interest of the people thereof and for protecting and promoting the public health, safety, and general welfare of the inhabitants of the city and the property within the city, have adopted a zoning code to prevent the overcrowding of lands and buildings, the avoidance of undue concentration of population, and to provide adequate light and air with due consideration to the character of the zone and its particular suitability for a particular purpose, and to conserve the values of the property, and to encourage a most appropriate use of the property within the city.

(Ord. 134, passed - - ; Am. Ord. 194, Article I, passed 2-24-1997)

' 151.002 SHORT TITLE.

This chapter shall be known and may be cited as the City of Hartford Comprehensive Zoning Ordinance Amendment.

(Ord. 134, passed - - ; Am. Ord. 194, Article II, passed 2-24-1997)

' **151.003 CONSTRUCTION OF LANGUAGE.**

The following rules of construction apply to the text of this chapter.

- (A) The particular shall control the general.
- (B) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (C) The word **SHALL** is always mandatory and not discretionary; the word **MAY** is permissive.
- (D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular; unless the context clearly indicates the contrary.
- (E) A **BUILDING** or **STRUCTURE** includes any part thereof.
- (F) The phrase **USED FOR** includes *Arranged for,* *Designed for,* *Intended for,* *Maintained for,* or *Occupied for.*
- (G) The word **PERSON** includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (H) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions, or events connected by the conjunction *and,* *or,* or *either ... or,* the conjunction shall be interpreted as follows.
 - (1) **AND** indicates that all the connected items, conditions, provisions, or events may apply.
 - (2) **OR** indicates that the connected items, conditions, provisions, or events may apply singly, but not in combination.
 - (3) **EITHER...OR** indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (I) Terms not herein defined shall have the meaning customarily assigned to them.
(Ord. 134, passed - - ; Am. Ord. 194, ' 400, passed 2-24-1997)

' **151.004 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE or **ACCESSORY.** The use of a building, lot, or portion thereof which is customarily incidental to, and subordinate to, principal use of the main building or lot in question.

ADULT ENTERTAINMENT. Any adult bookstore, adult motion picture theater, adult mini-motion picture theater, massage parlor, or commercial establishment which for a fee, or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting,

describing, or relating to Aspecified sexual activities@ or Aspecified anatomical areas,@ as defined below for observation by patrons therein.

(1) MASSAGE PARLOR. Any commercial establishment which for a fee provides for the manipulation or rubbing of body parts, excepting manipulation of body parts for remedial purposes performed by state licensed practitioners with the minimal qualifications of a physical therapist.

(2) SPECIFIED ANATOMICAL AREAS. Less than completely opaquely covered: human genitals or pubic region; buttock; female breast below a point immediately above the top of the areola; and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

(3) SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS. Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions.

APARTMENTS. A suite of rooms or a room in multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

AUTO REPAIR STATION. A place where the following services may be carried out: the sale of engine fuels, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

BASEMENT. The portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST OPERATION. A use which is subordinate to the principal use as a single-family dwelling and a use in which a sleeping room and breakfast are provided in return for payment.

BLOCK. The property abutting 1 side of a street and lying between the 2 nearest intersecting streets (crossing or terminating) or between the nearest street and railroad right-of-way; unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

CARPORT. A roofed structure entirely open on 2 or more sides, used for the storage of private or pleasure-type vehicles formed by extension of the roof from the side of another building or a freestanding accessory building, not attached to another building, and except for structural supports, is entirely open on 2 or more sides.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CODE ENFORCEMENT OFFICER. The persons appointed by the City Commission to administer the provision of the City of Hartford Zoning Ordinance as specified in ' ' 151.270 et seq.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and/or medical care.

CURB LAWN. That area of land lying between a sidewalk, or proposed sidewalk, and the edge of the paved portion of the street.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DWELLING UNIT. A building, or portion thereof, including an apartment designed for the occupancy of 1 family for residential purposes and having cooking facilities.

DWELLING, ONE-FAMILY. A building designed exclusively for and occupied exclusively by 1 family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by 2 families living independently of each other.

DWELLING, MULTIPLE-FAMILY. A building, or a portion thereof, designed exclusively for occupancy by 3 or more families living independently of each other.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system; collection, communication, supply or disposal systems, including towers, poles, wires, main, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by the utilities or municipal departments for the general health, safety, or welfare.

FAMILY. A single individual doing his or her own cooking, and living upon the premises as a separate, nonprofit housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate, nonprofit housekeeping unit in a domestic relationship based on birth, marriage, or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. This definition shall not include any society, club, fraternity, group, coterie,

or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and/or seasonal in character or nature.

FLOOR AREA, RESIDENTIAL. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the floor areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USEABLE (for the purpose of computing parking). The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. The floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation of **USEABLE FLOOR AREA**. Measurement of **USEABLE FLOOR AREA** shall be the sum of horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

GARAGE, PRIVATE. An accessory building or portion of a building in which private or pleasure-type motor vehicles, lawn and garden and small tools used by the tenants of the building or buildings on the premises are stored and kept.

GARAGE, SERVICE. Any premises used for the storage or care of motor driven vehicles, or where the vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GASOLINE SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

GRADE. The ground elevation established for the purpose of regulation, the number of stories, and the height of building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

HOME OCCUPATION. Home occupation shall be an occupation or profession carried on within a residential structure by a member of the immediate family residing on the premises in which business occupation or profession there are no employees other than members of the immediate family. In connection with the business occupation or profession, no sign other than a nameplate shall be displayed and no display or other indication shall be placed upon the exterior of the building indicating the same is used in whole, or in part, for any other purpose than as dwelling. Further, no commodity shall be sold upon the premises or shall be displayed for sale on the premises and no mechanical equipment shall be used in the business occupation or profession excepting the mechanical equipment as would be permissible for purely domestic household purposes. Further, the business occupation or profession shall not, by parking of vehicles, deliveries, or other traffic to or from the residence, change the residential character of the use of the residence as a dwelling.

HOTEL. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which 1 or more of the following services are offered: maid service; furnishing of linen; telephone, secretarial, or desk service; and/or bellhop service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

JUNK YARD. An open area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, a scrap iron and other metals, paper, rags, rubber tires, and bottles. A JUNK YARD includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed building.

KENNEL, COMMERCIAL. Any lot or premises on which 1 or more dogs, cats, or other household pets are permanently or temporarily boarded in exchange for consideration or any premises which are employed for the purpose of breeding and/or sale of dogs, cats, or other household pets.

LOADING SPACE. An off-street space on the same lot with a building, or group of building, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land occupied, or intended to be occupied, by a main building or a group of the building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with the yards and open spaces as are required under the provisions of this chapter. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the 2 points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, THROUGH. Any interior lot having frontage on 2 more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of the lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

LOT, ZONING. A single tract of land located within a single block, which, at the time of filing for building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include 1 or more lots of record.

LOT COVERAGE. The part or percent of the lot occupied by buildings, including accessory buildings.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by the municipal or county officials, and which actually exists as so shown, or any part of the parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the 2 points where the building line or setback line intersects the side lot lines.

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAJOR THOROUGHFARE. An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

MANUFACTURED PORTABLE CARPORT. A detached factory manufactured accessory building customarily used as a carport. The manufactured portable carport can be moved without disassembly, after removal of tie-down provisions intended to compensate for wind displacement. A manufactured portable carport shall be no more than 12 feet in height at any point nor provide more than 250 square feet of projected roof area and except for structural supports, entirely open on 2 or more sides.

MASTER PLAN. The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of the plan, and any amendment to the plan or parts thereof. The plan may or may not be adopted by the Planning Commission and/or the Commission.

MEZZANINE. An intermediate floor in any story occupying not to exceed 1/3 of the floor area of the story.

MOBILE HOME. A factory-built structure, transportable in 1 or more sections, which is built and/or transported on a chassis and designated to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. MOBILE HOME Includes Asectional95 and Amodular95 homes but does not include a recreational vehicle.

MOBILE HOME PARK. A parcel of land not less than 5 acres in size under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of the mobile home and which is not intended for use as a temporary trailer park.

MOTEL. A series of attached, semi-detached, or detached rental units each containing a bedroom, bathroom, and closet space, providing overnight lodging, and offered to the public for compensation, primarily to persons traveling by motor vehicle.

MUNICIPALITY. The City of Hartford, Michigan.

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the regulations of the district in which it is located.

NURSERY, PLANT MATERIALS. A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

PLANNED DEVELOPMENT. A parcel or tract of land, having a minimum of 2 acres of land area initially under single ownership or control, which contains 1 or more principal buildings and 1 or more principal uses, planned and constructed as a unified development, and where certain regulations of this chapter for the district where it is located are modified. A planned development requires a special use rezoning of the property(ies) to the PD District in accordance with procedures set forth in this chapter.

PRIVATE GARAGE. An accessory building or a portion of a building in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

PUBLIC UTILITY. A person, firm, or corporation; municipal department; board; or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

ROOM. For the purpose of determining lot area, requirements and density in a multiple-family district, a living room, dining room, or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2, or 3 bedroom units and including a Aden,@ Alibrary,@ or other extra room shall count the extra room as a bedroom for the purpose of computing density.

ROW HOUSE. A building designed to be occupied by 2 or more families in a contiguous structure where the dwelling units shares 1 common wall, and would be a residence standing alone but for the connection of a common wall.

SIGN. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is

made known, such as are used to show an individual, firm, profession, or business, and are visible to the general public.

SIGN, ACCESSORY. A sign which is accessory to the principal use of the premises and which directs attention to a product or service offered on the premises.

SIGN, FREESTANDING. A sign which is accessory to the principal use but is designed to stand alone and is typically located within a front and/or side yard.

SIGN, NONACCESSORY. A sign which is not accessory to the principal use of the premises and which directs attention to a product or service not offered on the premises.

SITE PLAN. A detailed plan submitted by the applicant outlining in detail the intended use of the property. The plan must be clear and unambiguous and drawn to engineering scale showing all intended facilities on the site; including, but not limited to, parking, buildings, entrances and exits, lighting, landscaping, and any other items that may be requested by the Planning Commission.

SPECIAL USE.

(1) A use that can be permitted by the Planning Commission only after review and public hearing by the Planning Commission and only upon compliance with conditions specified in this chapter or as may be reasonably imposed by the Planning Commission to provide adequate protection to the neighborhood and to abutting properties.

(2) Variances, if required, are granted by the Zoning Board of Appeals in accordance with ' ' 151.305 etseq.

STORY. The part of a building, except a mezzanine as defined herein, included between the surface of 1 floor and the surface of the next floor, or if there is counted as a story where more than 50%, by cubic content, is below the height level of the adjoining ground.

STORY, HALF.

(1) An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of 7 feet by 6 inches.

(2) For the purpose of this chapter, the useable floor area is only that area having at least 4 feet clear height between floor and ceiling.

STREET. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE HEIGHT or MAXIMUM HEIGHT. The maximum vertical distance measured from grade to the uppermost integral part of a structure. If the structure has an earthen berm grade shall be from the base of the berm. Chimneys, antennae, aerials, and like structural projections are excluded from maximum structure height; however, all parts of the roof and roof installed heating and cooling equipment are included.

TEMPORARY USE OR BUILDING. A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

TRAVEL TRAILER. A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit and not exceeding 200 square feet in area.

YARDS. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined herein.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(Ord. 134, passed - - ; Am. Ord. 194, ' 401, passed 2-24-1997; Am. Ord. - -, passed 8-23-2004)

' 151.005 NO PERMANENT VESTED RIGHTS.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

(Ord. 134, passed - - ; Am. Ord. 194, Article XXIII, passed 2-24-1997)

ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

' 151.015 OFFICIAL ZONING MAP.

The city is hereby divided into districts or zones, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

(A) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the city under the following words: AThis is to certify that this Is the Official Zoning Map referred to In ' 151.015 of the Zoning Code of the City of Hartford, Michigan,59 together with the date of the adoption of this chapter.

(B) If in accordance with the provisions of this chapter and the laws of the State of Michigan, changes are made in district boundaries or other matter portrayed in the Official Zoning Map, the changes shall be made on the Official Zoning Map promptly after the amendment has been approved the City Official, together with an entry on the Official Zoning Map as follows: AOn , by official action of the City Commission the following (change) changes were made in the Official zoning Map (brief description of the nature of the change) which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after the change and entry has been made on said map.@

(C) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon, except in conformity with the provisions set forth in this chapter. Any unauthorized change of whatsoever kind by any person or persons shall be considered in violation of this chapter and punishable as provided in this chapter.

(D) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map above described and retained by the City Clerk shall be the final authority.

(E) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, the center lines, street lines, or highway right-of-way lines shall be construed to be the boundaries.

(F) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines of right-of-way lines of highways, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated on the Zoning Map. If no distance is given, the dimension shall be determined by the use of the scale shown on the Zoning Map.

(G) Where district boundaries are so indicated that they approximately follow the lot lines shall be construed to be the boundaries.

(H) Where the boundary of a district follows a stream, lake, or other body of water, the boundary line shall be deemed to be located midway between opposite shores.

(I) Where the boundary of a district follows a subdivision boundary line, the boundary line shall be construed to be the district boundary line.

(J) Where unzoned property may exist or where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application or, upon its own motion, by the Board of Appeals.

(Ord. 134, passed - - ; Am. Ord. 194, ' 300, passed 2-24-1997)

' 151.016 ZONING OF VACATED AREAS.

Whenever any street, alley, or other public way, within the municipality shall be vacated, the street, alley, or other public way, or portion thereof, shall automatically be classified in the same zone district as the property to which it attaches.

(Ord. 134, passed - - ; Am. Ord. 194, ' 301, passed 2-24-1997)

' 151.017 ZONING OF ANNEXED AREAS.

(A) Any area annexed to the municipality shall immediately upon the annexation be automatically classified as an R-1 District until the Zoning Map for the area has been adopted by the City Commission.

(B) The Planning Commission shall recommend appropriate zoning for the area within 3 months after the matter is referred to it by the City Commission.

(Ord. 134, passed - - ; Am. Ord. 194, ' 302, passed 2-24-1997)

' 151.018 DISTRICTS.

For the purpose of this chapter, the City of Hartford, Michigan, is hereby devised into the following zoning districts:

- (A) R-1 Single-Family Residential District;
- (B) R-2 Two-Family Residential District;
- (C) R-MF Multiple-Family Residential District;
- (D) B-1 Central Business District;
- (E) B-2 General Business District;
- (F) I General Industrial District;
- (G) LI Light Industrial District;
- (H) PD Planned Development District; and

(I) CF Community Facilities District.

(Ord. 134, passed - - ; Am. Ord. 194, ' 303, passed 2-24-1997)

' 151.019 DISTRICT REQUIREMENTS.

All buildings and uses in any district shall be subject to the provisions of ' ' 151.180 et seq., 151.200ret seq., 151.325 etseq., and 151.340 et seq.

(Ord. 134, passed - - ; Am. Ord. 194, ' 304, passed 2-24-1997) Penalty, see ' 151.999

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

' 151.030 DESCRIPTION OF THE DISTRICT.

This district is composed of the majority of the residential area of the city containing 1 house on an individual zoning lot.

(Ord. 134, passed - - ; Am. Ord. 194, ' 500, passed 2-24-1997)

' 151.031 PERMITTED USES.

- (A) Single-family dwellings and the accessory structures and uses normally auxiliary thereto;
- (B) Publicly owned and operated libraries, parks, and recreational facilities; and
- (C) Signs, when in accordance with the provisions of ' 151.235.

(Ord. 134, passed - - ; Am. Ord. 194, ' 501, passed 2-24-1997) Penalty, see ' 151.999

' 151.032 SPECIAL USES.

(A) Two-family dwellings in a single structure;

(B) Home occupations;

(C) Utility and public service buildings and uses necessary for the service of the community, except that:

(1) There is no zoning restriction upon utilities to be located in the public streets or public rights-of-way; and

(2) Public utility activities of industrial character, such as repair and maintenance, yard storage facilities, and the activities which generate electronic interference, are prohibited.

(D) Nursery schools, day-care nurseries, and child care centers, except that:

(1) When there shall be a fenced or other enclosed play space of not less than 1,000 square feet; and

(2) The play space shall be increased by 100 square feet per child in excess of 10.

(E) Churches, cemeteries, parochial and private schools, eleemosynary, charitable, and philanthropic institutions, except that:

(1) The facilities shall be so located as to provide ingress and egress directly onto a major or secondary thoroughfare; and

(2) The buildings on the site shall be set back from abutting properties not less than 15 feet.

(F) Municipal office buildings, when in character with the neighborhood;

(G) Accessory buildings and uses customarily incident to any of the above uses; and

(H) Parks, playgrounds, walking paths, and trails.

(Ord. 134, passed - - ; Am. Ord. 194, ' 502, passed 2-24-1997) Penalty, see ' 151.999

' 151.033 LOT, YARD, AND AREA REQUIREMENTS,

Except as elsewhere provided herein, the lot, yard, and area requirement shall be as specified in ' ' 151.180 etseq.

(Ord. 134, passed - - ; Am. Ord. 194, ' 503, passed 2-24-1997) Penalty, see ' 151.999

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

' 151.045 DESCRIPTION OF THE DISTRICT

This district is composed of the portion or the land area in the city containing two-family houses on individual lots and where the residential uses are compatible with the surrounding neighborhoods and available public facilities.

(Ord. 134, passed - - ; Am. Ord. 194, ' 600, passed 2-24-1997)

' 151.046 PERMITTED USES.

(A) Two-family dwellings and the accessory structures and uses normally auxiliary thereto;

(B) Publicly owned and operated libraries, parks, and recreational facilities; and

(C) Signs, when in accordance with the provisions of ' 151.235.

(Ord. 134, passed - - ; Am. Ord. 194, ' 601, passed 2-24-1997) Penalty, see ' 151.999

' 151.047 SPECIAL USES.

(A) Single-family dwellings on separate lots;

(B) Home occupations;

(C) Utility and public service buildings and uses necessary for the service of the community, except that:

(1) There is no zoning restriction upon utilities to be located in the public streets or public rights-of-way; and

(2) Public utility activities of industrial character, such as repair and maintenance, yard storage facilities, and the activities which generate electronic interference, are prohibited.

(D) Nursery schools, day-care nurseries, and child care centers, except that:

(1) When there shall be a fenced or other enclosed play space of not less than 1,000 square feet; and

(2) The play space shall be increased by 100 square feet per child in excess of 10.

(E) Churches, cemeteries, parochial and private schools, eleemosynary, charitable, and philanthropic institutions, except that:

(1) The facilities shall be so located as to provide ingress and egress directly onto a major or secondary thoroughfare; and

(2) The buildings on the site shall be set back from abutting properties not less than 15 feet.

(F) Municipal office buildings when in character with the neighborhood;

(G) Parks, playgrounds, walking paths, and trails; and

(H) Accessory buildings and uses customarily incident to any of the above uses. (Ord. 134, passed - - ; Am. Ord. 194, ' 602, passed 2-24-1997) Penalty, see ' 151.999

' 151.048 LOT, YARD, AND AREA REQUIREMENTS.

Except as elsewhere provided herein, the lot, yard, and area requirement shall be as specified in ' ' 151.180

etseq.

(Ord. 134, passed - - ; Am. Ord. 194, ' 603, passed 2-24-1997) Penalty, see ' 151.999

R-MF MULTIPLE-FAMILY RESIDENTIAL DISTRICT

' 151.060 DESCRIPTION OF THE DISTRICT.

(A) The R-MF Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures and related uses.

(B) The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable, safe environment for family life.

(C) To these ends, development is restricted to multiple-family residential use, including single ownership mobile home parks when adequate public facilities and services will be provided or are available.
(Ord. 134, passed - - ; Am. Ord. 194, ' 700, passed 2-24-1997)

' 151.061 PERMITTED USES.

(A) Multiple-family dwellings, more than 2 dwelling units within each structure;

(B) Accessory buildings and uses customarily incident to any of these permitted uses; and

(C) Signs in accordance with the provisions of ' 151.235.

(Ord. 134, passed - - ; Am. Ord. 194, ' 701, passed 2-24-1997) Penalty, see ' 151.999

' 151.062 SPECIAL USES.

(A) Convalescent, retirement, nursing, group, and other similar homes, licensed by the State of Michigan, having 6 or more occupants, provided that:

(1) It shall not exceed 2 stories in height; and

(2) For each bed therein, there shall be 1,000 square feet of open space, including setting, off-street parking, service drives, loading spaces, yard requirements and play facilities, and other spaces not occupied by accessory uses.

(B) Funeral homes and mortuaries, provided that:

(1) Freestanding signs shall not exceed 20 square feet in area;

(2) Lighted signs shall be shielded from any abutting residential property;

(3) All exterior lighting shall be shielded from abutting residential property; and

(4) All parking and service areas shall be screened from view of abutting residential properties by planting or fencing not less than 5 feet in height.

(C) Mobile home parks as regulated by this chapter of 5 acres or more in land area; and

(D) Parks, playgrounds, walking paths, and trails.
(Ord. 134, passed - - ; Am. Ord. 194, ' 702, passed 2-24-1997) Penalty, see ' 151.999

' 151.063 SITE PLAN.

All multiple-family dwellings and all special uses in ' ' 151.060 et seq. shall be permitted only after review and approval of a site plan in accordance with ' ' 151.150 et seq. (Ord. 134, passed - - ; Am. Ord. 194, ' 703, passed 2-24-1997)

' 151.064 AREA, HEIGHT, AND BULK REQUIREMENTS.

Sections 151.180 et seq. shall govern the area, height, and bulk requirements. (Ord. 134, passed - - ; Am. Ord. 194, ' 704, passed 2-24-1997) Penalty, see ' 151.999

RR RURAL RESIDENTIAL DISTRICT

' 151.075 DESCRIPTION OF THE DISTRICT.

This district is composed of larger single-family dwellings on a large lot surrounding the Aolder@ developed portion of city or agricultural land annexed into the city, intended for the development of larger home sites. (Ord. 134, passed - - ; Am. Ord. 194, ' 800, passed 2-24-1997)

' 151.076 PERMITTED USES.

Single-family dwellings only and structures normally associated with those dwellings, including barns and similar structures having more than 900 square feet of floor area on zoning lots having a land area greater than 1 acre of land area.
(Ord. 134, passed - - ; Am. Ord. 194, ' 801, passed 2-24-1997) Penalty, see ' 151.999

' 151.077 SPECIAL USES.

No special uses may be permitted, other than parks, playgrounds, walking paths, and trails. (Ord. 134, passed - - ; Am. Ord. 194, ' 802, passed 2-24-1997) Penalty, see ' 151.999

' 151.078 LOT, YARD, AND AREA REQUIREMENTS.

Except as elsewhere provided herein, the lot, yard, and area requirements shall be specified in ' ' 151.180 et seq.
(Ord. 134, passed - - ; Am. Ord. 194, ' 803, passed 2-24-1997) Penalty, see ' 151.999

B-I CENTRAL BUSINESS DISTRICT

' 151.090 DESCRIPTION OF THE DISTRICT.

The B-I Central Business District is designed primarily for office buildings and a variety of retail stores and related activities which occupy the primary retail frontage and serve entire municipal area as well as adjacent surrounding areas beyond the municipal limits. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services and nonretail uses which tend to break up the continuity.

(Ord. 134, passed - - ; Am. Ord. 194, ' 900, passed 2-24-1997)

' 151.091 PERMITTED USES.

- (A) Churches, funeral homes, and mortuaries;
- (B) All generally recognized retail businesses which supply commodities on the premises such as, but not limited to, groceries, meats, dairy products, dry goods, other foods, drugs, clothing, notions, hardware, or pharmaceuticals;
- (C) Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to: repair shops for items such as watches, radios, televisions; shoes; tailor shops; beauty parlors; barber shops; interior decorators; photographers; and dry cleaners;
- (D) Restaurants and taverns where the general public are served while seated within a building occupied by the establishment, except drive-in restaurants and open-front stores;
- (E) Theaters, private clubs, lodge halls, and other like places of entertainment when completely enclosed;
- (F) Office and office buildings of an executive, administrative, or professional function;
- (G) Banks, including drive-in facilities incidental to the principal banking function;
- (H) Municipal buildings and post offices;
- (I) Offices and showrooms for tradespeople, such as plumbers, electricians, decorators, and similar trades, except that:
 - (1) Not more than 25% of the floor area in the building is used for the purpose of making, assembling, remodeling, repairing, altering, finishing, or refmishing the products;
 - (2) Ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display; and
 - (3) All storage or materials shall be within the confines of the building situated thereon.
- (J) Business schools, private schools, and other places of instruction for profit;
- (K) Newspaper offices and printing plants;
- (L) Warehouse and storage facilities incidental to and physically connected with any of the foregoing uses;
- (M) Veterinary offices, hospitals, and clinics;
- (N) Dwelling connected with the foregoing uses, provided they do not occupy the ground floor; (O) Parking lots and parking structures;
- (P) Accessory structures customarily incident to the above permitted uses;

(Q) Parks, playgrounds, walking paths, and trails; and

(R) Signs in accordance with the provisions of ' 151.235. (Ord. 134, passed - - ; Am. Ord. 194, ' 901, passed 2-24-1997) Penalty, see ' 151.999

' 151.092 AREA, HEIGHT, AND BULK REQUIREMENTS.

Sections 151.180 et seq. shall govern the area, height, and bulk requirements. (Ord. 134, passed - - ; Am. Ord. 194, ' 902, passed 2-24-1997) Penalty, see ' 151.999

B-2 GENERAL BUSINESS DISTRICT

' 151.105 DESCRIPTION OF THE DISTRICT.

The B-2 General Business District is designed for areas outside the central business district and is characterized by uses which tend to be highway- or automotive-oriented. The uses generally require larger lot areas than area available in the central business district and would tend to be disruptive of pedestrian movement within the central business district.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1000, passed 2-24-1997)

' 151.106 PERMITTED USES.

(A) All permitted uses in the B-1 Central Business District;

(B) Automobile sales and showroom facilities, and farm equipment and implement dealers;

(C) Bus passenger stations;

(D) Automobile car wash facilities within closed structures;

(E) Public utility offices, transformer stations, telephone exchanges, exchange stations, pump stations, service yards, exclusive, however, of outdoor storage facility;

(F) Retail cold storage facilities;

(G) Self-service laundry and dry cleaning establishments;

(H) Bowling alleys;

(I) Pool halls, billiard parlors, clubs, and similar indoor recreational facilities;

(J) Closed storage facilities for the storage of materials which are to be sold at retail;

(K) Other uses which are similar to the above uses;

(L) Outdoor sales space and facilities for new and used automobiles, farm equipment, mobile homes, house trailers, travel trailers, and like merchandise, provided that:

(1) Ingress and egress shall be at least 60 feet from the intersection of any 2 streets; and

(2) No major repair or major refinishing shall be done on the site.

(M) Motels, hotels, and inns, except that:

(1) Ingress and egress shall not interfere with adjacent business uses;

(2) No kitchen or cooking facilities shall be provided except in a single full-time residential unit of manager or caretaker, unless approval of a special use permit is granted as provided in ' ' 151.290 et seq.; and

(3) Each unit shall contain not less than 200 square feet of floor area.

(N) Drive-in restaurants, open front stores, and similar facilities, except that:

(1) Facilities shall be set back at least 60 feet from the street right-of-way of any existing or proposed major thoroughfare; and

(2) Ingress and egress shall be located at least 60 feet from the intersection of any 2 streets.

(O) Commercially-used, outdoor recreational space for children=s amusement parks, miniature golf course, and similar facilities, except that:

(1) A children=s amusement park shall be fenced on all sides by a fence or wall at least 4 feet in height; and

(2) Adequate parking shall be provided for, located off of the road right-of-way, and shall be fenced with a 4-foot by 6-inch wall or fence.

(P) Parks, playgrounds, walking paths, and trails; and

(Q) Signs in accordance with the provisions of ' 151.235. (Ord. 134, passed - - ; Am. Ord. 194, ' 1001, passed 2-24-1997) Penalty, see ' 151.999

' 151.107 AREA, HEIGHT, AND BULK REQUIREMENTS.

Sections 151.180 et seq. shall govern the area, height, and bulk requirements. (Ord. 134, passed - - ; Am. Ord. 194, ' 1002, passed 2-24-1997) Penalty, see ' 151.999

LI LIGHT INDUSTRIAL DISTRICT

' 151.120 DESCRIPTION OF THE DISTRICT.

The LI Light Industrial District is designed so as primarily to accommodate wholesale activities; warehouses whose external, physical effects are restricted to the area of the district and in no manner effecting a detrimental result to the surrounding districts; and to permit manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products in a manner as to protect the abutting districts from substantial annoyance or inconvenience caused by the activities. (Ord. 134, passed - - ; Am. Ord. 194, ' 1100, passed 2-24-1997)

' 151.121 LIMITATION.

The permitted uses in this district shall not be of the extent or character or degree that they would employ the use of punch presses, drop hammers, reciprocating hammers, smelting process, or other similar uses involving heavy machinery which should produce excessive noise or vibration or the use of processes which would generate excessive fumes, smoke, or noxious gases. (Ord. 134, passed - - ; Am. Ord. 194, ' 1101, passed 2-24-1997) Penalty, see ' 151.999

' 151.122 PERMITTED USES.

(A) The manufacturing, compounding, processing, packaging, or treatment of the products as candy, cosmetics, drugs, perfumes, pharmaceuticals, and food products, except the rendering or refining of fats and/or oils;

(B) The manufacturing, compounding, assembly, or treatment of articles from previously prepared materials, including, but not by way of limitation of, cellophane, canvas, clay, cloth, cork, feathers, felt, fibers, fur, glass, hair, leather, paint, paper, plastics, precious or semi-precious metals and/or stones, shell, rubber, tin, iron, steel, tobacco, wood, and/or yam;

(C) Petroleum storage facilities, provided that the facility shall not exceed the capacity of 2,500 gallons in any one tank and the facility shall not be within 500 feet from any residentially zoned property. Any petroleum storage tank or facility shall be wholly underground and conform to the requirements of the Michigan Department of Environmental Quality and the State Fire Marshall= s Office;

(D) Machine shops, and printing and book binding facilities;

(E) Warehousing and wholesale storage and distribution facilities;

(F) Other similar limited industrial enterprises, provided, however, that the similarity of use shall be determined upon proper application by the City of Hartford Planning Commission;

(G) Any use customarily incidental to the permitted principal use;

(H) The foregoing specific and general descriptions shall not be construed to permit the establishment of junkyards, automobile graveyards, automobile dismantling operations or facilities, and like operations;

(I) Parks, playgrounds, walking paths, and trails; and

(J) Signs in accordance with ' 151.235. (Ord. 134, passed - - ; Am. Ord. 194, ' 1102, passed 2-24-1997) Penalty, see ' 151.999

' 151.123 AREA, HEIGHT, AND BULK REQUIREMENTS.

Sections 151.180 et seq. shall govern the area, height, and bulk requirements. (Ord. 134, passed - -; Am. Ord. 194, ' 1103, passed 2-24-1997) Penalty, see ' 151.999

' 151.124 SUPPLEMENTAL REQUIREMENTS.

(A) The permitted uses in the LI Light Industrial District shall be conducted within a completely

enclosed building and/or within an area enclosed on all sides by a fence or wall which shall be at least 6 feet in height and of a design and construction so as to be a total site barrier to that height.

(B) Further, no goods, materials, or objects shall be stacked or stored higher than the fence or wall and all business shall be conducted in a manner so that no noise, smoke, dust, vibration, or like nuisance shall exist to a degree that it would affect an adjoining property adversely.

(1) Automobile service stations for sale of gas, oil, accessories, and repair service, except that:

(a) Ingress and egress shall be no less than 25 feet from the nearest street intersection and from adjacent residential rights-of-way;

(b) Curb cuts for ingress and egress shall not be permitted at the location as would tend to create traffic hazards in the street immediately adjoining the facility;

(c) The minimum lot area shall be 10,000 square feet and so arranged to provide adequate off-street space for vehicles waiting for service;

(d) Major automobile repair, engine and body repair, steam cleaning, and undercoating shall be conducted solely within a completely enclosed facility;

(e) Any storage of wrecked and/or damaged vehicles and/or salvage parts on the site shall be prohibited, unless screened from public view by appropriate barriers;

(f) No automobiles or vehicles shall be stored for a period in excess of 30 days; and

(g) Rest room doors shall be shielded from adjacent streets and any residential districts.

(2) Accessory use and buildings customarily associated with the foregoing uses; and

(3) Signs in accordance with ' 151.235.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1104, passed 2-24-1997) Penalty, see ' 151.999

I GENERAL INDUSTRIAL DISTRICT

' 15L135 DESCRIPTION OF THE DISTRICT.

(A) The I General Industrial District is designed so as to primarily accommodate wholesale activities; warehouses whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way the surrounding districts; as well as the accommodation of large permanent indoor or outdoor recreational facilities which require a conditional use, the conditions of which will be specified by the Planning Commission.

(B) The district is so structured as to permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1200, passed 2-24-1997)

' 151.136 PERMITTED USES.

(A) Facilities and the principal function of which is basic research, design, and pilot experimental product development when conducted within a completely enclosed facility;

(B) A facility for the manufacturing, compounding, or processing of materials into a finished product within an enclosed building;

(C) Warehouse and wholesale establishments and trucking facilities;

(D) Public utilities, including buildings, necessary structures, storage yards, transformer plants, and like uses;

(E) Water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, freight terminals, telephone exchanges, transformer stations, and substation of similar utility-oriented activities. Municipal uses, such as water treatment plants and reservoirs, and municipal buildings, including outdoor storage therefor;

(F) Commercial kennels;

(G) Greenhouses;

(H) Trade or industrial Schools;

(I) Lumber and planing plants;

(J) Freestanding nonaccessory signs;

(K) Outdoor storage facilities for things such as building materials, sand, gravel, stone, lumber, contractor equipment, and supplies, provided that same is contained within an obstructing wall or fence on the sides abutting residential or business districts of not less than 5 feet in height. The fence may be a chain linked fence with a heavy green shrubbery with masonry or other suitable material to obstruct the view. Other uses similar to and no more objectionable in character in the above uses;

(L) Auto engine, body repair, and undercoating shops when completely enclosed;

(M) Metal plating, buffing, and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances;

(N) Metal casting foundries, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances to adjacent business or residential areas;

(O) Printing plants including its ancillary uses, such as the casting of type smelting or typing material;

(P) Accessory buildings and uses customarily incident to the above permitted uses;

(Q) Outdoor automotive permanent race tracks are permitted only after a special use has been granted by the Planning Commission. The Planning Commission shall place restrictions on the use and operation of the facility so as to minimize the effects of the surrounding area and the community. The developers must first submit a detailed site plan to the Planning Commission prior to the Planning Commission holding a required public hearing; and

(R) Signs in accordance with ' 151.235. (Ord. 134, passed - - ; Am. Ord. 194, ' 1201, passed 2-24-1997) Penalty, see ' 151.999

' 151.137 AREA, HEIGHT, AND BULK REQUIREMENTS.

Sections 151.180 et seq. shall govern the area, height, and bulk requirements. (Ord. 134, passed - - ; Am. Ord. 194, ' 1202, passed 2-24-1997) Penalty, see ' 151.999

PD PLANNED DEVELOPMENT DISTRICT

' 151.150 INTENT AND PURPOSE.

Recognizing that there is a need for flexibility in providing future city needs in keeping abreast of new building methods, materials, and the like, and in providing for the planning of: dwellings and the various types and groups thereof, to secure the benefit of solar orientation, climate control, and additional privacy, and to provide for variety in dwelling types to meet changing needs for future residences; and commercial buildings and groups thereof to secure greater convenience to the public through improved methods of merchandising, transportation, office management, and distribution of services necessary to the public welfare; and industrial buildings and groups thereof to secure greater convenience in production through improved methods of manufacturing, transportation, office management, and distribution of products necessary to the public welfare; may necessitate the variation in the use and area requirements of this chapter (which are designed primarily to apply to the traditional pattern of lot development and building arrangement generally prevailing within the city) and in the regulations applying to buildings, yards, and the like, the City Commission may amend this chapter and Zoning Map for the accomplishment of the foregoing purposes, in accordance with the following procedure.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1300, passed 2-24-1997)

' 151.151 DEVELOPMENTAL PLAN.

(A) For the purpose of accomplishing the objectives of this section, the owner or owners of any tract of land may submit to the City Commission a preliminary plan for the use and development of the land. Following submission of the preliminary plan, the City Commission shall refer it to the Planning Commission for review. The Planning Commission shall hold a public hearing in accordance with ' 151.253. If the City Commission approves the preliminary submission, upon the recommendation of the Planning Commission, the preliminary plan shall be signed by the City Commission and recorded by the applicant; the City Commission shall amend the Zoning Map to include the zoning district change. Within a period of 18 months following the approval, a detailed plan shall be submitted to the City Commission showing that specific and detailed provisions have been made for the essential conditions listed in ' 151.153. The detailed plan may be submitted to the City Commission and processed as required by law for the approval of subdivisions.

(B) Following the approval by the City Commission, the Mayor and Clerk shall sign the detailed plans, and the applicant shall cause the detailed plans to be recorded in Van Buren County. No construction shall commence before a detailed plan is approved, signed, and recorded.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1302, passed 2-24-1997) Penalty, see ' 151.999

' 151.152 GENERAL CONDITIONS OF THE PRELIMINARY PLAN.

A site plan prepared in conformance with ' ' 151.250 et seq. shall be prepared showing the layout of the total area to be included in the proposed district and shall indicate and be accompanied by documentary

evidence, to the satisfaction of the Planning Commission and City Commission, that:

(A) The plan shall be consistent with the comprehensive plan for the orderly development of the city and with the purpose of this chapter to promote the general welfare of the city;

(B) The appropriate use and value of property adjacent to the area included in the plan will be safeguarded;

(C) The capacity of existing or proposed utilities, streets, and thoroughfares is adequate to absorb the additional burden created by the special use district;

(D) The development will consist of a harmonious grouping of buildings or other structures, adequate service, parking and open spaces, plan as a single and common operating and maintenance unit, as applicable;

(E) The uses included are limited to those permitted in the districts where the special use district is applicable;

(F) All buildings be served by a central sewage disposal system, public water supply, storm sewer, drainage, and streets in accordance with applicable state regulations and the City Subdivision Ordinance; and

(G) If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and intent of the ordinance shall be fully complied with at the completion of any stage. (Ord. 134, passed - - ; Am. Ord. 194, ' 1303, passed 2-24-1997) Penalty, see ' 151.999

' 151.153 SPECIFIC CONDITIONS OF THE FINAL PLAN.

The comprehensive detailed final plan shall conform to the specifications of ' ' 151.150 et seq., and include any supporting evidence shall show the following:

(A) Adequate provision is made for safe and efficient pedestrian and vehicular circulations within the site;

(B) The scale and contents of the plan shall conform to the specification of this ' ' 151.150 et seq. and include any unusual topographical features;

(C) The location, dimensions, and arrangements of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, loading and unloading zones, pedestrianway s, widths of roads, streets, and sidewalks are adequate to provide for safe and efficient ingress and egress to and from public streets and highways serving the development;

(D) Capacity of all areas to be used for automobile access, parking, loading, and unloading;

(E) Location uses, planned dimensions, gross floor area, building coverage, and height of each building or other structure;

(F) Location, dimension, and arrangement of all areas devoted to planted lawns, trees, recreation, and similar purposes;

(G) Provisions made for the location of existing or proposed sewage disposal, water supply, storm water

drainage, parking lot lights, and other utilities;

(H) Sufficient additional data as has been required by the Planning Commission or City Commission subsequent to the approval of the preliminary plan to enable the commission to judge the effectiveness of the design and character of the entire Planned Development District and to consider properly the things as the relationship to surrounding area, anticipated traffic, public health, safety, and general welfare; and

(I) A bond or other acceptable assurance for on and/or off-site improvements exclusive of the buildings or structures intended for occupancy, rental, or use, which the City Commission deems necessary to protect public health, safety, and welfare of the neighborhood shall be furnished.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1304, passed 2-24-1997) Penalty, see ' 151.999

' 151.154 TIME LIMIT FOR BEGINNING OF CONSTRUCTION AND REVERSION TO FORMER ZONING CLASSIFICATION.

Every application, when approved by the City Commission either as submitted or resubmitted in modified form, shall constitute an agreement by the applicant or owner that the installation shall be made, completed, and operated as indicated by the approved plan and in accordance with the provisions of this section, and that the area which has been rezoned shall lose its new classification and revert to its former zoning classification in any of the following events:

(A) If construction of approved buildings and improvements shall not be undertaken within 18 months after the approval of the detailed plans or any other time schedule as may be authorized by the City Commission;

(B) If there shall be a failure to complete construction or to comply or to continue to comply with the specified conditions listed in this ' ' 151.150 et seq., 151.200 et seq., 151.325 et seq., or 151.340 et seq., or with conditions imposed by the City Commission hereunder in the zoning of the area; or

(C) If, as a result of voluntary sale or conveyance, or any other transfer of ownership whatever, the area shall cease to be held in its entirety in single and separate ownership.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1305, passed 2-24-1997)

CF COMMUNITY FACILITIES DISTRICT

' 151.165 DESCRIPTION OF THE DISTRICT.

(A) The CF Community Facilities District is comprised of those properties owned, leased, or otherwise used by state, county, or city government, including uses such as government buildings, parks, and recreation facilities.

(B) This district also includes schools and churches, including both buildings and land areas for all uses related to the use housed in the principal building.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1400, passed 2-24-1997)

' 151.166 PERMITTED USES.

(A) City Hall and buildings housing city services;

(B) Post offices, libraries, and other governmental services;

(C) Parks, playgrounds, walking paths, and trails;

(D) Schools and related buildings and uses;

(E) Churches and related buildings; and

(F) Signs in accordance with the provisions of ' 151.235.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1401, passed 2-24-1997) Penalty, see ' 151.999

' 151.167 AREA, HEIGHT, AND BULK REQUIREMENTS.

All construction shall conform to the requirements of the B-2 General Business District as found in ' 151.105 etseq.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1403, passed 2-24-1997) Penalty, see ' 151.999

' 151.168 SITE PLAN REQUIRED.

All new development and change of existing development on any property within this district shall be approved in accordance with the provisions of ' 151.250 et seq. (Ord. 134, passed - - ; Am. Ord. 194, ' 1404, passed 2-24-1997) Penalty, see ' 151.999

AREA, HEIGHT, AND BULK REQUIREMENTS.

' 151.180 SITE PLAN REQUIRED.

(A) R-1 Single-Family and R-2 Two-Family Residential Districts

(1) Minimum lot area: 12,000 square feet;

(2) Minimum lot width: 80 feet;

(3) Maximum structure height: 2 and ½ stories, but not more than 25 feet

(4) Minimum yard setback:

(a) Front yard: 25 feet

(b) Lesser side yard: 5 feet;

(c) Combined side yards: 14 Feet; and

(d) Rear yard: 35 feet

(5) Maximum percentage of lot area covered by all buildings: 30%

(B) R-MF Multiple-Family Residential District.

(1) Minimum lot area shall be determined as follows.

(a) The minimum lot size in this district shall be 12,000 square feet plus the additional square feet of land required for each type of dwelling unit built on the property as specified hereafter.

| Number of Bedrooms | Square Feet Per Dwelling Unit |
|--------------------|-------------------------------|
| 1 | 2,500 |
| 2 | 3,000 |
| 3 or more | 3,500 |

(b) Plans presented showing 1, 2, or 3 bedroom units and including a Aden, @ Alibrary, @ or other extra room shall count the extra room as a bedroom for the purpose of computing density.

(c) The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

(2) Minimum lot width: not applicable;

(3) Maximum structure height: 2 and Vi stories, but not more than 30 feet;

(4) Minimum yard setback.

(a) Requirements. Yards abutting major thoroughfare in R-MF Districts shall have a minimum depth of 50 feet. For the purpose of yard regulations, low rise multiple-family dwellings shall be considered as 1 building occupying 1 lot. Front, side, and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions.

| Building Relationship | Overall Distance Between Buildings (Exclusive of Parking Area) |
|-----------------------|---|
| Front to Front | 60 feet |
| Front to Rear | 60 feet |
| Rear to Rear | 60 feet |
| Rear to Side | 45 feet |
| Side to Side | 20 feet |
| Corner to Corner | 15 feet |

(b) Parking. Parking may be permitted in 50% of the required rear yard, provided that there shall be at least 15 feet of yard space between the parking area and the multiple-family building.

1. The front and rear of the multiple-family building shall be considered to be the faces along the longest dimension of the building. The front of the multiple-family building shall be considered to be the direction faced by the living rooms of the dwelling units in the building; the rear of the multiple-family building shall be considered to be the direction faced by the service entrance of the dwelling units in the building; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of the buildings.

2. Every lot on which a multiple-family dwelling is erected shall be provided with a side yard on each side of the lot. Each side yard shall be increased by 1 foot for each 10 feet or part thereof by which length the multiple exceeds 40 feet in overall dimension along the adjoining lot line, provided that no multiple-family building shall exceed 180 feet in length along any 1 face of the building. Any court shall

have a width equal to not less than 50 feet for the front yard and 60 feet for the rear yard. The depth of any lot shall not be greater than 3 times the width.

(c) Service drives. Service drives shall have a width of at least 22 feet and shall not be located in any required front yard.

5) Maximum percentage of lot area covered by all buildings: See minimum lot area above.

(C) RR Rural Residential District.

(1) Minimum lot area: 23,000 square feet;

(2) Minimum lot width: 160 feet;

(3) Maximum structure height: 2 and Vi stories, but not more than 25 feet;

(4) Minimum yard setback:

(a) Front yard: 30 feet;

(b) Side yards: 30 feet each;

(c) Rear yard: 40 feet; and

(d) In the case of corner lots where a side yard abuts a street, the following rules shall apply.

1. If the rear yard of the corner lot abuts the side yard of an adjoining lot, the side yard of the corner lot shall be equal to the front yard requirement of the district.

2. If the rear yard of the corner lot abuts the rear yard of an adjoining lot, the front yard of the corner lot shall be not less than 30 feet.

(5) Maximum percentage of lots area covered by all buildings: 25 %.

(D) B-1 Central Business District.

(1) Minimum lot area: none;

(2) Minimum lot width: none;

(3) Maximum structure height: 3 stories, but not more than 42 feet, unless fully sprinkled and equipped with standpipes per B.O.C.A. Code;

(4) Minimum yard setback: no side yards are required along the interior side lot lines, except as otherwise specified in the Building Code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than 10 feet on the side or residential street. If walls or structures, facing the interior side lot lines contain windows, or other openings, side yards of not less than 10 feet shall be provided; and

(5) Maximum percentage of lot area covered by all buildings shall be determined by the use and the provisions for required off-street parking, loading, and unloading and any yard required by division (D)(4) above.

(E) B-2 General Business District.

(1) Minimum lot area: none;

(2) Minimum lot width: none;

(3) Maximum structure height: 2 and Vi stories, but not more than 35 feet, unless fully sprinkled and equipped with standpipes per B.O.C.A. Code;

(4) Minimum yard setback:

(a) Front yard: none, except parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines, whichever is greater; and

(b) Rear yard: loading space shall be provided in the rear yard in the ratio of at least 10 square feet per front foot of building and shall be computed separately from the off-street parking requirements; loading space shall be provided in the ratio of 5 square feet per front foot of building setback and loading requirements may be computed from the center of the alley.

(5) Maximum percentage of lot area covered by all buildings shall be determined by the use and the provision for required off-street parking, loading, and unloading.

(F) LI Light Industrial and I Industrial Districts.

(1) Minimum lot area: none;

(2) Minimum lot width: none;

(3) Maximum structure height: 3 stories, but not more than 50 feet, unless fully sprinkled and equipped with standpipes per B.O.C.A. Code;

(4) Minimum yard setback:

(a) Front yard: 50 feet, except off-street parking for visitors may be permitted within the required front yard, provided that the off-street parking is not located within 30 feet of the front lot line. The Board of Appeals may permit the front yard requirement to be reduced to not less than 10 feet for buildings constructed prior to the effective date of this chapter, provided that minimum off-street parking can still be met;

(b) Side yard: 10 feet, except no building shall be closer than 50 feet to the outer perimeter (property line) of the district when the property line abuts any residential district; and

(c) Rear yard: none, except all storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than 6 feet high, or with a chain link fence and a greenbelt planting so as to obscure all view from any adjacent residential, office of business district or public street. Also, except no building shall be closer than 50 feet to the outer perimeter (property line) of the district when

the property line abuts any residential district.

(5) Maximum property of lot area covered by all buildings: shall be determined by the use and the provisions of required off-street parking, loading, and unloading, and required yards.

(G) Minimum standard for dwelling units.

(1) All dwelling units shall have a minimum floor to ceiling interior height of IV2 feet.

(2) All dwelling units shall be so constructed or erected as to have a minimum width of 20 feet exterior wall to exterior wall along not less than 60% of the distance measured along the unit=s longest side wall.

(3) All dwelling units, not located with the R-MF Residential Multiple-Family Zoning District or a mobile home park, shall have a minimum square footage of floor area of 1,100.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1500, passed 2-24-1997) Penalty, see ' 151.999

' 151.181 HEIGHT LIMITATION EXEMPTION.

(A) The height limitations of this chapter shall not apply to chimneys, church spires, flag poles, public monuments, or wireless transmission towers.

(B) However, the Board of Appeals may specify a height limit for the structure when the structure requires their authorization as a special use.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1501, passed 2-24-1997)

' 151.182 LOTS ADJOINING AREAS.

In calculating the area of a lot that adjoins an alley or lane for the purpose of applying lot area requirements of this chapter, Vi of the width of the alley or lane abutting the lot shall be considered as part of the lot.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1502, passed 2-24-1997)

' 151.183 YARD REGULATIONS.

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography, or due to architectural or site arrangement, the regulations may be modified or determined by the Board of Appeals.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1503, passed 2-24-1997)

' 151.184 MULTIPLE DWELLING SIDE YARD.

For the purpose of side yard regulations, a two-family, a row house, or a multiple dwelling shall be considered as 1 building occupying 1 lot. (Ord. 134, passed - - ; Am. Ord. 194, ' 1504, passed 2-24-1997)

' 151.185 PORCHES.

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding 10 feet, but this shall not be interpreted to include or permit fixed canopies. (Ord. 134, passed - - ; Am. Ord. 194, ' 1505, passed 2-24-1997) Penalty, see ' 151.999

' 151.186 PROJECTIONS INTO YARDS.

Architectural features may extend or project into a required side yard not more than 2 inches for each 1 foot of width of the side yard; and may extend or project into a required front yard or rear yard not more than 3 feet.

(Ord. 1345 passed - - ; Am. Ord. 194, ' 1506, passed 2-24-1997) Penalty, see ' 151.999

' 151.187 FENCES.

(A) (1) Fences in all districts, whether located in a residential area or not, which enclose property and/or are within a required side or rear yard shall not exceed 6 feet in height, measured from the surface of the ground. Fences shall be located along the lot line and shall not extend to the front of the lot beyond the front of the dwelling. The side yards on the same block shall be treated as front yards and shall not have a fence constructed within the minimum setback.

(2) Fences may be constructed in any front yard, provided that they shall not exceed 4 feet in height and shall be of the design and construction that they do not obstruct any view.

(3) Front or side yard fences, when they abut a driveway either on the property to be fenced, or an abutting property, or on corner lots, shall be limited to 4 feet in height (at least 25 feet back from any sidewalk or edge of street).

(B) No fence shall have barbed wire, razor wire, an electrical current, concertina wire, nor any other similar material.

(C) Each fence owner shall maintain the fence in accordance with the provisions of all maintenance codes adopted by the City of Hartford and according to the provisions of any agreement they may have entered into with the city.

(D) Complete work drawings of the proposed fence as to location, height, and material shall be submitted to the Zoning Administrator.

(E) Fences shall be maintained plumb and true with adequate support and in a safe and sightly manner. The owner of any fence shall remove or repair a fence that is dangerous, dilapidated, or otherwise in violation of ordinance or code.

(F) Fences shall be maintained to retain their original appearance, shape, and configuration. Elements of the fence that are missing, damaged, destroyed, and repaired shall be replaced and repaired to maintain conformity with the original fence.

(G) A fence, wall, or other similar object shall be a minimum of 1 foot from any city sidewalk.

(H) No fence, wall, or other similar object may be located between the street and sidewalk.

(I) Landscaped treatment may be located between the front building line and front lot line.

(J) Privacy screen structures shall not exceed 6 feet above the surface of the deck, patio, or other area to be screened.

(K) (1) Temporary construction fence and fences for protection around excavations shall comply with all requirements of the Michigan Building Code.

(2) The fences shall not be in place for a period greater than 1 year without special approval of the Zoning Board of Appeals.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1507, passed 2-24-1997) Penalty, see ' 151.999

' 151.188 ACCESS THROUGH YARDS.

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. Further, any walk, terrace, or other pavement serving a like function and not in excess of 9 inches above the grade upon which placed, shall be permitted in any required yards.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1508, passed 2-24-1997) Penalty, see ' 151.999

SUPPLEMENTAL REGULATIONS

' 151.200 CONFLICTING REGULATIONS.

Wherever any provision of this chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of the ordinance shall govern.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1600, passed 2-24-1997)

' 151.201 NONCONFORMING USE.

The following regulations shall control nonconforming uses in existence at the time of passage of this chapter.

(A) Any use which is permitted as a special use as provided in this chapter shall be deemed a conforming use in the district.

(B) Where there is a change in tenancy, ownership, or management of any existing nonconforming use, the same shall not be a change in the nature or character of the nonconforming use.

(C) Nothing in this chapter or this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building or any part thereof declared to be unsafe by any official charged with protecting the public safety upon order of that official.

(D) In any district where 1- or 2-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for the district in which the lot is vacated.

(E) If more than 1 lot or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot which fails to meet the width and area requirements.

(F) Nonconforming uses or structures in existence at the time of the passage of this chapter shall not be extended, added to, or altered, unless the extension, addition, or alteration are in conformance with the provisions of this chapter.

(G) Any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that:

(1) No structural alterations are made;

(2) The Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use; and

(3) Thereafter, the nonconforming use shall not be changed to a less restricted classification.

(H) A nonconforming use if changed to a permitted use shall not revert to or change back to a nonconforming use.

(I) When a nonconforming use is discontinued or ceases to exist for 6 consecutive months or for 18 months during any 3-year period, the premises and/or structure shall not be used except in conformance with the regulations of the district in which it is located, except that:

(1) Structures occupied for seasonal uses shall be measured on a seasonal basis; and

(2) The time periods shall be held in abeyance upon the death of the owner of the premises and/or structure until the conclusion of the probate proceedings of the owner.

(J) On any building devoted in whole, or in part, to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement, on nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 100% of the assessed value of the building, provided that the volume of the building has existed at the time of passage or amendment of this chapter shall be increased thereby.

(K) Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following.

(1) The structure may not be enlarged or altered in a way which increases its nonconformity, but may be otherwise enlarged or altered.

(2) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(3) Should the structure be destroyed or damaged by any means, the replacement and/or repair to the structure shall not increase or enlarge the nonconformity previously existing.

(4) (a) In the event that an above structure is destroyed or extensively damaged (more than 50% of the state equalized valuation as determined by the City Assessor) and the owner or same desire to replace or repair the structure, the replacement or repair shall commence within 6 months from the date of the destruction or damage and the commencement shall be by securing a building permit therefor and undertaking acts for the actual physical commencement of repair or restoration and shall continue until the same shall be completed in accordance with the terms of the permit.

(b) In the event the replacement or repair is not commenced within the aforesaid period or its not carried to its conclusion in accordance with the terms of the building permit secured therefor, then the structure shall only be completed in conformity with the provisions of this chapter. (Ord. 134, passed - - ; Am. Ord. 194, ' 1601, passed 2-24-1997) Penalty, see ' 151.999

' 151.202 ACCESSORY BUILDINGS.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations.

(A) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.

(B) Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.

(C) (1) Buildings accessory to residential buildings not exceeding 1 story or 14 feet high in height may occupy not more than 25% of a required rear yard, plus 40% of any nonrequired rear yard.

(2) In no instance shall the accessory building exceed the ground floor area of the main building.

(D) No detached building accessory to a residential building shall be located closer than 10 feet to any main building nor shall it be located closer than 3 feet to any side or rear lot line, except:

(1) The rear lot line is having a common boundary line with an alley right-of-way, the accessory building shall not be closer than 1 foot to the rear lot line; and

(2) No accessory building shall be located within the dedicated easement right-of-way.

(E) *Restrictions.* Carports and manufactured portable carports shall be used only to shelter private or pleasure-type motor vehicles and not for habitable room(s) or for storage of hazardous materials, as defined by the currently adopted Fire Code. Plastic carports or similar portable enclosures are prohibited.

(F) *Construction requirements.* Attached or unattached carport and private garage construction shall comply with all currently adopted Building Codes. Manufactured portable carports shall be assembled to comply with the manufacturer=s instructions and anchored to the earth in compliance with one of the following methods:

(1) One continuous 8 inch wide by 36 inch deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer=s recommended anchorage spacing.

(2) A 4 inch thick concrete slab that extends 12 inches beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer=s recommended spacing.

(G) Accessory buildings in excess of 120 square feet must be designed, constructed, and finished such as the exterior appearance is similar to that of the main building.

(H) No accessory building shall be used in any part for dwelling purposes.

(I) No detached accessory building in R-1, R-2 and R-MF Districts shall exceed 1 story or 14 feet in height.

(J) (1) All accessory buildings in excess of 120 square feet shall have a building permit.

(2) Accessory buildings to residential buildings shall not be erected in any required yard except a rear yard.

(3) Accessory buildings in excess of 120 square feet must be designed, constructed and finished such as the exterior appearance is similar to that of the main dwelling.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1602, passed 2-24-1997; Am. Ord. - -, passed 8-23-2004) Penalty, see ' 151.999

' 151.203 ENVIRONMENTAL CONSIDERATIONS.

(A) *Smoke.* No use shall create the emission of any smoke from any source whatever in violation of rules and regulations of the U.S. Environmental Protection Agency and State of Michigan Department of Environmental Quality.

(B) *Dust, dirt, and fly ash.* No person, firm, or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace, or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using the proceeds or furnace or combustion device, recognized and approved equipment, means, method, device, or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device.

(C) *Open storage.* The open storage of any industrial equipment, vehicles, and all materials, including waste, shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a masonry wall, wood fence, or chain link fence with dense evergreen planting consisting of 1 2-inch caliper trees measured 18 inches above ground level.

(D) *Glare and hazardous materials.*

(1) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in any manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

(2) Hazardous materials and wastes shall not be stored on premises or used in violation of the United States Environmental Protection Agency and State of Michigan Department of Environmental Quality rules and regulation.

(E) *Fire and explosive hazards.* The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act 207 of 1941, M.C.L.A. ' ' 29.1 *et seq.*

(F) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(G) *Odors.* Creation of offensive odors shall be prohibited.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1605, passed 2-24-1997) Penalty, see ' 151.999

' 151.204 PLANT MATERIALS.

Whenever in this chapter a greenbelt or planting is required, it shall be planted within 6 months from the date of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1606, passed 2-24-1997) Penalty, see ' 151.999

' 151.205 EXTERIOR LIGHTING.

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1607, passed 2-24-1997) Penalty, see ' 151.999

' 151.206 CORNER CLEARANCE*

In all districts except the B-1 District, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at

the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1608, passed 2-24-1997) Penalty, see ' 151.999

' 151.207 RESIDENTIAL ENTRANCEWAY.

(A) In R-1, R-2, and R-MF Districts, so-called entranceway structures, including, but not limited to, walls, columns, and gates, marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in ' 151.206.

(B) The entranceway structures shall comply to all codes and ordinances of the city and be approved by the Code Enforcement Officer and a permit issued.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1609, passed 2-24-1997) Penalty, see ' 151.999

' 151.208 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances in the city, it being the intention hereof to exempt the essential services from application of this chapter. (Ord. 134, passed - - ; Am. Ord. 194, ' 1610, passed 2-24-1997)

' 151.209 POLLING PLACES.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a polling place in connection with municipal or other public elections. (Ord. 134, passed - - ; Am. Ord. 194, ' 1611, passed 2-24-1997)

' 151.210 STORAGE AND TEMPORARY PARKING OF MOBILE HOMES, TRAVEL TRAILERS, AND/OR RECREATIONAL VEHICLES.

(A) The parking of mobile homes, travel trailers, recreational vehicles, and like vehicles shall not be parked within the city for a period exceeding 24 hours or on an overnight basis, except in conformance herewith.

(1) All travel trailers, mobile homes, and other recreational vehicles owned by residents of the City of Hartford stored by them on their individual lots shall be stored only within the confines of the rear yard or side yard, and shall further respect the requirements applicable to accessory building, being ' 151.202, insofar as the same governs distances, principal structures, lot lines, and easements. All travel trailers, mobile homes, and recreational vehicles parked or so stored shall not be connected to sanitary facilities and shall not be occupied.

(2) Temporary parking of mobile homes, travel trailers, and recreational vehicles shall be permissible in off-street parking areas with the following limitations:

(a) For a period not exceeding 24 hours on a normal city business day;

(b) Over a weekend, provided that application is made for an extended parking permit on the first city business day thereafter; and

(c) Under a temporary parking permit issued by the Code Enforcement Officer for a period of

not to exceed 2 weeks for any suitable off-street parking area.

(B) Under all the foregoing circumstances, the mobile homes, travel trailers, or recreational vehicles shall not be connected to a sanitary sewer facility and shall not be used as a permanent residential premises. (Ord. 134, passed - - ; Am. Ord. 194, ' 1612, passed 2-24-1997) Penalty, see ' 151.999

' 151.211 FENCING OF SWIMMING POOLS.

No swimming pool shall hereafter be constructed or erected or placed into use upon any premises with the city unless the same shall be wholly enclosed by a fence at least 3 feet in height. The fence should be designated from the purpose of preventing children and others from entering the pool or its immediate area. The fencing should be equipped with a gate or other means of entry with a suitable latch to maintain it in a closed condition.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1613, passed 2-24-1997) Penalty, see ' 151.999

' 151.212 ANTENNAS.

Accessory antennas, dish antenna, and satellite receiving stations, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(A) Accessory antennas shall be permitted in all districts as accessory uses, provided they are not used for commercial profit-making activities. If used for commercial or profit-making activities, antennas shall be considered a structure for the purpose of location of the antenna with respect to set back requirements of the district.

(B) Where the accessory antenna is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.

(C) An accessory antenna may be erected in any required yard, except a front yard, shall not project beyond the front building line or the respective building, and shall not be closer than 3 feet to any side or rear lot line. Moveable antennas shall not revolve closer than 3 feet to any side or rear lot line.

(D) An accessory antenna shall not exceed 1 story or 15 feet in height. The total yard area devoted to an accessory antenna use shall not exceed 100 square feet of yard area.

(E) A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to the rear, shall be regarded as having 2 front yards. When an antenna is located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.

(F) In the case of a double frontage lot, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on the street in the same block or adjacent blocks.

(G) In all cases, an accessory antenna shall be anchored or fastened securely to the building or surface to which it is attached, or upon which it rests.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1618, passed 2-24-1997) Penalty, see ' 151.999

' 151.213 COMMERCIAL/INDUSTRIAL MINIMUM LANDSCAPING REGULATIONS AND STANDARDS.

(A) In the B-2 Business Commercial and the LI and I Industrial Districts, a minimum of 15 % of the total lot area shall be landscaped containing 1 tree or shrub for every 1,000 square feet or portion thereof, plus 1 tree for every 1,500 square feet of landscaped area or portion thereof shall be required. (Plant materials existing on the site prior to the development may be included as part of the requirement.) Ground cover is required in all landscaped areas.

(B) Landscaping of adjacent rights-of-way area shall be included in satisfying the minimum on-site requirement if it is maintained by the adjacent property owner.

(C) A minimum of 33 % of required landscape area shall be located between any building and the street. (Ord. 134, passed - - ; Am. Ord. 194, ' 1619, passed 2-24-1997) Penalty, see ' 151.999

' 151.214 SHIELDED LIGHTING REQUIRED IN ALL DISTRICTS.

All private lights used for the illumination of dwellings or business establishments, or for the illumination of business buildings or areas surrounding them, or the illumination or display of merchandise or products of business establishments, shall be completely shielded from the view of vehicular traffic using the road or roads abutting the business property. Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct illumination on adjacent properties.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1621, passed 2-24-1997) Penalty, see ' 151.999

' 151.215 HOME OCCUPATION.

(A) *HOME OCCUPATION* shall be an occupation or profession carried on within a residential structure by a member of the immediate family residing on the premises. There shall be no employees other than members of the immediate family.

(B) In connection with the business occupation or profession, no sign, other than a nameplate of a maximum size of 8 square feet, shall be displayed, and no display or other indication shall be placed upon the exterior of the building indicating the same is used in whole, or in part, for any purpose than as dwelling. Further, no commodity shall be sold upon the premises or shall be displayed for sale on the premises and no mechanical equipment shall be used in the business occupation or profession excepting the mechanical equipment as would be permissible for purely domestic household purposes.

(C) The business occupation or profession shall not, by parking of vehicles, or deliveries, or other traffic to or from the residence, change the residential character of the use of the residence as a dwelling.

(D) It is the purpose and intent of these requirements to:

(1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses.

(2) Provide residents of the city with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors.

(3) Establish criteria for operating home occupations in dwelling units within residential districts.

(4) Assure that public and private services such as streets, sewers, water or utility systems are not

burdened by home occupations to the extent that usage significantly exceeds that which is normally associated with a residence.

(E) Home occupations shall comply with all other local, state, or federal regulations pertinent to the activity pursued, and the imposition of requirements under this chapter shall not be construed as an exemption from the regulations.

(Am. Ord. - -, passed 8-23-2004)

' 151.216 BASKETBALL APPARATUS.

Basketball apparatuses may be placed within the required front yard and side yard open space of a single-family residential lot and only in conformance with the following conditions:

(A) A single pole-mounted backboard may be located only in 1/3 of the required front or side open space nearest the dwelling and contiguous to the driveway.

(B) No single pole-mounted backboard shall be placed on any city tree lawn, sidewalk, or city street, and must be placed 15 feet from the road right-of-way or edge-side, whichever is greater.

(C) The parent or guardian or homeowner or tenant shall be responsible for the proper placement of basketball apparatuses, and supervision of those using the apparatuses.

(Am. Ord. - -, passed 8-23-2017)

SIGNS AND OUTDOOR ADVERTISING

' 151.235 SIGNS.

(A) The following conditions shall apply to all signs erected or located in any use district.

(1) All signs shall conform to all codes and ordinances of the city and, where required, shall be approved by the Code Enforcement Officer and a permit issued.

(2) No sign, except those established and maintained by the city, county, state, or federal governments, shall be located in project, or overhang a public right-of-way or dedicated public easement.

(3) No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving 3 acres or more under 1 ownership, the Board of Appeals may modify the height limitation.

(4) All directional signs required for the purpose of orientation, when established by the city, county, state, or federal governments, shall be permitted in all use districts.

(5) Accessory signs as limited by 2 below shall be permitted in any use district.

(6) Nonaccessory signs shall be permitted only in I General Industrial Districts; except that nonaccessory signs pertaining to real estate development located within the city and designed to promote the sale of lots or homes within a subdivision located within the city may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land, unless the land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the city and approved by the Building Inspector/Code Enforcement Officer and a temporary permit issued.

(7) Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold.

(8) Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.

(9) Portable signs, being a trailer-mounted sign intended for temporary use by a business (or other party), may be permitted by the issuance of a temporary sign permit by the Code Enforcement Officer, provided the following conditions are met and approved by the Planning Commission:

(a) A portable sign may not exceed 4 feet by 8 feet in size;

(b) A portable sign may be lit internally only, and may not contain flashing or intermittent lights; and

(c) During a 6-month period, a portable sign shall not be used more than twice for a period in excess of 30 days upon the same zoning lot.

(B) In addition to division (A) above, the following requirements shall apply to signs in the various districts as follows.

| Use District | Requirements |
|------------------------------|---|
| R-1, R-2, and PD Districts | For each dwelling unit, 1 nameplate not exceeding 2 square feet in area, indicating name of occupant shall be permitted. |
| R-1, R-2, and PD Districts | For structures other than dwelling units, 1 identification sign not exceeding 10 square feet, except a church bulletin board, not exceeding 18 square feet shall be permitted. |
| RM and PD Districts | For rental and/or management offices, 1 identification sign not exceeding 6 square feet shall be permitted. |
| RM and PD Districts | Signs not exceeding 18 square feet in area indicating the name of multiple housing projects shall be permitted, provided that the sign shall not be located closer than 100 feet to any property line on any adjacent single-family district. |
| B-1, B-2, and PD Districts | For each office building, 1 wall sign and/or freestanding sign indicating the name of the building not exceeding 18 square feet in the area shall be permitted. |
| B-1, B-2, and PD Districts | For each office unit occupying a building, 1 sign not exceeding 8 square feet in area shall be permitted. |
| B-1, B-2, and PD Districts | Freestanding signs shall not be over 6 feet in height. |
| B-1, B-2, and PD Districts | No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than 1 foot, and shall not project above or beyond the highest point of the roof or parapet. |
| B-2 and PD Districts | Freestanding, accessory signs or advertising pylons shall not be placed closer than 100 feet to any adjacent residential district. |
| B-2, LI, I, and PD Districts | Freestanding, accessory signs may be located in the required front yard. |
| LI, I, and PD Districts | Freestanding, accessory signs or adverting pylons shall not be placed closer than 200 feet to any adjacent residential district. |
| B-2, I, and PD Districts | Freestanding, accessory signs shall not be over 300 square feet in area. |
| LI, I, and PD Districts | Nonaccessory signs shall be permitted but shall be spaced no closer than 1,000 feet between signs on the same side of the right-of-way. |

(Ord. 134, passed - - ; Am. Ord. 194, ' 1700, passed 2-24-1997) Penalty, see ' 151.99

SITE PLAN REVIEW

' 151.250 PURPOSE.

The intent of this action is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish his or her objectives and the utilization of his or her land within the regulations of this chapter and with a minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1800, passed 2-24-1997)

' 151.251 NECESSITY FOR SITE PLAN.

The Code Enforcement Officer shall not issue a building permit for the construction of the following buildings or structures or uses until a detailed site plan has been reviewed and approved by the Planning Commission:

(A) Any use or development for which the submission of a site plan is required by any provision of this chapter;

(B) Any development, except single-family and 2-family residential, for which off-street parking areas are provided as required in ' ' 151.325 et seq.;

(C) Any use in a B-2, B-1, or 1-1 District lying contiguous to, or across, a street from a single-family residential district;

(D) Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street;

(E) All residentially-related uses permitted in single-family districts, such as, but not limited to, churches, schools, and public facilities;

(F) Multiple-family residential development;

(G) Mobile home park development; and

(H) Subdivision or subdivision development.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1801, passed 2-24-1997)

' 151.252 APPLICATION AND SUBMISSION.

Requests for site plan review shall be made by filing with the City Clerk the following.

(A) A review fee. A schedule of fees for site plan review shall be determined by the City Commission based on the cost of processing the review, and shall be made available to the public at the City Office.

(B) Application. Six copies of the application for the site plan review, which shall contain the following data:

(1) (a) Name and address of the applicant; and

(b) Name and address of the property owner(s).

(2) Legal description of the subject parcel of land;

- (3) Area of subject parcel stated in acres or, if less than 1 acre, stated in square feet;
- (4) Present zoning classification of the subject parcel; and
- (5) General description of the proposed development.

(C) Site plan. Six copies of the site plan, which shall include the following data:

- (1) A plat on a scale of not less than 1 inch equal to 50 feet, if the subject property is less than 3 acres, and 1 inch equal to 100 feet, if 3 acres or more;
- (2) Date prepared, scale, compass point showing north, and name and address of individual or firm preparing the plan;
- (3) Dimension of all lot and property lines showing the relationship of the subject property to abutting properties;
- (4) Location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property;
- (5) The location and dimensions of all existing and proposed drives and parking areas; and
- (6) The location and right-of-way widths of all abutting streets and alleys.

(D) Site plan for mobile home parks. In addition to the foregoing requirements, a site plan for a mobile home park shall include and demonstrate the following:

- (1) A greenbelt at least 20 feet in width between the mobile home park and any abutting residential district and between it and any abutting business;
- (2) Adequate open area to ensure natural light and ventilation to each home and to provide sufficient area for outdoor uses essential to the mobile home. Eighty percent of the mobile home sites or lots shall contain a minimum of at least 4,000 square feet and 20% shall contain a minimum area of at least 3,400 square feet. All the site areas shall be computed exclusive of service drives, facilities, and recreational space;
- (3) The sum of the side yards at the entry side and nonentry side of a mobile home stand shall be not less than 20 feet. However, there shall be a side yard of not less than 15 feet at the entry side of the mobile home stand and a side yard of not less than 5 feet at the nonentry side of the mobile home stand. There shall be a rear yard of not less than 5 feet at the rear end of the stand and a front yard of not less than 10 feet at the front end of the mobile home stand. For irregularly-shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums above are maintained at all points in the side yard;
- (4) No mobile home shall be located closer than 50 feet to the right-of-way line of a major thoroughfare, or 20 feet to the mobile home park property line;
- (5) Every mobile home park shall abut directly on a major thoroughfare and have direct access thereto;
- (6) Prior to public hearings on a proposed mobile home park, notifications shall be given by the applicant by registered mail, return receipt requested, of the proposal of the mobile home park and the date,

time, and place of public hearing to all parties living within 1,000 feet of the proposed mobile home park;

(7) All mobile home park developments shall further comply with the applicable state law in effect at the time as the same shall be more restrictive than this chapter; and

(8) No buildings or structure hereafter erected or altered in a mobile home park shall exceed 1 story or 14 feet.

(Ord. 1349 passed - - ; Am. Ord. 194, ' 1802, passed 2-244997) Penalty, see ' 151.999

' 151.253 PUBLIC HEARINGS.

When any land proposed for site plan review is contiguous to any residential district, the Planning Commission shall conduct a public hearing. Written notice of the public hearing shall be given by first class mail to all residents and property owners within 300 feet of the area proposed to be developed as outlined in the site plan submitted. The written notice and a brief statement concerning the nature of the application of hearing shall be served at least 10 days prior to the public hearing. All persons appearing at the public hearing shall be given an opportunity to be heard, subject, however, to the reasonable rules and regulations as the Planning Commission may direct. (Ord. 134, passed - - ; Am. Ord. 194, ' 1803, passed 2-24-1997)

' 151.254 STANDARDS FOR SITE PLAN REVIEW.

(A) In reviewing the detailed site plan, the Planning Commission shall have ascertained whether the proposed site plan is consistent with all regulations of this chapter.

(B) Further, in consideration of each site plan, the Planning Commission shall endeavor to ensure the following:

(1) Single-family development on the basis of a subdivision;

(2) The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site, and in relation to the pedestrian traffic;

(3) The traffic circulation features within the site and location of automobile parking areas, and may make requirements with respect to these matters as will assure:

(a) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and

(b) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development on contiguous land and adjacent neighborhoods.

(4) The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition to the establishment and the continued maintenance of any use to which they are appurtenant.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1804, passed 2-24-1997)

' 151.255 APPROVAL/DISAPPROVAL.

Upon approval by the Planning Commission of the detailed site plan, 4 copies of the final site plan as

approved shall be filed with the City Clerk. Within 10 days thereafter, the City Clerk shall transmit to the Code Enforcement Officer 1 copy and the City Building Inspector 1 copy of the final site plan with the Planning Commission certificate of approval. If the plan is disapproved by the Planning Commission, the City Clerk shall transmit the reasons as prepared by the Planning Commission and shall state the reasons for issuance of the disapproval to the applicant within 10 days of receipt of information from the Planning Commission.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1805, passed 2-24-1997)

' 151.256 CONFORMITY WITH APPROVED SITE PLAN REQUIRED.

The development of the subject parcel shall be in complete conformity with the approved site plan and any amendments thereto, approved by the Planning Commission. Approval of site plan shall be valid for a period of 1 year. If the building permit has not been obtained and the onset development begun within 1 year of the date of approval, the site plan approval shall become void and the developer shall make new application for the approval before proceeding. No time extension on site plan approval will be granted.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1806, passed 2-24-1997) Penalty, see ' 151.999

' 151.257 AMENDMENT TO SITE PLAN.

A proposed amendment or modification to a previously approved site plan may be submitted for review in the same manner as the original site plan review. (Ord. 134, passed - - ; Am. Ord. 194, ' 1807, passed 2-24-1997)

ADMINISTRATION AND ENFORCEMENT

' 151.270 ENFORCEMENT BY CODE ENFORCEMENT OFFICIAL.

The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer of the city or by the deputies of his or her department as may be so appointed and delegated. (Ord. 134, passed - - ; Am. Ord. 194, ' 1900, passed 2-24-1997)

' 151.271 VIOLATIONS.

(A) Buildings erected, altered, moved, raised, converted, or any use of land or premises carried on in violation of any provision of this chapter is hereby declared to be a nuisance per se. Any and all buildings or land use activities considered possible violation of the provisions of this chapter observed by or communicated to Police or Fire Department employees or to any city official shall be reported to the Code Enforcement Officer.

(B) The Code Enforcement Officer shall inspect each alleged violation and shall order correction, in writing or by posting on the premises, of all conditions found to be in violation of this chapter.

(C) An appeal may be taken to the Board of Appeals by any person alleging error and any administrative order concerning the enforcement of this chapter.

(D) All violations shall promptly be corrected after receipt of notice thereof by writing or by posting on the premises by the Code Enforcement Officer.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1901, passed 2-24-1997)

' 151.272 DUTIES OF CODE ENFORCEMENT OFFICER.

The Code Enforcement Officer shall have the power to issue a zoning compliance certificate and make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter. The Code Enforcement Officer shall record all nonconforming uses existing at the effective date of this chapter for the purpose of carrying out the provision of ' 151.201. Under no circumstances is the Code Enforcement Officer permitted neither to make changes to this chapter nor to vary the terms of this chapter in carrying out his or her duties as Code Enforcement Officer. (Ord. 134, passed - - ; Am. Ord. 194, ' 1903, passed 2-24-1997)

' 151.273 PLOT PLAN.

All applications for building permits shall be made to the City Clerk on forms provided by the city and be accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

(A) The actual shape, location, and dimensions of the lot;

(B) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structure already on the lot;

(C) The existing and intended use of the lot and of all the structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate; and

(D) Any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1904, passed 2-24-1997) Penalty, see ' 151.999

' 151.274 BUILDING PERMITS.

The following shall apply in the issuance of any permit.

(A) Building permits not to be issued. No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.

(B) Building permits required. No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for the work. The terms Altered@ and Arepaired@ shall include any changes in structural parts, stairways, type of construction, type, class or kind or occupancy, light or ventilation, means of ingress and egress or other changes affecting or regulated by a City Building Code, Housing Law of Michigan, or this chapter, except for minor repairs or changes not involving any of the features.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1905, passed 2-24-1997) Penalty, see ' 151.999

' 151.275 CERTIFICATE OF USE AND OCCUPANCY REQUIRED.

(A) No land, building, or part thereof shall hereafter be occupied by or for any use unless and until a certificate of occupancy shall have been issued for the use by the Code Enforcement Officer and/or Building Inspector.

(B) The following shall apply in the issuance of any certificate.

(1) Certificate for new use of land. No land heretofore vacant shall hereafter be used or any

existing use of land hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(2) Certificate for new use of buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(3) Certificates not to be issued. No certificates of occupancy shall be issued for any buildings, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.

(4) Certificates required. No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been Issued for the building or structure.

(5) Certificates including zoning. Certificates of occupancy as required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.

(6) Certificates for existing buildings. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that the buildings, structures, or parts thereof, or the use of land, are in conformity with the provisions of this chapter.

(7) Records of certificates. A record of all certificates issued shall be kept on file in the Office of the City Clerk, Enforcement Officer, or Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(8) Certificates for dwelling accessory buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as the dwellings.

(9) Application for certificates.

(a) Application for certificates of occupancy shall be made, in writing, to the Building Inspector on forms furnished by him or her, and the certificate shall be issued within 5 days after receipt of the application, if it is found that the building or structures, or parts thereof, or the use of the land is in accordance with the provisions of this chapter.

(b) If the certificate is refused for cause, the applicant therefor shall be notified of the refusal and cause thereof, within the aforesaid 5-day period.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1906, passed 2-24-1997) Penalty, see ' 151.999

' 151.276 FINAL INSPECTION.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the Building Inspector immediately upon the completion of the work authorized by the permits for a final inspection. (Ord. 134, passed - - ; Am. Ord. 194, ' 1907, passed 2-24-1997) Penalty, see ' 151.999

' 151.277 FEES.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the City Clerk in advance of issuance. The amount of the fees shall be established by resolution of the City Commission and shall cover the cost of inspection and supervision resulting from enforcement of this chapter. (Ord. 134, passed - - ; Am. Ord. 194, ' 1908, passed 2-24-1997)

' 151.278 INTERPRETATION.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance other than this chapter, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises. However, where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this chapter shall control. (Ord. 134, passed - - ; Am. Ord. 194, ' 1909, passed 2-24-1997)

PLANNING COMMISSION

' 151.290 TRANSFER OF ZONING POWERS.

The City Planning Commission is hereby designated as the Zoning Commission specified in Public Act 207 of 1921, M.C.L.A. ' ' 125.581 through 125.590, as amended, and shall perform the duties of the Commission as provided in the statute in connection with the amendment of this chapter. (Ord. 134, passed - - ; Am. Ord. 194, ' 2000, passed 2-24-1997)

' 151.291 APPROVAL OF SPECIAL USES AND SITE PLANS.

(A) Special uses shall be authorized by the Planning Commission only after holding a public hearing duly advertised and proper notice given to all residents and owners of record of property within 300 feet of the property in question, the notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Planning Commission shall notify the applicant of the approval or rejection of the special land use permit within 10 days of the Planning Commission meeting scheduled for purpose of action on the applicants request after the public hearing.

(B) If the proposed special land use requires the issuance of a variance by the Zoning Board of Appeals, the Planning Commission shall transmit the findings, recommendations, and approval (or disapproval) to the Zoning Board of Appeals for consideration pursuant to the provisions of ' 151.313. (Ord. 134, passed - - ; Am. Ord. 194, ' 2001, passed 2-24-1997)

' 151.292 CHANGES AND AMENDMENTS.

The City Commission may from time to time, or recommendations from the Planning Commission, on its own motion or on petition, amend, supplement, or change this chapter in accordance with the procedure established in Public Act 207 of 1921, M.C.L.A. ' ' 125.581 through 125.590, as amended. (Ord. 134, passed - - ; Am. Ord. 194, ' 2002, passed 2-24-1997)

' 151.293 PETITION FOR AMENDMENTS.

Upon presentation of a petition for amendment of this chapter by the owner of real estate to be affected, the petition shall be accompanied by a fee. The amount of the fee shall be set by resolution of the City Commission and shall be placed in the General Fund to partly defray the expense of publishing the required notice of public hearings, and the expense of the public hearing.

(Ord. 134, passed - - ; Am. Ord. 194, ' 2003, passed 2-24-1997) Penalty, see ' 151.999

ZONING BOARD OF APPEALS

' 151.305 CREATION; MEMBERSHIP.

There is hereby established a Zoning Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Public Act 207 of 1921, M.C.L.A. ' ' 125.581 through 125.590, as amended, and in a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The Board shall consist of 5 members appointed by the City Commission. Appointments shall be for a period of 1, 2, and 3 years, respectively, so as nearly as may be to provide for appointment of an equal number each year, thereafter each member to hold office for the full 3-year term. The Zoning Board of Appeals shall annually elect its own Chairperson, Vice Chairperson, and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be fixed by the City Commission.

(Ord. 134, passed - - ; Am. Ord. 194, ' 2100, passed 2-24-1997)

' 151.306 MEETINGS.

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at the times as the Board may determine. All hearings conducted by the Board shall be open to the public. The City Clerk or his or her representatives shall keep minutes of its proceedings showing the vote, indicating the fact; and shall also keep records of its hearings and other official action. Three members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. (Ord. 134, passed - - ; Am. Ord. 194, ' 2101, passed 2-24-1997)

' 151.307 APPEALS TAKEN TO THE BOARD.

(A) The appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, Department, Board, or Bureau affected by a decision of the Code Enforcement Officer. The appeal shall be taken within the time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Code Enforcement Officer and with the Zoning Board of Appeals a notice of Appeal, specifying the grounds thereof. The Code Enforcement Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies to the Zoning Board of Appeals after notice of appeal has been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by restraining order which may be granted by a court of record.

(B) The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. (Ord. 134, passed - - ; Am. Ord. 194, ' 2102, passed 2-24-1997)

' 151.308 FEES.

The City Commission may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time of notice of appeal is filed, the fee shall be paid to the Secretary of the Zoning Board of Appeals, which the Secretary shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the city.

(Ord. 134, passed - - ; Am. Ord. 194, ' 2103, passed 2-24-1997) ' 151309 JURISDICTION.

(A) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval, permit and to authorize a variance as defined in this section and the laws of the State of Michigan.

(B) The powers include the following.

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Code Enforcement Officer or any other administrative official in carrying out or enforcing any provisions of this chapter.

(2) Variance.

(a) To authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of the property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of the property, provided the relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.

(b) In granting a variance, the Board may attach thereto the conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

(3) Exceptions and special approval. To hear and decide in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this chapter specifically authorizes the Board to pass. Any exception or special approval shall be subject to the conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:

(a) Interpret the provisions of this chapter in a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid;

(b) Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission;

(c) Permit the modification of the automobile parking space or loading space requirements

where, in the particular instance, the modification will not be inconsistent with the purpose and intent of the requirements;

(d) Permit the modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of the shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without the modifications;

(e) Permit temporary buildings and uses for periods not to exceed 6 months;

(f) 1. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

2. The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted;

b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of the temporary permit;

c. All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the city shall be made at the discretion of the Zoning Board of Appeals;

d. In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the plan; recreation development such as, but not limited to, golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems, or sanitary connections;

e. The use shall be in harmony with the general character of the district; and

f. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

(g) Permit modification of wall requirements when only the modification will not adversely affect or be detrimental to surrounding or adjacent developments.

(4) Appeals and variations.

(a) In consideration of all appeals and all proposed variations to this chapter, the Board shall, before making any variations from the chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

(b) The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirements, decisions, or determination of the Code Enforcement Officer or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.

(c) Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this chapter or the Zoning Map, the power and authority being reserved to the Mayor and the City Commission of the City of Hartford in the manner provided by law.
(Ord. 134, passed - - ; Am. Ord. 194, ' 2104, passed 2-24-1997)

' 151.310 ORDERS.

In exercising the above powers, the Board may reserve or affirm wholly or partly, or may modify the orders, requirements, decision, or determination appealed from and may make the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Code Enforcement Officer from whom the appeal is taken. (Ord. 134, passed - - ; Am. Ord. 194, ' 2105, passed 2-24-1997)

' 151.311 NOTICE.

(A) The Board shall make no recommendations, except in a specific case and after a public hearing conducted by the Board.

(B) It shall be general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all residents and owners of record of property within 300 feet of the premises in question, the notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.

(C) The Board may require any party applying to the Board for relief to give the notice to other interested parties as it shall prescribe.
(Ord. 134, passed - - ; Am. Ord. 194, ' 2106, passed 2-24-1997)

' 151.312 MISCELLANEOUS.

(A) No order of the Board permitting the erection of a building shall be valid for a period longer than 1 year, unless a building permit for the erection or alteration is obtained within the period and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(B) (1) No order of the Board permitting a use of a building or premises shall be valid for a period longer than 1 year, unless that use is established within the period.

(2) Where the use permitted is dependent upon the erection or alteration of a building, the order shall continue in force and effect if a building permit for the erection or alteration is obtained within the period and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(Ord. 134, passed - - ; Am. Ord. 194, ' 2107, passed 2-24-1997)

' 151.313 APPEALS FROM BOARD DECISIONS.

All appeals from the decisions of the Zoning Board of Appeals shall be made through the courts as prescribed by state statutes covering the appeals. (Ord. 134, passed - - ; Am. Ord. 194, ' 2200, passed 2-24-1997)

PARKING REGULATIONS

' 151.325 PARKING REQUIREMENTS.

(A) There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

(B) The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

(1) Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this chapter.

(2) (a) Off-street parking for other than residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building or to the nearest point of the off-street parking lot.

(b) Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

(3) Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of ' 151.202.

(4) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(6) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(7) In the instances where a premise of structure is used for dual functions, the Board of Appeals may grant an exception parking requirement requiring only the greater of the 2 uses, provided that it is demonstrated that the operating hours for each of the uses do not overlap.

(8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited except upon premises where the uses are permitted or conditional use, except repairs and/or sales of motor vehicles titled in the name of a resident of the premises.

(9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type and sufficient to accommodate the anticipated needs of the use as determined by the Board of Appeals upon application of the owner.

(10) When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, fractions up to and including $\frac{1}{2}$ shall be disregarded and fractions over $\frac{1}{2}$

shall require 1 parking space.

(11) For the purpose of computing the number of parking spaces required, the definition of Auseable floor area@ shall govern.

(12)(a) The requirements of division (B)(13) below may be reduced by Vi the minimum required spaces for those uses within the B-1 Central Business District.

(b) For those buildings existing within the B-2 General Business District, no additional parking space need be provided when remodeling or rebuilding of structures is proposed, provided the floor area of existing structures on the site is not increased in the remodeling or rebuilding undertaken.

(c) Where floor area is increased, parking spaces shall be provided for the increased floor area in accord with the provisions of this chapter.

(13) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule.

| Use | Number of Minimum Parking Spaces Per Unit of Measure |
|--|---|
| Apartment houses, 2-family, semi-detached dwellings, and garden apartment developments | 2 parking spaces per family unit |
| Office buildings | 1 parking space for each 200 square feet of floor space utilized for work space for employees |
| Retail stores, supermarkets, department stores, personal service shops, and shopping centers | 1 parking space for each 100 square feet area in the basement and on the first floor used for retail sales, and 1 space for each 150 square feet of floor area on the second floor used for retail sales, and 1 space for each 300 square feet of floor area on the third floor used for retail sales |
| Manufacturing facilities | 1 parking space for each 3 employees on the maximum shift |
| Libraries, museums, and post offices | 1 parking space for each 100 square feet of floor area |
| Bowling alleys | 3 parking spaces for each lane |
| Motels, tourist homes, and like accommodations | 1 parking space for each separate unit |
| Theaters, auditoriums, stadiums, churches, and like facilities | 1 parking space for each 4 seats |
| Dance halls, assembly halls, convention halls, without fixed seats | 1 parking space for each 100 square feet of floor area if it be used for dancing and assembly |
| Restaurants, nightclubs, and similar accommodations | 1 parking space for each 100 square feet of floor area |
| Schools, private and public | 1 parking space for each employee normally engaged in or about the school buildings |
| Senior high schools and institutions of higher learning | 1 space for each employee normally engaged in or about the building or grounds and 1 additional space for each 5 students enrolled in the institution |
| NOTE TO TABLE: | Reference drawing below for minimum dimensions of various types of off-street parking layouts. |

(14) In all districts, there shall be no parking on any curb lawn within the city. Curb lawn is that area of land lying between a sidewalk, or proposed sidewalk, and the edge of the paved portion of the street. (Ord. 134, passed - - ; Am. Ord. 194, ' 1603, passed 2-24-1997) Penalty, see ' 151.999

' 151.326 OFF-STREET LOADING AND UNLOADING.

(A) On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

(B) The space shall be provided as follows.

(1) All spaces shall be provided as required in ' ' 151.200 et seq., 151.325 et seq., and 151.340 et seq., note after minimum rear yards, except as hereinafter provided for in ' ' 151.135 et seq.

(2) (a) All spaces shall be laid out in the dimension of at least 10 feet x 50 feet, or 500 square feet in area with clearance of at least 14 feet in height.

(b) Loading dock approaches shall be provided with dust-free surface.

(c) All spaces in LI or I Industrial Districts shall be provided in the following ratio of spaces to floor space.

| Square Feet of Usable Floor Area | Number of Loading and Unloading Spaces |
|----------------------------------|---|
| 0 to 1,400 | None |
| 1,401 to 20,000 | 1 Space |
| 20,0001 to 100,000 | 1 Space plus 1 Space for each 20,000 spare feet in excess of 20,001 square feet |
| 100,001 and over | 5 spaces |

(Ord. 134, passed - - ; Am. Ord. 194, ' 1604, passed 2-24-1997) Penalty, see ' 151.999

PROVISIONS FOR SPECIAL ESTABLISHMENTS AND OPERATIONS

' 151.340 MOBILE HOME PARKS.

In the district in which mobile home parks are permitted as a special use issued by the Planning Commission, the following minimum requirements shall apply.

(A) The minimum area of a mobile home park shall be 5 acres.

(B) No mobile home site shall be rented in any park except for periods of 30 days or longer.

(C) No mobile homes shall be nearer than 50 feet to the right-of-way line of any thoroughfare.

(D) A dense greenbelt of evergreen trees and/or shrubs, not less than 6 feet high after 1 full growing season and which at maturity is not less than 12 feet high, shall be located and effectively maintained at all times along all park boundary lines, except at established entrances and exits serving the park.

(E) Each park shall provide a recreational area or areas equal in size to at least 8% of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

(F) Coin-operated laundries, laundry and dry cleaning pickup stations, and other commercial convenience establishments may be permitted in mobile home parks, provided:

(1) They are subordinate to the residential character of the park;

(2) They are located, designed, and intended to service only the needs of persons living in the park;

(3) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(G) Each park shall provide either 1 central waterproof structure available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.

(H) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(I) Mobile home sites shall be a minimum of 3,000 square feet in area.

(J) Each mobile home site shall have a minimum width of 40 feet.

(K) The minimum distance between a mobile home and another mobile home or structure shall be 15 feet. Each mobile home shall be located at least 10 feet from the greenbelt.

(L) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or 2 concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

(M) All mobile home parks and mobile homes located therein shall conform to the rules and regulation of the State of Michigan, Federal Department of Housing and Development, and the City of Hartford Subdivision Ordinance.

(Ord. 134, passed - - ; Am. Ord. 194, ' 1614, passed 2-24-1997) Penalty, see ' 151.999

' 151.341 AMUSEMENT ESTABLISHMENTS.

Amusement establishments shall be subject to the following special provisions.

(A) The permissible hours for an amusement establishment will be determined during the special use permit process.

(B) The location of the amusement machine may not violate any fire codes.

(C) No person may loiter so as to cause an obstruction within or immediately outside the premise.

(D) Noise must not emerge from the amusement establishment which is disturbing to persons in the surrounding area.

(E) The amusement establishment shall not be neglected in management or control of the premise which results in the premise becoming a nuisance to the surrounding environment.

(F) The amusement establishment can only be opened to the public when a person 21 years of age or older is in control of the premise.

(G) The premise must have an indoor sign visible to the public stating the rules and regulations established by the Planning Commission and City Commission resolution.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1615, passed 2-24-1997) Penalty, see ' 151.999

' 151.342 ADULT ENTERTAINMENT FACILITIES.

Adult entertainment businesses, as defined by Michigan law or those similar in character as determined by the Planning Commission and City Commission, shall be subject to the following special provisions.

(A) All business shall be the principal use of the building.

(B) No business shall be located within 1,000 feet, measured from the perimeter of the building to residential or commercial building.

(C) All business shall be conducted in an enclosed building having an occupancy of less than 50 persons, as determined by the Fire Chief based on nationally-recognized occupancy standards established by the National Fire Insurance Board or equivalent nationally-recognized professional building or fire protection standard organization.

(D) Any building used may have not more than 40% of the floor area devoted to storage purposes incidental to the primary use.
(Ord. 134, passed - - ; Am. Ord. 194, ' 1616, passed 2-24-1997) Penalty, see ' 151.999

' 151.343 BED AND BREAKFAST OPERATIONS.

Bed and breakfast operations shall be subject to the following special provisions.

(A) Because many older, single-family homes are larger and represent sizeable maintenance and energy costs for a single family, it is feared that restriction to only single-family use may foster inadequate maintenance or even abandonment. The possible consequences may be a general appearance of blight which, if allowed to proceed in a downward trend, could erode the social stability of a neighborhood. Based upon the above, some areas are regarded as conducive for limited use for bed and breakfast purposes; but only when certain conditions as may be required by the Planning Commission in order to preserve the character, as well as health, safety, and welfare of the neighborhood are met.

(B) A residential structure shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this chapter and adequate living space must be preserved for manager or owner=s quarters. A common room for guest relaxation is required in these facilities. Unless owner-occupied, the manager must reside on and have more than a nominal equity interest in the premises.

(C) Off-street parking for 1 vehicle for each bedroom to be rented must be available in addition to requirements for residential family vehicles.

(D) Bathrooms must be furnished for guestrooms; 1 bathroom not to serve over 4 guestrooms.

(E) No separate cooking facilities are required for bed and breakfast operation if continental breakfast is

served.

(F) One sign in residential areas shall be permitted; size, location, and design to be authorized by the Planning Commission.

(G) Inspection and approval by Building Inspector/Code Enforcement Officer are required prior to occupancy of bed and breakfast. Health Department approval is required if other than continental breakfast is planned. Thereafter, the Building Inspector/Code Enforcement Officer shall conduct an annual inspection for compliance with city ordinances.

(H) Bed and breakfasts shall be limited to short-term occupancy not to exceed 30 continuous days.

(I) A residence must contain a minimum of 2,400 square feet of liveable floor space to be converted into a bed and breakfast.

(J) Parking shall be provided according to the following formula: 2 spaces, plus 1 space for each guest room, plus 1 space for each employee on duty at any 1 time. (Ord. 134, passed - - ; Am. Ord. 194, ' 1617, passed 2-24-1997) Penalty, see ' 151.999

' 151.344 ADULT, FOSTER, DAY-CARE, AND OTHER GROUP HOME STANDARDS.

All adult, foster care, day-care, and other group homes, not otherwise permitted by right and subject to city regulation, shall be permitted as a special land use in the commercial districts, pursuant to ' 151.291, provided the following standards have been met.

(A) Minimum lot size shall be 2 acres.

(B) Accessory services in common use may include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas, and workshops.

(C) Each dwelling unit or sleeping room shall contain at least 350 square feet of area, not including kitchen and sanitary facilities.

(D) Development of site and structures shall be in accordance with U.S. Department of Housing and Development Minimum Property Standards, Multi-Family Housing, and State of Michigan laws and regulations including evidence of current valid State of Michigan licenses and registrations. (Ord. 134, passed - - ; Am. Ord. 194, ' 1620, passed 2-24-1997) Penalty, see ' 151.999

' 151.999 PENALTY.

(A) Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this chapter or any permit, license, or exception granted hereunder or any lawful order of the Code Enforcement Officer, Building Inspector, the Board of Appeals, or the City Commission issued in pursuance to this chapter shall be guilty of a misdemeanor. On conviction thereof before any court having jurisdiction, he or she shall be punishable by a fine not to exceed \$500, or by imprisonment not to exceed 90 days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any offense shall not exempt an offender from the compliance with the provisions of this chapter.

(B) The foregoing penalties shall not prohibit the city from seeking injunctive relief against the violator or other appropriate relief as may be provided by law. (Ord. 134, passed - ; Am. Ord. 194, ' 1902, passed 2-24-1997)

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