

CHARTER TOWNSHIP OF YPSILANTI

ORDINANCE NO. 2014-435

An Ordinance to Amend Chapter 48 of the Ypsilanti Charter
Township Code of Ordinances to Require Registration
of Vacant Single Family and Duplex Residential Properties

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Code of Ordinances is amended as follows:

Add the following new article to Chapter 48 entitled Property Maintenance:

Section 1 - Purpose

The purpose of this article is to prevent the deterioration of Township neighborhoods by regulating vacant abandoned and foreclosed single family and duplex properties to insure that such properties are in compliance with all applicable state law and Township Code requirements including the Township property maintenance code adopted by the Township in sections 48–27 and 48–28 of the Ypsilanti Township Code of Ordinances.

Section 2 – Definitions

As used in this article:

Code compliance certificate means an annual certificate issued by the township Office of Community Standards that the structure is in compliance with all applicable state law and Township Code requirements, including the Township's Property Maintenance Code.

Owner means any person or entity with legal or equitable ownership or possessory interest in any residential structure. The owner shall include, but not be limited to: a bank, credit union, trustee, financial institution or trust which is in possession (in whole or in part) of the real property, foreclosing a lien or mortgage interest in the affected property, but may or may not have legal or equitable title.

Vacant property means a single family or duplex residential structure that remains unoccupied for a period in excess of 30 days. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, tending to personal matters or business, or property that is not intended by the owner to be left vacant.

Section 3 - Scope

The provisions of this article shall apply to all existing single family and duplex residential, structures. This article does not relieve any person from compliance with all other township ordinances, the state building code, and all other laws, rules and regulations.

Section 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 believe 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, delivery agents or utility agents, including Township employees, that the property is vacant.

Section 5 - Registry of vacant properties.

There is hereby created in the township Office of Community Standards a registry of vacant single family and duplex residential structures.

Section 6 - Vacant properties to be registered annually

Owners of real property are required to register all vacant single family and duplex residential properties within 30 days of the vacancy and to reregister the properties annually thereafter. Residential owners of single family and duplex structures that are vacant at the time of the enactment of this article must register within 30 days.

Section 7 - Owner's registration form; content.

Owners who are required to register their properties pursuant to this article shall submit a completed vacant property registration form, as provided by the township Office of Community Standards containing the following information:

- (1) The name of the owner of the property.
- (2) 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 by the township Office of Community Standards to the address and the mail is returned marked "refused" or "unclaimed," then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement. If ordinary mail sent by the township Office of Community Standards 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.
- (3) The name of an individual responsible for the care and control of the vacant property. Such individual may be the owner, if the owner is an individual, or may be someone other than the owner with whom he/she has contracted.
- (4) 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 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.
- (5) Authorization to the township staff to access the exterior of the property for inspection purposes.
- (6) Verification that the utilities and the furnace are functioning.

Section 8 - Annual registration and safety and blight inspection fee.

The annual registration and safety and blight inspection fees shall be set by the Township Board to offset the cost of processing the form, conducting the safety and blight inspection and maintaining the records. In addition, if an owner fails to register, the owner shall be assessed the added cost of the Township's expense in having to determine ownership, which may include, but is not limited to title search and legal expenses.

Section 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.

Section 10 - Inspections required.

Owners of vacant single family and duplex residential structures who are required to file an owner's registration form under this article must immediately obtain and pay for a township Office of Community Standards safety and blight inspection of the vacant property; and if applicable, obtain necessary permits for required repairs; make required repairs; obtain any follow-up inspections from the township Office of Community Standards thereafter to ensure the structure is safe, secure and maintained to the standards of the Township's Property Maintenance Code and Water and Sewer Requirements set forth in Chapters 48 and 62 of the Township Code. The owner or the owner's agent shall certify by affidavit that all water, sewer, electrical, gas, HVAC, plumbing systems, roofing, structural systems, foundations, and drainage systems are sound, operational, or properly disconnected. The owner or the owner's agent shall also certify by affidavit that the property is in compliance with the township's property maintenance code, and the water and sewer requirements set forth in Chapters 48 and 62 of the Township Code.

Section 11 - Building inspection; maintenance and security requirements.

Properties subject to this article shall be maintained and secured to comply with the minimum security fencing, barrier and maintenance requirements of the township's property maintenance code.

Pools, spas, and other water features 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 Property Maintenance Code.

Vacant properties subject to this article 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 7 days. Boarding up of open or broken windows is prohibited except as a temporary measure for no longer than 30 days.

Section 12 - Open property; securing fee.

Property subject to this article that is left open and/or accessible shall be subject to entry by the township 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 Township's Property Maintenance Code. The owner of property subject to this article which property is found open or unsecured shall be responsible for paying a securing fee as set by the township board to offset the cost incurred by the township in contacting the owner or management company to secure the property. If the owner and/or management company cannot be contacted or does not secure the property within a reasonable time, the owner shall be responsible for paying the cost incurred by the township in securing the property.

Section 13 - Reoccupation of vacant property; notification to township.

Prior to reoccupation of property that is subject to this article, the owner shall notify the Township that the property has been sold or rented, and to whom.

Section 14 - Fire damaged property.

If an occupied structure is damaged by fire, the owner has 30 days, unless otherwise extended by the Director of Community Standards or his designee, 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.

Section 15 - Unpaid fees; assessment.

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

Section 16 - Penalties; municipal civil infraction.

Except as otherwise provided, a violation of this article shall be a municipal civil infraction subject to prosecution and penalty under MCL 42.21(3). The requirements of this article are in addition to, and not in lieu of any other rights and remedies provided by law. Violation of this article shall be a municipal civil infraction and for the first offense subject to a minimum \$200.00 fine and any of the penalties authorized under MCL 600.8727 and/or MCL 600.8302. Second or subsequent offenses shall be subject to a minimum fine of \$400.00 and any of the penalties authorized under MCL 600.8727 and/or MCL 600.8302. Each day that a violation continues shall be considered a separate offense.

Severability

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Effective date

This Ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2014-435 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on April 1, 2014 after first being introduced at a Regular Meeting held on March 4, 2014. The motion to approve was made by member Roe and seconded by member Eldridge. Yes: Mike Martin, Eldridge, Currie, Scott Martin, Stumbo, Roe, Doe. NO: None. ABSTAIN: None.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti