



July 15, 2019
CITY OF MUSKEGON HEIGHTS CITY COUNCIL
WORK SESSION AGENDA
MUSKEGON HEIGHTS CITY HALL
5:30 P.M.

A. Call to Order:

Roll Call: Mayor Kimberley Sims	Councilwoman Kellie Kitchen
Mayor Pro-Tempore Vernonell Smith	Councilman Andre Williams
Councilwoman Bonnie McGlothin	Councilman Walter Watt
Councilman Marshall Cook	

B. Agenda Approval

C. Public Comments and/or Questions - On Agenda Items Only

(Public comments shall be limited to 3 minutes per person. A person wishing to address the Council shall state their name and address for the official record. The Council may at their discretion respond to comments and/or questions after all have been received. Public comments may be recorded).

D. Existing Business

a. None

E. New Business

a. Discussion - Ordinances

F. Information and comments (Mayor and any other elected/appointed official may make announcements, and the public can utilize this section for additional comments/community announcements.

G. Closed Session

a. Personnel Matters


H. Adjournment

City of
MUSKEGON HEIGHTS

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Muskegon Heights, Michigan 49444

Phone (231) 733-8999
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TO: *Mayor & City Council*

FROM: *Lori Doody, Acting City Manager* 

DATE: *July 12, 2019*

RE: *Ordinance Discussion*

Attached please find the ordinance related to blight and blighted standards/conditions. I have also included the ordinance related to open storage of abandoned scrap vehicles.

I have informed Mr. Morrow of the discussions to take place at the work session so he will be prepared to answer any questions you may have related to blight. Other ordinances are certainly up for discussion and we can access them through the City's website and utilize the tv in the conference room. If paper copies of any specific ordinance are requested, we will make copies either prior to or during the discussion if necessary.

Please let me know if you have any specific items for discussion, even over the weekend, and I will make sure those ordinances are available for review on Monday. Thank you.

ARTICLE I. - IN GENERAL

Sec. 18-1. - Purpose.

The purpose of this chapter is to protect, promote and provide for the health, safety, sanitation and general welfare of the citizens of the City of Muskegon Heights by preventing, eliminating and removing blight and/or blighted conditions within the City of Muskegon Heights.

It shall be the duty of every owner, possessor, occupant, tenant or user of any real, or personal property within the City of Muskegon Heights, whether on public or private property, to provide for the abatement, elimination, or removal of any and all blight and/or blighted conditions as listed in Chapter 38 of this Code.

(Ord. No. 04-544, 3-22-04)

Sec. 18-2. - Standards of blight and blighted conditions.

Structures, properties, uses and activities in violation of the following standards are defined as blight and/or blighted conditions. No owner, possessor, occupant, tenant or user shall, cause, permit, or maintain any such blight or blighted conditions upon any land or premises in the City of Muskegon Heights owned, possessed, occupied, leased, rented or used by said owner, possessor, occupant, tenant, or user.

- (1) *Fences*. All fences shall be maintained in good repair and shall be erected in compliance with all applicable city codes and/or ordinances.
- (2) *Painting*. No dwelling, building, or structure shall be maintained with defective exterior wall coverings. "Defective exterior wall coverings" includes, but is not limited to, lack of paint, or weathering due to lack of paint or any other approved protective covering.
- (3) *Windows*. Windows shall be maintained free of defective, deteriorated, broken, rotted, or split frames and sills. All broken windows shall be replaced, except that such windows may be temporarily sealed or boarded up for a period not to exceed 30 days.
- (4) *Exterior window and wall coverings*. All exterior window and wall coverings, including roofs, shall be maintained in good condition and free from the following conditions:
 - a. Deteriorated, crumbling or loose plaster;

- b. Deteriorated or ineffective waterproofing of walls and roof, including broken windows or doors;
 - c. Defective or lack of weather protection for exterior wall coverings including, but not limited to, lack of paint or weathering due to lack of paint or any other approved protective covering;
 - d. Broken, rotted, split or buckled exterior walls or roof coverings.
- (5) *Deteriorated vertical construction members.* No dwelling, building, or other structure shall be maintained in such a condition that it will create deteriorated, crumbling, loose, rotten, split or buckled walls, partitions, parapets or vertical supports. Fireplaces or chimneys which list, buckle or settle due to defective materials or deterioration shall be prohibited.
- (6) *General building maintenance.* All dwellings, buildings and structures shall be maintained so as to prevent the following:
- a. Peeling paint;
 - b. Broken steps or porches;
 - c. Detached gutters and roofing;
 - d. Broken doors and windows or torn screens;
 - e. Sagging roofs;
 - f. Unclean or unsafe sidewalks.
- (7) *Security.* All dwellings, buildings and structures shall be kept securely locked and the windows shall be kept in good repair. This subsection prohibits the existence of any building or structure or any part of a building or a structure which, because of neglect, physical deterioration or dilapidation, fire, wind or other natural disaster is:
- a. No longer habitable as a dwelling.
 - b. Abandoned, vacant, not occupied or utilized.
 - c. An attractive nuisance to children.
 - d. A harbor to vagrants, criminals or unauthorized persons.
- (8) *Partially completed structures.* The existence of any partially completed structure is prohibited unless such structure is in the course of construction in accordance with a valid building permit issued by the city and unless exterior construction is completed within a reasonable time.

Where a provision of this section is found to be in conflict with the standards or provisions of any zoning, building, fire, safety, or health ordinance or code of the city existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

(Ord. No. 04-544, 3-22-04)

Sec. 18-3. - Supervision and enforcement.

The mayor and council designate that the city manager shall be responsible for the administration, supervision and implementation of the enforcement of this chapter, and the city manager may designate one or more persons as enforcement officers to enforce the provisions of this chapter.

(Ord. No. 04-544, 3-22-04)

Sec. 18-4. - Municipal civil infraction notices and citations.

Upon observing a violation of the standards established under section 18-2, the enforcement officer shall issue and serve upon the owner, possessor, lessee, occupant, tenant or user, of any real, or personal property either a municipal civil infraction notice or a municipal civil infraction citation.

The fine for a first violation municipal civil infraction notice shall be waived to the owner, possessor, lessee, occupant, tenant or user admits responsibility for the municipal civil infraction notice and abates the violation within three days of the issuance of the notice and has the abatement verified by an enforcement officer. This waiver provision shall only apply to the fine for a first violation municipal civil infraction notice.

Should the owner, possessor, lessee, occupant, tenant or user refuse to admit responsibility for the municipal civil infraction notice and abate the violation within three days of the issuance of the municipal civil infraction notice, the owner, possessor, lessee, occupant, tenant or user shall be issued a municipal civil infraction citation by the enforcement officer and the violation will be adjudicated by the 60th District Court.

Should the owner, possessor, lessee, occupant, tenant or user fail or refuse to admit responsibility for the municipal civil infraction notice and pay the fine stated on the notice within three days of its issuance, the owner, possessor, lessee, occupant, tenant or user may be issued a municipal civil infraction citation by the enforcement officer and the violation will be adjudicated by the 60th District Court.

The enforcement officer shall issue a municipal civil infraction citation, as opposed to a municipal civil infraction notice, under the following circumstances:

- (1) When the owner, possessor, lessee, occupant, tenant, or user so requests; or
- (2) When, in the enforcement officers exercise of judgment and discretion, the violation is of such a nature so as to be substantially serious, chronic and/or willful.

(Ord. No. 04-544, 3-22-04)

Sec. 18-5. - Removal of offending conditions by city; collection of costs.

- (a) The director of the department of public works and his or her authorized representatives, at the request and direction of the city manager, are hereby empowered to enter upon any premises in the city for the purpose of abating the blight and/or blighted condition(s) thereon when the real property owner or persons having any interest in personal property thereon have not, with the three-day civil infraction notice period, remedied the blighted condition or requested that the enforcing officer issue a civil infraction citation, as provided in section 18-4, above.
- (b) The director of the department of public works, at the request and direction of the city manager, may abate any such public nuisance without giving notice if the public health, safety or welfare requires immediate attention.
- (c) No person shall molest, hinder or interfere with the director of the department of public works or his or her authorized representatives while they are engaged in carrying out the provisions of this chapter.
- (d) The director of public services shall keep an accurate account of the expenses incurred by his or her department with respect to each parcel of land in carrying out the provisions of this chapter and shall make a sworn statement of such account and present the same to the director of finance. The director of finance

shall immediately prepare and send an invoice to the last known owner, as reflected by the most current tax roll, for the cost of such work and improvements to said property in accordance with the statement of the director of public services. The director of finance shall add to the cost, as reported by the director of public services, the ten percent penalty which is provided for by the City Charter, to cover the cost of supervision and billing expenses. In the event that said invoice is not paid forthwith by the owner of record, the cost of such payment shall be charged against the premises and reported to the city assessor to be levied by him or her as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessment provided for by the City Charter. When such tax is confirmed, it shall be a lien upon the premises and shall be collected in the same manner as other city taxes, or, in the alternative, the city may file suit to collect same.

- (e) The remedies provided for in this section shall be in addition to the penalties provided for in section 1-13.

(Ord. No. 04-544, 3-22-04)

Sec. 18-6. - Penalty.

- (a) Unless otherwise designated herein, whoever violates any of the provisions of this chapter shall be responsible for a municipal civil infraction, and subject to the payment of a civil fine determined in accordance with the following schedule:
 - (1) First violation within a two-year period: \$100.00.
 - (2) Second violation within a two-year period: \$250.00.
 - (3) Third or subsequent violation within a two-year period: \$500.00.
- (b) The two-year period referenced in subsection (a) shall be determined as of the date of the first violation. For illustrative purposes only: if the first violation occurs on July 1, 1999, the two-year period shall be from July 1, 1999, to June 30, 2001.
- (c) Whoever violates the provisions contained in sections 18-1 or 18-2 shall be responsible for a municipal civil infraction, and subject to the payment of a civil fine in the amount of \$500.00.
- (d) Each day that a violation of the standards established under section 18-2 exists, occurs or continues constitutes a separate offense, and shall be subject to the penalties or sanctions provided herein as a separate offense.

- (e) Whoever violates this chapter shall also be subject to such additional sanctions, remedies, and judicial order as are authorized and provided for under Michigan law.

(Ord. No. 04-544, 3-22-04)

Secs. 18-7—18-25. - Reserved.

Sec. 38-66. - Legislative findings.

The city council finds that:

- (1) Scattered throughout the city are a large number of unoccupied dwellings which are constantly broken into, vandalized, used for unsanitary or illegal purposes and are potential fire hazards.
- (2) There are many unoccupied dwellings in the city which, because of their vacant status, constitute hazards to the health, safety, and welfare of the public.
- (3) Certain vacant dwellings have reached a stage of disrepair and deterioration which create a public nuisance or exert a downgrading or blighting influence on the surrounding neighborhood, resulting in discouraging neighbors from making improvements to the properties and thus adversely affecting the tax revenue of the city.
- (4) Currently, tax delinquent abandoned dwellings revert to the state and are then deeded to the city through the state tax reversion process. However, this process takes several years, during which many dwellings are lost through vandalism and deterioration.
- (5) Acquisition of abandoned dwellings by purchase or gift, or through exercise of the power of eminent domain, and permitting individuals to repair and reside therein under contract with the city will preserve the residential housing stock of the city, increase neighborhood stability, and provide needed homes for city families.

(Code 1965, § 9.41)

DIVISION 4. - OPEN STORAGE OF ABANDONED SCRAP VEHICLES

Sec. 38-91. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned scrap vehicle means a vehicle which meets either of the following requirements:

- (1) Is on private property, is apparently inoperable or is extensively damaged to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 of the state motor vehicle code (MCL 257.683 et seq.) would exceed the fair market value of that vehicle and is not removed within 48 hours after a written notice of the violation of this division is affixed to the vehicle by the department of inspections.
- (2) Is on private property, is not currently registered pursuant to the state motor vehicle code and is not removed within 48 hours after a written notice of the violation of this division is affixed to the vehicle by the department of inspections.

(Code 1965, § 5.222; Ord. No. 2016-613, 3-14-2016)

Cross reference— Definitions generally, § 1-2.

Sec. 38-92. - Prohibited acts.

It shall be unlawful for any person to store or place an abandoned scrap vehicle, or permit an abandoned scrap vehicle to be stored or placed, or allow an abandoned scrap vehicle to remain on any private property located in the R-1, RMH, RM-1, RM-2 residence districts, GO general office district or C-1 neighborhood shopping district, under the terms and provisions of chapter 90, as now or hereafter amended, or upon which private property there is a structure used in whole or in part as a dwelling, unless the abandoned scrap vehicle shall be kept in a wholly enclosed garage or other wholly enclosed structure.

(Code 1965, § 5.221)

Sec. 38-93. - Exception in case of hardship.

In the event of hardship and upon payment of the fee provided in section 38-94, the registered owner of an abandoned scrap vehicle may secure a permit from the chief of inspections to extend such period of 48 hours for an additional period of not to exceed one week for any one such abandoned scrap vehicle.

(Code 1965, § 5.223)

Sec. 38-94. - Permits; issuance; fee.

Upon application made by the registered owner of an abandoned scrap vehicle and upon showing of hardship, the chief of inspections is hereby authorized to issue the permits provided for in section 38-93. A fee as set out in section 40-1 of this Code for each such permit issued shall be collected and shall be paid into the general fund.

(Code 1965, §§ 5.224, 7.35)

Sec. 38-95. - Construction of division.

This division shall not be deemed to be in conflict with other provisions of this Code relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to such provisions as well as any state statutes relating thereto.

(Code 1965, § 5.225)

Sec. 38-96. - Declared nuisance.

The presence of an abandoned scrap vehicle in violation of the terms of this division is hereby declared to be a public nuisance.

(Code 1965, § 5.226)

Sec. 38-97. - Violation of division as municipal civil infraction.

A person who violates any provision of this division is responsible for a municipal civil infraction.

(Ord. No. 491, § 7(5.227), 7-24-95)

Secs. 38-98—38-115. - Reserved.

