

ARTICLE V. - VACANT OR ABANDONED PROPERTY

Sec. 11-91. - Purpose.

The purpose of this article is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and to ensure the safe and sanitary maintenance of dwelling, commercial and industrial buildings. It is the intent of this article to address homes and building that have become vacant, abandoned, or otherwise unsupervised thereby having a negative impact on surrounding properties and neighborhoods. Vacant and abandoned homes create an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rodent and vermin activity at vacant structures. Such neglect devalues the properties and causes deterioration in neighborhoods and industrial and commercial areas. It is important for the city to be able to contact the owners of vacant properties for property maintenance, utility shutoff, fire safety, and police reasons.

(Ord. No. 2012-03, § 1, 6-18-2012)

Sec. 11-92. - Scope.

The provisions of this article shall apply to all existing residential, commercial, and industrial structures. This article does not relieve an owner from compliance with all other city ordinances, codes, rules, regulations, and state law.

(Ord. No. 2012-03, § 3, 6-18-2012)

Sec. 11-93. - Definitions.

As used in this article:

Abandoned vacant property means a vacant property that has been vacant for thirty (30) days or more and meets any of the following criteria:

- (1) Provides a location for loitering, vagrancy, unauthorized entry, or other criminal activity;
- (2) Has one or more broken or boarded windows;
- (3) Has taxes in arrears for a period of time exceeding three hundred sixty-five (365) days;
- (4) Has utilities disconnected or not in use;
- (5) Is not maintained in compliance with city ordinances, codes or state law;
- (6) Is only partially completed and is not fit for human occupancy;
- (7) Is open to casual entry or trespass.

Building means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.

Evidence of vacant property means any condition that on its own or combined with other conditions would lead a reasonable person to believe the property is vacant. Such conditions include but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility

notices, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded windows, abandoned vehicles, auto parts or materials, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation, or occupation, statements by neighbors, passerby, delivery agents or governmental employees that the property is vacant.

Foreclosures means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgages.

Mortgage means a recorded lien or interest in real property to secure payment of a loan.

Mortgagee means a person, firm, corporation or other entity holding a mortgage on a property.

Mortgagor means a borrower under a mortgage who grants a lien or interest in property to a mortgagee as security for the payment of a debt.

Owner means an individual, co-partnership, association, corporation, company, fiduciary, or any other person or legal entity having legal or equitable title or interest in real property.

Structure means anything constructed or erected, the use of which requires location on or attachment to the ground, and includes buildings.

Vacant property means an improved lot or parcel of real property with at least one building or structure that is not currently used or occupied for a period in excess of thirty (30) days. A building or structure which remains furnished, has utilities connected or in use, and on the property that is maintained while the owner is absent, shall not be considered vacant.

(Ord. No. 2012-03, § 4, 6-18-2012)

Sec. 11-94. - Registration of vacant and abandoned vacant property.

An owner of a vacant property or an abandoned vacant and abandoned vacant property located in the city of shall be responsible for registering that property with the building department by complying with the affidavit and registration and inspection fee requirements in this article with the following time frame:

- (1) Vacant property shall be registered within forty-five (45) days of the vacancy.
- (2) Abandoned vacant property shall be registered within thirty (30) days of the vacancy.

(Ord. No. 2012-03, § 5, 6-18-2012)

Sec. 11-95. - Owner registration form; content.

Owners who are required to register their properties pursuant to this article shall do so by submitting a copy of a valid driver's license and owner registration form containing the information specified in this section. The form may be signed by an agent for an owner provided the agent's written authorization from the owner is also provided. The form shall include the following:

- (1) The name of the owner of the property.
- (2) A current mailing address where mail may be sent that will be acknowledged as received by the owner. If certified/return receipt requested is sent to the address provided by the owner pursuant hereto and the mail is returned for whatever reason, then such occurrence shall be prima facie evidence that the owner has failed to properly comply with this article constituting a violation hereof.

- (3)

The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be someone other than the owner provided that the owner has contracted with such a person or entity to act as his or her agent for purposes of this article. An owner who is not a Michigan resident or is not a Michigan corporation or other Michigan legal entity must designate a Michigan resident or Michigan entity to act as his, her or its agent for purposes of this article.

- (4) A current address, telephone number, and facsimile number, or email address where communication may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified/return receipt requested mail is sent to the address provided to subsection 11-95 ()(2), and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address provided pursuant to subsection 11-95 ()(2) is returned for whatever reason, then such occurrence shall be prima facie evidence that the owner has failed to properly comply with the requirements of subsection 11-95 ()(2).
- (5) The owner's promise that the city's building official or designee will be permitted to inspect the property, including any building or structure situated thereon, in accordance with this article, and at such other reasonable times, upon reasonable notice, as determined necessary by the building official.
- (6) An explanation as to the reason for the vacancy of the property.

Once a vacant or abandoned vacant property has been properly registered by the owner, such registration shall be valid and effective for a period not to exceed three hundred sixty-five (365) days, and shall be renewed annually thereafter until the property has become occupied and a certificate of compliance has been issued pursuant to section 11-101 () (Re-occupancy).

(Ord. No. 2012-03, § 6, 6-18-2012)

Sec. 11-96. - Registration, inspection and other fees.

All fees applicable to this article shall be set from time to time by resolution of the city council, which fees shall include a registration fee, an inspection fee, a re-inspection fee, and such other related fees established by resolution of the city council. There shall also be a fee for the filing of a new owner's application. For properties that are not registered within the required time, an additional fee for added cost of the city's expenses in having to determine ownership, which may include, but is not limited to, title searches, shall be assessed and immediately payable. The payment of all fees required under this article shall be secured by a lien against the property and if not paid within thirty (30) days after the bill for such fee(s) is rendered, such fee(s) shall be collected as provided in section 11-103 ().

(Ord. No. 2012-03, § 7, 6-18-2012)

Sec. 11-97. - Requirement to keep information current.

If at any time the information contained in the owner registration form required pursuant to section 11-95 () of this article is no longer valid, the owner has ten (10) days to file a new form containing valid, current information. There shall be no fee to update an existing registered owner's current information.

(Ord. No. 2012-03, § 8, 6-18-2012)

Sec. 11-98. - Inspections.

- (a) Vacant unoccupied building or structures, including the surrounding real property, required to be registered in accordance with this article shall be subject to an initial safety and maintenance inspection by the building official, or designee, upon registration. The owner shall pay the inspection fee pursuant to

section hereunder. The owner shall demonstrate, within the course of such inspection, that all building or structure water, sewer, electrical, HVAC, plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings, roofing, structural systems, foundation, drainage systems, gutters, doors windows, parking areas, signage, driveway foundation, drainage systems, gutters, doors, windows, parking areas, signage, driveway apron(s), service walk(s), and other public areas on the property, are sound, operational, or properly disconnected. The owner shall also demonstrate compliance with the city's property maintenance code. In the event such inspection reveals any violations, the owner shall, within ten (10) days, apply for any necessary permits, and shall within thirty (30) days, or such additional period as permitted by the building official not to exceed six (6) months, complete all repairs required resulting from such inspection. Following the initial inspection, in order to ensure that the vacant building and structures are safe, secured, and well maintained, all vacant or unoccupied building and structures, including surrounding real property, shall be subject to annual inspections by the building official, or designee until the building or structure is lawfully occupied in accordance with section 11-101 () thereof. Any violations of the city's codes or this article which are detected during any inspections by the building official, or designee, shall be fully repaired and remedied within thirty (30) days of the notice to the owner, or such additional time as permitted by the building official but not to exceed six (6) months.

- (b) Any mortgagee who holds a mortgage interest on a property located with the city shall perform an inspection to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the mortgagor, within five (5) days either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure by advertisement). Upon such inspection by the mortgagees, if the property is found to be vacant or shows evidence of vacant property in accordance with this article and be subject to all provision of this article.

(Ord. No. 2012-03, § 9, 6-18-2012)

Sec. 11-99. - Maintenance and security requirements.

An owner of a vacant property shall, on a daily basis, comply with all of the following maintenance and security requirements.

- (1) Property shall be kept free from weeds, grass more than six (6) inches high, dry brush, dead vegetation, trash, junk, debris, building material, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or any other items that give the appearance that the property is abandoned.
- (2) Property shall be maintained free of graffiti or similar markings.
- (3) All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges, or similar plantings. Maintenance includes, but is not limited to, cutting, pruning, and mowing of required landscaping and removal of all trimmings.
- (4) Pools, spas, and other water features shall be covered with an industry approved safety cover and shall also comply with the minimum security fencing and barrier requirements of all applicable building and existing structures/property maintenance codes and ordinances.
- (5)

Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other opening such size that may allow a child or other to access the interior of the property and/or building or structures. Broken windows must be repaired or replaced with like glazing materials within fourteen (14) days. Boarding up of open or broken windows is prohibited except as a temporary measure not to exceed fourteen (14) days. Any wood material that is used for purposes of this section must be painted in the color that matches as near as possible the color of the trim of the building or structure being secured.

- (6) Electrical power and natural gas shall be provided to all vacant or unoccupied buildings or structures to power all mechanical equipment to maintain a minimum ambient interior temperature of not less than forty-five (45) degrees Fahrenheit during the months of September through April of each calendar year and to power a sump pump. A minimum of [a] seven (7) watt night light shall be placed in the interior of any vacant residential building or structure on a timer, set so as to turn on at dusk and off at dawn, on both the first and second levels, so as to be visible from the exterior of the residential building or structure. All vacant or unoccupied residential buildings or structures shall have the water shut off at the street and shall have the building properly winterized so as to prevent the bursting of water pipes, unless the building or structure is served by a heating system which requires the use of water.

- (7) Property shall be maintained in compliance with all other applicable code requirements.

(Ord. No. 2012-03, § 10, 6-18-2012)

Sec. 11-100. - Open property; securing fee.

Property that is subject to this article that is left open and/or accessible shall be subject to entry by the city in order to ensure that the property has not become an attractive nuisance and to ensure that the property is locked and/or secured and in compliance with the city's codes and ordinances. The owner of property subject to this article which is found open or unsecured shall be responsible for paying a securing fee as set by the city council to offset the cost incurred by the city in contacting the owner or management company to secure the property, or if the owner and/or management company cannot be contacted or does not secure the property within a reasonable time, not to exceed twenty-four (24) hours, the cost incurred by the city in securing the property.

(Ord. No. 2012-03, § 11, 6-18-2012)

Sec. 11-101. - Re-occupancy.

A vacant or unoccupied building or structure on vacant property shall not be occupied until a certificate of compliance has been issued by the building official within thirty (30) days immediately prior to occupancy, and all violations have been corrected in accordance with the systems shall be certified by a licensed contractor as being in good operation and repair. In addition, a certificate of compliance shall not be issued until all outstanding cost, assessments, and/or liens owed to the city have been paid in full.

(Ord. No. 2012-03, § 12, 6-18-2012)

Sec. 11-102. - Fire-damaged property.

If an occupied building or structure is damaged fire, the owner has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Failure to do so will result in the property being deemed vacant and subject to the requirements of this article.

(Ord. No. 2012-03, § 13, 6-18-2012)

Sec. 11-103. - Unpaid fees; assessment.

All fees hereunder that remain unpaid after fourteen (14) days written notice to the owner and/or management company shall be assessed against the property as a lien and placed on the tax roll or the city may seek civil judgment in the court of jurisdiction.

(Ord. No. 2012-03, § 14, 6-18-2012)

Sec. 11-104. - Penalties; municipal civil infractions.

A violation of this article shall be a municipal civil infraction and shall not be punishable by imprisonment. A first offense shall be subject to a minimum two hundred dollars (\$200.00) fine and any other penalties or equitable relief authorized under state law. Second or subsequent offenses shall be subject to a minimum fine of four hundred dollars (\$400.00) and any other penalties or equitable relief authorized under state law. The requirements of this article are in addition to, and not lieu of, all other city ordinances, codes, rules, regulations, or state law.

(Ord. No. 2012-03, § 15, 6-18-2012)