

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-24-734

**AN ORDINANCE TO ADD ARTICLE X – VACANT BUILDING REGISTRATION,
SECTION 18-401 - OF CHAPTER 18, BUILDINGS AND BUILDING
REGULATIONS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 18, addition of Article X- Vacant Building Registration of the Code of Ordinances of the City of Oak Park is hereby amended to add Article X to read as follows:

Article X – Vacant Building Registration

Section 18-401. - Purpose.

The purpose of this chapter 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 safe and sanitary maintenance of dwellings, commercial and industrial buildings. Further, it is important for the city to be able to contact owners of vacant properties for property maintenance, fire safety and police purposes.

Section 18-402. - Definitions.

For purposes of this chapter, certain words and phrases are defined as follows:

- (a) Building means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.
- (b) City means the city of Oak Park, Michigan, a municipal corporation.
- (c) Director means the Director of the Municipal Services Department, or his/her designee.
- (d) Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, a partially completed structure that is not fit for human occupancy, 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, broken or boarded up 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, current owner's interest in the property has been foreclosed,

statements by neighbors, passersby, delivery agents or governmental employees that the property is vacant.

(e) Foreclosure or foreclosed 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 borrower, or the process by which the property is foreclosed by the Oakland County Treasurer pursuant to the Michigan General Tax Act for delinquent property taxes.

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

(g) Mortgagee means a person, firm, or corporation holding a mortgage on a property

(h) 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.

(i) Owner means an individual, co-partnership, association, corporation, company, fiduciary, or other person or legal entity having a legal or equitable title or any interest in any real property and any mortgagee that has initiated, is in the process of, or has completed foreclosure proceedings, filed a complaint for foreclosure by judicial action or is publishing a notice of foreclosure by advertisement.

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

(k) Vacant , or vacant property means an improved lot or parcel of real property with at least one (1) building or structure that: 1) is not currently occupied if a residential structure, or not currently being used for commercial operations if a commercial structure; or 2) shows evidence of vacancy and the owner fails to provide satisfactory evidence to the city substantiating that the building or structure is occupied if a residential structure, or is being used for commercial operations if a commercial structure, after notice thereby by the city, within a period of ten (10)

days after the date of the notice. The failure of the owner to timely provide evidence to the city as set forth herein substantiating that the property is occupied if a residential structure or is being used for commercial operations if a commercial structure shall be and constitute prima facie proof that the property is a vacant property. Provided, however, a building or structure which remains furnished, utilities connected or in use, and the property maintained while the owner is absent, shall not be considered vacant. Also, vacant property shall not include any property, building, or structure owned by the city of Oak Park.

Section 18-403 - Registration of vacant property.

(a) An owner of a vacant property in the city shall be responsible for registering that property with the Municipal Services Department by complying with the registration and inspection fee requirements in this chapter within the times set forth in this chapter.

(b) A vacant property shall be registered within sixty (60) days of the vacancy or within thirty (30) days of the date of the city's notice deeming the property vacant pursuant to section 102 (k) hereof where the owner has not timely submitted satisfactory evidence to the city substantiating that the property is occupied if a residential structure or is being used for commercial operations if a commercial structure.

(c) Exceptions.

(1) Unoccupied properties owned by governmental subdivisions/agencies need not be registered in accordance with this chapter.

(2) An owner of a vacant property shall be exempt from registration under this section for the first 12 months following the owner's purchase of the property so long as the owner is actively working to rehabilitate the property for use and occupancy. Such rehabilitation shall be evidenced by the owner or controller obtaining the necessary permits for structural, electrical, mechanical or similar work. It shall be the responsibility of the owner to provide evidence supporting the right to this exemption to the Director.

Section 18-404 - Registration affidavit.

Owners who are required to register their properties pursuant to this chapter shall do so by submitting a copy of a driver's license and an affidavit containing the information specified in this section. The affidavit may be provided by an authorized agent for an owner. The affidavit shall include the following:

(a) The name of the owner(s) of the property;

(b) A 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 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 properly comply with this section.

(c) 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 person or entity to act as his agent for purpose of this chapter.

(d) A current address, telephone number and email address where communications 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 pursuant to this section and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address provided pursuant to this section is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to properly comply with the requirements of this section.

(e) An explanation as to the reason for the vacancy of the property.

Once a 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 109.

Section 18-405. – Registration and Fees.

All fees applicable to this chapter shall be set from time to time by resolution of the Oak Park city council (fee schedule), 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 affidavit. For properties that are not registered within the required time, an additional fee for the 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 chapter is 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 an Special Assessment District.

Section 18-406. - Requirement to keep information current.

If at any time the information contained in the registration affidavit required pursuant to section 104 of this chapter is no longer valid, the owner has ten (10) days to file a new affidavit containing valid, current information. There shall be no fee to update an existing registered owner's current information.

Section 18-407. - Inspections.

(a) Vacant or unoccupied buildings or structures, including the surrounding real property, required to be registered in accordance with this chapter shall be subject to an initial exterior inspection by the director, or his/her designee, upon registration. The owner shall pay the inspection fees pursuant to section 105 hereunder. Following the initial inspection, in order to ensure that vacant buildings and structures are safe, secured, and well-maintained, all vacant or unoccupied buildings or structures, including the surrounding real property, shall be subject to additional exterior inspections by the director, or his/her designee on one or more of the following bases:

(1) By area, such as an entire block, neighborhood or historic district, such that all vacant or abandoned properties in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(2) By complaint, such that complaints of property maintenance violations or violations of the requirements of this article shall be inspected within a reasonable time.

(3) By recurrent violations, such that any property which is found to have a high incidence of recurrent or uncorrected violations may be inspected more frequently.

(4) Whenever reasonable cause exists to believe that there is a violation of the property maintenance code or this article on any vacant or abandoned property or other conditions which makes the structure or premises unsafe, dangerous, or hazardous.

(5) For the purpose of re-inspection to ensure the correction of any violations in existence of a previous inspection.

Any violations of the city code or this chapter which are detected upon any of the inspections by the director, or his/her designee, shall be fully repaired and remedied within thirty (30) days of notice to the owner, or such additional time as permitted by the director.

(b) Any mortgagee who holds a mortgage on a property located within 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 thirty (30) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement). Upon such inspection by the mortgagee, if the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed vacant and the mortgagee shall register the property in accordance with this chapter and be subject to all provisions of this chapter.

Section 18-408. - Maintenance and security requirements.

An owner of a vacant property shall comply with all of the following maintenance and security requirements:

(a) Property shall be kept free from weeds, grass more than eight (8) inches high, dry brush, dead vegetation, trash, junk, debris, building materials, 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.

(b) Property shall be maintained free of graffiti, tagging, or similar markings.

(c) 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.

(d) 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 applicable building and existing structures/property maintenance codes and ordinances.

(e) 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 of such size that may allow a child or other person to access the interior of the property and/or structures. Broken

windows must be repaired or replaced with like glazing materials within fourteen (14) days, except as otherwise provided in the existing structures code. Boarding up of open or broken windows is prohibited except as a temporary measure not to exceed fourteen (14) days or as authorized by the director.

(f) Electrical power and natural gas shall be provided to all vacant or unoccupied building(s) or structure(s) to power all mechanical equipment to maintain a minimum ambient interior temperature of not less than forty-five (45) degrees F during the months of September through April of each calendar year and to power a sump pump. 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.

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

Section 18-409. - Re-occupancy or Sale.

A vacant property and any building or structure situated thereon shall not be occupied or sold until a certificate of compliance has been issued by the city. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor or a licensed engineer as being in good operation and repair, if specifically requested by the director. In addition, a certificate of compliance shall not be issued until all outstanding costs, assessments, and/or liens owed to the city have been paid in full.

Section 18-410. - Violation and penalty.

(a) Violations of this article are municipal civil infractions, subjecting persons found responsible for violations to the fines, sanctions, remedies, and procedures as set forth in chapter 15, section 1.700 et. seq. of this Code. Each day that a violation exists after expiration of any time period set forth herein shall constitute a separate offense. Institution of civil infraction proceedings shall not restrict the City from pursuing further remedies.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective thirty (30) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this 3rd day of January 2024.

T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on January 3, 2024.

T. EDWIN NORRIS, City Clerk

First Reading:	December 18, 2023
Second Reading:	January 3, 2024
Adopted:	January 3, 2024
Published	January 9, 2024