

ORDINANCE NO. 2018-##

An Ordinance amending Section 8-25 through 8-40 of Article 2, Chapter 8 of the Code of Ordinances of the City of Jackson, Michigan to create a Neighborhood Association Recognition Ordinance that encourages neighbors to actively engage in city affairs, and provide for access to information to help neighborhoods understand the issues and opportunities they face.

*THE PEOPLE OF THE CITY OF JACKSON ORDAIN:*

**CHAPTER 8 - COMMUNITY DEVELOPMENT**

**ARTICLE II. - NEIGHBORHOOD ASSOCIATIONS**

**Sec. 8-25. - Title.**

This article may be cited as the "Neighborhood Association Recognition Ordinance."

**Sec. 8-26. - Findings and purpose.**

- (a) Early identification and resolution of potential conflicts involving neighborhoods and the private sector can be of utmost value to all concerned.
- (b) A standardized recognition policy for Jackson neighborhood associations would promote improved communications between neighborhood associations and city government.
- (c) Due to the potential impact of new development and redevelopment upon neighborhoods, it can be useful if developers coordinate major proposals and plans with neighborhood associations.
- (d) As neighbors organize themselves into associations, they better know each other and can report irregular circumstances and crime to the police department to better secure property and improve public safety.
- (e) The purpose of this Article is to meet the needs specified by the above legislative findings, while not limiting the rights of any other person, including non-recognized neighborhood groups, to input directly into the city's decision making processes.

**Sec. 8-27. - Definitions.**

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

*Neighborhood association* means an organized group of people or other legal entities who own or occupy real property within a specified subarea of the city.

*Non-recognized neighborhood or homeowner association* means a neighborhood association or homeowners association that has notified the City department of neighborhood and economic operations of two persons' addresses where it wishes notice to be sent pursuant to Sec. 8-25 et seq.; and that such designation shall be changed by the neighborhood association when appropriate.

*Recognized neighborhood association* means a neighborhood association that meets the criteria described in Sec. 8-28 et seq.

Words not defined herein, but defined in Chapter 28, Sec. 28-5, are to be construed as defined therein.

**Sec. 8-28. - Criteria for recognition of neighborhood associations.**

A neighborhood association may be designated a recognized neighborhood association by the Mayor when and so long as all the following criteria are found to be met:

- (a) The association shall file with the City department of neighborhood and economic operations a current copy of their bylaws. The bylaws shall include the following provisions:
  - (i) The geographic boundaries of the neighborhood association shall be reasonable; boundaries are recommended to include an area of the city not more than one half square mile and not less than 15 acres or four blocks; boundaries shall make reasonable efforts to conform to those outlined in the most recent city master plan. The boundaries of any neighborhood association in existence on the effective date of Sec. 8-25 et seq. shall be deemed reasonable. The boundaries of a neighborhood association formed after September 1, 2018 that are identical to the boundaries of a recognized neighborhood association in existence on that date shall be presumed unreasonable.
  - (ii) The association shall make full membership open to all persons residing within its boundaries and to all persons and legal entities owning property or having a place of business within its boundaries.
  - (iii) The association shall hold at least one meeting per year for which it makes a reasonable attempt to give written notice to every household and place of business within the association's boundaries; mail, delivered handbills, or a number of prominent signs are examples of adequate notice. No election shall be held at a meeting of an association unless the meeting is so advertised.
- (b) Officers of recognized associations shall annually submit a letter to the city department of neighborhood and economic operations attesting to the number of dues-paying members their records indicate for the previous year. If an association has no dues paying members, or if dues-paying membership does not adequately reflect an association's size, its officers shall annually submit other evidence of the size of its active membership.
- (c) No new neighborhood association shall be recognized which has within its boundaries a geographic area already defined within the boundaries of an existing, previously recognized neighborhood association unless one of the following two requirements have been met:

- (i) The new association demonstrates to the satisfaction of the mayor that it has more members (adult owners or residents of the neighborhood who have indicated in writing they want to join the association) in the overlapping area than the first association; or
  - (ii) The new association demonstrates to the mayor that the interests of the proposed members are not being adequately represented by the first association[s] with which it proposes to overlap. A failure to adequately represent may be demonstrated as follows:
    - (1) Ten owners or residents within the area of overlap who are members of the first neighborhood association, or who meet the membership eligibility criteria to be members, submit a request in writing to the first neighborhood association, asking that the first neighborhood association take action on an issue which is within the authority of the neighborhood association; and
    - (2) The first neighborhood association fails to consider the issue at the next scheduled meeting of the board or full membership or fails to resolve the matter at the next scheduled meeting of the board or full membership in the manner requested by those making the request or fails to conduct a board or full membership meeting within 90 days of the written request; and
    - (3) After a failure to resolve the matter at a timely called meeting of the board or full membership, the first neighborhood association declines to participate in mediation after a request for mediation is made, or fails to reach a mutually acceptable resolution of the issue in mediation; and
    - (4) The new association gathers the written confirmation of either (i) at least 50 adult residents or owners or (ii) at least one quarter of the addresses located within the boundaries of the association(s) with which the new association will overlap, whichever is the lesser number, that those residents or owners desire to be members of the new association. Such confirmation may be by electronic transmission.
  - (iii) The first association and the new association may voluntarily resolve overlapping boundary issues through written agreements to allow overlapping boundaries or through agreements to redraw neighborhood boundaries to provide each association with an exclusive area.
  - (iv) All recognized neighborhood associations in existence on September 1, 2018 shall retain their recognized status notwithstanding the provisions of this subsection, as amended, and notwithstanding any disputes about whether the provisions of this subsection, prior to amendment, had been met.
- (d) The mayor, the appropriate ward city council member, and the city department of neighborhood and economic operations shall be furnished with names, addresses and available phone numbers of current neighborhood association officers and/or board members.
- (e) Evidence of an annual general membership meeting advertised as specified in Section 8-28 (a)(iii) shall be sent to the city department of neighborhood and economic operations within 60 days of the meeting.

- (f) Failure to comply with any of the preceding criteria shall result in notification of noncompliance being sent to the recognized neighborhood association officers and/or board members from the city department of neighborhood and economic operations. Upon receipt of this notice, a recognized neighborhood association must offer evidence of compliance within 60 days; if it does not comply, the association shall be removed from the list of recognized neighborhood associations.

**Sec. 8-29. - Responsibilities of recognized and non-recognized neighborhood or homeowner associations.**

(a) Recognized neighborhood associations shall:

- (i) By interaction with their members, residents, and the city, strive to uphold good planning, protect the environment, and promote the community welfare. Communication should be fostered between the recognized neighborhood association and city government on plans, proposals, and activities affecting their area.
- (ii) Attempt to inform members and other eligible participants in their neighborhood of issues for discussion.
- (iii) Establish an orderly and democratic means for making representative decisions.
- (iv) Establish and follow a clear method for reporting to the city actions which accurately reflect the neighborhood's position. When a neighborhood association presents its official position on an issue to the city, it shall be prepared to identify whether the decision was reached by the board, a poll of the general membership, or by a vote at a general membership meeting, and the vote for and against the position.
- (v) Comply with its bylaw provisions as specified in Sec. 8-28 above.
- (vi) Notify the mayor, the city department of neighborhood and economic operations, and the ward city council member(s) of general membership meetings at least two weeks in advance, when possible.
- (vii) Notify the city department of neighborhood and economic operations of two persons' addresses where it wishes notice to be sent pursuant to Sec. 8-25 et seq.; such designation shall be changed by the neighborhood association when appropriate.

(b) Non-recognized neighborhood or homeowner associations shall:

- (i) Notify the city department of neighborhood and economic operations of two addresses where it wishes any notices to be sent; such designation may be changed when appropriate.
- (ii) Provide the city department of neighborhood and economic operations with a definition of the physical boundaries of the non-recognized neighborhood or homeowners association, which definition shall be consistent with the subarea owned or occupied by the organization.

**Sec. 8-30. - Responsibilities of the city.**

- (a) The City Manager shall make reasonable attempts to give mailed notice to recognized and non-recognized neighborhood or homeowner associations when site applications, which plans would cover areas within or contiguous to the recognized and non-recognized neighborhood or homeowner association's boundaries; notification shall be when the application is filed. Recognized and non-recognized neighborhood or homeowner associations shall be notified of new plans and plan amendments upon initiation of such a project by city departments and within five days of application filing by others. The City Manager shall make reasonable attempts to mail such associations notice concerning all subsequent public hearings of city boards, commissions, and task forces concerning such plan proposals, except hearings which have been deferred to a specific time announced at the prior hearing.
- (i) The City Manager shall make reasonable attempts to give directly affected recognized and non-recognized neighborhood or homeowner associations prior mailed notification of pending major city development and redevelopment projects and changes in services by the city which will have a direct, significant impact on that neighborhood; permanent and temporary street construction and major repair, total closing of streets, changes in size or type of city parks, building of new city facilities, relocation or reconstruction of privately owned utilities which require a permit are examples. With regard to permanent and temporary street construction and major repair, the City Manager shall give mailed prior notification to the recognized and non-recognized neighborhood or homeowner associations within one quarter mile of the street construction and/or major repair.
- (b) The City Manager shall require written affirmation of prior notice to recognized and non-recognized neighborhood or homeowner associations at the time of filing applications, as specified in Sec. 8-31. Not less than 15 days prior to the first public hearing on applications specified in Sec. 8-31, the City Manager shall mail notices of the hearing to such recognized and non-recognized neighborhood or homeowner associations.
- (c) For the purpose of divisions (a), (b), and (c) of this section, first class letters mailed to two contact addresses submitted by a neighborhood association shall constitute reasonable attempt to notify.
- (d) The city shall mail initial response within ten days of receipt of any correspondence received from any recognized neighborhood that requests an answer, definition, or status of any city project within their boundaries.
- (e) The city department of neighborhood and economic operations shall:
- (i) Notify all known neighborhood associations and prospective associations of the requirements for recognition, and advise such groups on how to meet the requirements;
- (ii) Review its files on neighborhood associations to verify if each association has met the requirements for recognition with current information;
- (iii) At least annually notify each known neighborhood association of its current recognition status; city departments shall also be advised of associations' status;

- (iv) Encourage individuals to cooperate with, and collaborate through their existing neighborhood association;
  - (v) Work with City officials and recognized neighborhood associations to develop appropriate processes for neighborhood review and comment on city plans and policies;
  - (vi) Supply to all recognized neighborhood associations a current list of all city government agencies, their department heads, and corresponding phone numbers;
  - (vii) Advise recognized neighborhood associations of self-help projects which could enhance the quality of life within their neighborhoods;
  - (viii) Along with the mayor and applicable city council member(s), serve when appropriate as a liaison between a recognized neighborhood association and city agencies;
  - (ix) Provide for the sharing of information with recognized neighborhood associations by furnishing, upon request, available pertinent information;
  - (x) Provide to recognized neighborhood associations a city newsletter to inform them about happenings in city government and to increase communications between such neighborhood associations;
  - (xi) Provide to neighborhood associations workshops on appropriate topics concerning city procedures and actions as well as the effective operation of neighborhood associations; such workshops shall be free for two representatives of each recognized neighborhood association, while a fee may be charged to others; fees may be charged for materials;
  - (xii) Supply to the public and to city officials the names and addresses of the two designated recipients of notices, as most recently specified by each recognized neighborhood association.
- (f) With the advice and consent of the Council, the City Manager may promulgate rules and guidelines necessary to implement Sec. 8-25 et seq.
- (g) The City Manager shall make reasonable attempts to give directly affected recognized and non-recognized neighborhood or homeowner associations prior mailed notification of pending major city development and redevelopment projects and changes in services by the city which will have a direct, significant impact on neighborhoods within one mile of, for example, the permanent and temporary street construction and major repair, total closing of streets, changes in size or type in city parks, building of new city facilities, relocation or reconstruction of privately owned utilities which require a permit, or rerouting of bus service.

**Sec. 8-31. - Responsibilities of applicants and developers.**

- (a) Applicants for approval of amendments of the zoning map, site development plans (except houses and accessory buildings), major subdivisions, vacations of public right-of-way, mapping historic districts, landmarking sites, and issuance or transfer of liquor licenses shall, prior to filing the application, make a reasonable attempt to give written notification of their proposal to any

recognized neighborhood association which covers, abuts, or is across public right of way from the subject site.

- (b) Certified letters, return receipt requested, mailed to the two designated neighborhood association representatives on file at the city department of neighborhood and economic operations constitutes a reasonable attempt to notify an association.
- (c) Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written notification of its proposal to such designated association representatives shall be grounds for a neighborhood association to request deferral of a hearing. The application for such hearing shall include a signed statement that such notification has been sent.

**Sec. 8-32. - Neighborhood Empowerment Fund.**

- (a) Establishment of budget activity. There is further hereby established a "neighborhood empowerment fund" which may be appropriated each year by the city council. All such monies as are appropriated to the neighborhood empowerment budget activity may be accumulated and expended for such activities, from time to time, as matching grants to recognized neighborhood associations for eligible public improvements.
- (b) Provided, however, that any unexpended or un-appropriated balance in the neighborhood empowerment budget activity may, from time to time, be re-appropriated by the city council for any such other public purposes as permitted by law which the city council shall deem necessary or proper.
- (c) All funds raised through private donations shall be placed into the neighborhood empowerment budget and shall be expended only as matching grants to recognized neighborhood associations for eligible public improvements.
- (d) The city may accept monetary gifts, grants, donations, or awards for the purposes of carrying out this article into the neighborhood empowerment fund. The City and may work with nonprofits or other organizations to raise funds for projects and activities as needed. Crowd-funding, and other fundraising mechanisms, may be used to solicit donations.

**Sec. 8-33. - Severability.**

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this article.

**Sec. 8-34—8-40. - Reserved.**