

CITY OF MOUNT CLEMENS, MICHIGAN

18.500 ABANDONED/ VACANT RESIDENTIAL STRUCTURE ORDINANCE

18.501 Sec. 1. **Definitions**

Abandoned and/or Vacant Residential Structure means a residential structure that has not been occupied for 30 days or more and meets any of the following criteria:

- (a) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- (b) Has been boarded for at least 30 days;
- (c) Has taxes in arrears for a period of time exceeding 365 days;
- (d) Has utilities disconnected or not in use;
- (e) Is not maintained in compliance with any City of Mount Clemens Ordinance.

Vacant means not occupied by a human or used for any purpose by a person.

18.502 Sec.2. **Registration of Abandoned and Vacant Properties.**

Owners of abandoned and/or vacant properties shall register such properties as required by this Chapter. Registration requirements will not preclude the City from taking appropriate actions to secure the property or to issue orders to repair or abate or from acting upon imminent hazard(s). A fee may be charged to defray the City's cost of registering said properties.

An owner shall not be required to register the residential structure, if it is a secondary dwelling as defined in ordinance number 19.201, or if the owner or occupant shall be temporarily absent from the property for a period of less than 180 days; and

(1) Notifies the Community Development Department that the building or structure will remain unoccupied for a period of less than 180 consecutive days. The notice shall be given to the Community Development Department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with the Michigan Building Code or the Michigan Residential Code, and the Property Maintenance Code.

(3) Occupies the property prior to the expiration of the 180 day period.

18.503 Sec.3. **Registration Information.**

For each abandoned and/or vacant property, as defined in this Ordinance, the owner(s) shall register with the City and shall provide the following information:

- (1) Legal name of owner(s) and date of birth.
- (2) Address of owner(s), both locally and as otherwise appropriate.
- (3) Name, address, and telephone number of any agent or representative authorized by the owner to handle the affairs of the property, if employed. If such an agent or representative is utilized, he/she must reside within a one-hour driving radius of the City.
- (4) Telephone number(s) of owner for contact purposes.

- (5) Proof of identification of owner.
- (6) Enclosed statement which shall contain the following data:
 - a. Estimated length of time property is expected to remain unused,
 - b. Reason for nonuse, and
 - c. Plans for restoration, reuse or removal. This must be accompanied by a timeline or work schedule.
- (7) Such additional information as is required by the City.

18.504 Sec.4. Abandoned Residential Structure Fees.

A fee may be charged to defray the City's cost of monitoring abandoned and/or vacant residential structures. Times noted commence upon the sending of the initial Notice to Register. Monitoring fees shall be established from time to time by resolution of the City Commission.

18.505 Sec.5. Time Limit to Secure Structure.

A Notice to Secure an abandoned and/or vacant structure shall be complied with in not more than seventy-two (72) hours. If the securing has not been completed, is incomplete, or does not comply with the requirements for securing, the City shall secure the structure and assess the costs to the owner.

Any area open to trespass shall be boarded with plywood or steel security panels. If the residential structure is boarded with plywood, the opening must be weather-tight and finished with varnish or paint of a similar color to the exterior wall and cut to the inside dimensions of the exterior of the opening.

All windows in areas not open to trespass shall have commercial-grade locking devices that enable them to be securely locked from the inside, shall be closed, weather-tight and watertight, and shall be glazed.

18.506 Sec.6. Right of Entry.

If the owner has failed to secure a property and it has been secured by the City, the City and/or its contracted agent, the Macomb County Sheriff's Office, may enter or re-enter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous health and safety conditions in existence.

18.507 Sec. 7. Maintenance of Property.

The owner of an abandoned or vacant residential structure shall be responsible for maintaining the structure and property in conformity with all applicable Mount Clemens Ordinances. This includes, but is not limited to, exterior maintenance of the building, landscaping, snow removal and elimination of blight.

18.508 Sec.8. **Notice, Order and Posting of Abandoned/ Vacant Residential Structures.**

A Notice to Register each abandoned and/or vacant residential structure shall be sent to the owner, and shall advise the owner that an abandoned and/or vacant structure shall not be occupied until inspected and found to be in full compliance with this Code. The City may post a Notice on each abandoned structure which sets forth the requirements of this Chapter.

18.509 Sec.9. **Re-occupancy of Abandoned and / or Vacant Properties.**

An abandoned and/or vacant residential structure shall not be occupied until a Certificate of Occupancy has been issued by the City, and all violations have been corrected in accordance with the applicable requirements of the Michigan Building/Residential Code, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code, International Property Maintenance Code and applicable provisions of the City of Mount Clemens Code of Ordinances. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair. In addition, a Certificate of Occupancy shall not be issued until all outstanding costs, assessments and/or liens owed to the City have been paid in full. A Certificate of Occupancy inspection shall be valid for 6 months. All repairs must be completed within 6 months of the initial inspection. Extensions may be approved by the Building Official in conformity with the criteria set forth in the Michigan Building Code.

This ordinance shall take effect on its publication as required by law.

Introduction and First Reading: April 5, 2010

Second Reading and Adoption: April 19, 2010

Effective Date: April 29, 2010

City of Mount Clemens, a Michigan
Municipal Corporation,

By: _____
Barb Dempsey, Mayor

By: _____
Lynne Kennedy, City Clerk