

ORDINANCE NO. 10-458

Vacant Property Registration and Maintenance

AN ORDINANCE TO REGULATE VACANT OR ABANDONED REAL ESTATE; TO REQUIRE THE REGISTRATION OF VACANT AND ABANDONED PROPERTY; TO PREVENT BLIGHT, NUISANCES AND UNSAFE CONDITIONS; TO REQUIRE MAINTENANCE AND SECURITY; TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE PEOPLE OF THE CITY OF RIVER ROUGE ORDAIN:

Sec 1. Purpose

The purpose of this ordinance 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 ensuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage foreclosures, and increased bankruptcies, many homes and buildings have become vacant and unsupervised. This has caused or may in the future cause properties to become attractive nuisances for minors and/or criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are or may be deferred by the presence of nearby vacant abandoned buildings. There is or may be 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 rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas.

1st - 6/15/10
2nd - 7/6/10

Sec 2. Definitions.

- a. "Certificate of Occupancy" is defined as provided in Ordinance 05-445-2.
- b. "Construction Code" is defined as the State of Michigan Construction Code Act, Public Act No. 230 (MCL 125.1501 et seq.), adopted under Section 18-33 of this Code of Ordinances.
- c. "Harborage" is defined as a shelter, harbor.
- d. "Owner" is defined as one who has the right to possess, use, and convey something, including the owner, occupant or successor to title by foreclosure, sheriff's sale or by court order.
- e. "Property Maintenance Code" is defined as the 2006 Residential Building Code.
- f. "Rodent" is defined as any of an order (Rodentia) of relatively small gnawing mammals (as a mouse, a rat, a squirrel or a beaver) that have in the upper jaw a single pair of incisors with a chisel-shaped edge; also: a small mammal (as a rabbit or a shrew).
- g. "Vacant property" is defined as a lot, building, or structure that is not legally or currently occupied. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, attending to personal matters or business.

Sec. 3. Scope.

The provisions of this Ordinance shall apply to all existing vacant residential, commercial and industrial properties and structures in the City of River Rouge, regardless of condition, including all vacant land in the City of River Rouge.

Sec. 4. Evidence of vacant property.

Evidence of vacancy shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to belief that 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 and/or disconnected utilities; accumulation of trash, junk and/or debris; boarded up windows; abandoned vehicles, auto parts or materials; the absence of or continually drawn window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation or occupancy; statements by neighbors, passersby, delivery agents or utility agents, including Department of Public Works and/or Police or Fire Department employees, that the property is vacant property.

Sec. 5. Registry of vacant properties.

There is hereby created by this Ordinance and maintained by the City Building Department a registry of vacant properties.

Sec. 6. Vacant properties to be registered.

Owners of real property are required to register all vacant properties within fifteen (15) days of the property becoming vacant property. Structures that are vacant property at the time of the adoption of this Ordinance must register within fifteen (15) days of the date of this ordinance takes effect.

Sec. 7. Owners's registration form; content.

Owners who are required to register their properties under this Ordinance and shall submit a

completed Vacant Property Registration Form, as provided by the City Building Department, containing the following information:

- a. The name of the owner of the property.
- b. Common address and tax parcel identification number of the property.
- c. The date on which the property became vacant.
- d. Affirmation of utility connections or disconnections.
- e. A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
- f. The name of the individual responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be some person or organization other than the owner with whom the owner has contracted, or a financial institution who has possession as a result of a mortgage foreclosure; or a subsequent assignee.
- g. A current address, phone number, fax, and email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the owner or an individual responsible for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

Sec. 8. Registration fee.

The registration fee shall be set by the City Commission by resolution from time to time, to offset the cost of processing the form and administering compliance with this ordinance. In addition, in the case where the owner has failed to register, there shall be assessed any additional cost incurred by the City in having to determine ownership, which may include, but is not limited to title search and attorney fees.

Sec. 9. Requirement to keep information current.

If at any time the information contained in the registration form is no longer valid, the property owner shall within ten (10) days file a new registration form containing current information. There shall be no fee to update the current owner's information. There shall be a late fee as established by council resolution should the owner fail to comply within the time period required.

Sec. 10. Public nuisance declared; Maintenance and security requirements.

- (a) It is declared a public nuisance for any owner to cause, permit, or maintain any property condition contrary to the provisions of this ordinance. The owner or individual responsible for the care and control of the property must adhere to the vacant property maintenance plan as contained in this Ordinance. The owner or individual responsible for the care and control of the property shall perform regular weekly inspections of the property to assure compliance with the requirements of this section, and shall allow access to the property by the engineering department, the building department or the fire department for the purpose of inspection and in case of emergency.
- (b) Vacant property shall be kept free of the following:

- (1) weeds or grass more than six (6) inches;
- (2) vegetation growth between sidewalk and/or driveway flags or from cracks in the pavement,
- (3) dry brush, dead vegetation, trash, junk, debris, building materials, rodent harborage, accumulated snow on sidewalks and driveways.
- (4) any accumulation of newspapers, circulars, flyers, and notices (except those required by federal, state or local law),
- (5) discarded items including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, and,
- (6) any illegal outside storage of vehicles, trailers, or storage containers.

(c) Vacant property shall comply with the minimum security fencing, barrier and maintenance requirements of the Construction Code and the Property Maintenance Code.

(d) Vacant property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with any exterior grade paint that matches the color of the exterior structure.

(e) Vacant property shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpet, or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of landscaping and removal of all trimmings.

- (f) Pools, spas, and other water features located on vacant property shall be kept in working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris, and must comply with the minimum security fencing, barrier and maintenance requirements of the construction Code and the International Property Maintenance Code.
- (g) Vacant 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 (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). Broken windows must be repaired or replaced within fourteen (14) days. Boarding up of open or broken windows is prohibited except as a temporary measure for no longer than fourteen (14) days.
- (h) Utilities at vacant property must be properly disconnected or connected and in proper working order.
- (i) Building appurtenances at vacant property must be securely attached so as not to cause a blighting condition, including, but not limited to, gutters, downspouts, shutters, railings, guards, steps, awnings, canopies, signs, light fixtures, and fire-escapes.
- (j) Detached signs and lighting systems at vacant property shall be structurally sound, and maintained so as not to cause a blighting condition, or removed.
- (k) Vacant property fencing and retaining walls shall be maintained structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened, or removed.
- (l) Perishables shall be removed from the interior of the structures located on vacant property.

Sec. 11. Monitoring of property; fee; additional authority.

(1) The City shall inspect and monitor the condition of any property required to be registered under this Ordinance under the supervision of the Building Department Supervisor (the Building Official), including building, water, fire, police, and any other inspections deemed necessary by the Building Department Supervisor to protect the public health, safety and welfare. Inspection and monitoring fees shall be established by resolution of the City Commission. Should the public health, safety and welfare necessitate the Building Official to institute monthly inspection and monitoring, the fee established shall be assessed against the property/owner to offset costs incurred by the City for such monitoring and inspection, including without limitation those associated with responding to telephone calls, complaints, inquiries, site visits and owner contacts.

(2) The Building Official or his or her designee shall have the authority to require the owner to implement additional maintenance, security, or other measures not otherwise specified in Section 10, as may be reasonably required to prevent further decline or blight of vacant property. The City hereby authorizes the Building Official, to adopt such reasonable rules and regulations as may be necessary to carry out the purpose and intent of this Ordinance.

Sec. 12. Open property; securing fee.

Vacant property 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 subsequently locked and/or secured. The owner of vacant property subject to this Ordinance, which property is found open or unsecured, shall be responsible for 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.

Sec. 13. Fire damaged property.

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

Sec. 14. Eviction of Personal Property.

When an eviction by court order occurs, the owner shall place on the private area of the owner's property only and not on any public area adjacent to the owner's property, a movable container of sufficient size and type, which will allow access from its side for disposal of the personal property. Any personal property not relocated from the premises shall be placed and disposed of only in the movable container. The movable container shall be removed from the owner's property within 48 hours of its placement.

Sec. 15. Unpaid fees; assessment.

All fees hereunder that remain unpaid after fourteen (14) days written notice to the owner/management company shall be assessed against the property as a lien and included in the tax roll.

Sec. 16. Criminal penalties; civil infraction.

(a) A violation of this Ordinance shall be a misdemeanor and a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this division shall be subject

to a prosecution and a fine of not more than \$500.00 and/or 90 days in jail or both. Registration of property under this division is in addition to, and not in lieu of, the requirements of MCL 125.539(i), which allows for demolition of vacant structures, or nuisance abatement by the City.

Sec. 17. Repeal.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Sec. 18. Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Sec. 19. Savings Clause.

The repeal or amendment herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established or occurring prior to the effective date of this ordinance, as amended.