

ORDINANCE NO. 2023- 03

CITY OF ALGONAC

COUNTY OF ST. CLAIR, MICHIGAN

AN ORDINANCE OF THE CITY OF ALGONAC, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 18 “ENVIRONMENT,” BY ADDING ARTICLE VII “VACANT BUILDINGS.”

THE CITY OF ALGONAC ORDAINS:

SECTION 1. AMENDMENT

CHAPTER 18—ENVIRONMENT

ARTICLE VII. – VACANT BUILDINGS

Section 18-120. Name.

This ordinance shall be known and may be cited as the “Algonac Vacant Buildings Ordinance.”

Section 18-121. Purpose.

The purpose of this section requiring the registration of all abandoned and/or vacant structures and the payment of registration fees is to assist the City of Algonac in protecting the public health, safety and welfare; to monitor the number of abandoned and/or vacant structures in the City; to assess the effects of the condition of those structures on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers; and that by requiring such owners to register and pay said required fees, to promote substantial efforts to rehabilitate such abandoned and/or vacant structures. The provisions of this ordinance are applicable to the owners of such structures, as set forth herein and are in addition to and not in lieu of any and all other applicable city ordinances, state statutes and/or codes, or federal statutes and/or codes.

Section 18-122. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) *Abandoned or Vacant Structure* means a structure in which all lawful activity has ceased, or reasonably appears to have ceased 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 been boarded for at least thirty (30) days;
- (3) Has taxes in arrears for a period of time exceeding 365 days;
- (4) Has utilities disconnected or not in use;
- (5) Is not maintained in compliance with any section of the Algonac City Code.

(B) Lawful activity means that for which the structure was built or intended to be used. No building shall be used primarily for storage of personal or business items, unless such use has been previously approved by the City.

(C) Owner means any person, agent, firm, partnership or corporation having a legal interest in the property.

(D) Secured means all accessible means of ingress and egress to the abandoned and/or vacant structure, including but not limited to all exterior doorways and windows being locked so as to prevent unauthorized entry.

(E) Structure means that which is built or constructed.

(F) Temporarily secured means all accessible means of ingress and egress to the abandoned and/or vacant structure, including but not limited to all exterior doorways and windows are covered with plywood (or other appropriate material) that has been nailed or bolted in place so as to prevent unauthorized entry.

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

Section 18-123. Applicability and Administration.

(A) This ordinance shall apply to all abandoned and/or vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses.

(B) The City Manager or his/her designee is authorized to administer and enforce the provisions of this ordinance.

Section 18-124. Registration of Abandoned and Vacant Properties Required.

(A) The abandoned and/or vacant structure property owner shall have thirty (30) days in which to register from the date written notice is issued to the property owner. Written notice shall be issued to the abandoned and/or vacant structure property owner by means of personal service; or alternatively, by first class mail to his/her last known address.

(B) Upon the issuance of notice by the city to register an abandoned and/or vacant property, and prior to the issuance of a certificate of registration for any abandoned and/or vacant building, owner shall register with the City Manager or his/her designee and provide the following information:

- (1) The address and legal description of the property.
- (2) The current name, physical address, mailing address, telephone number and email information for any owner(s) with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
- (3) Proof of identification of owner.
- (4) The contact information for a local manager of the properties and/or improvements located on said property, as applicable.
- (5) A written comprehensive plan of action detailing a timeline for correcting violations,

rehabilitation, and maintenance while abandoned and/or vacant, and future use(s) of the structure. Said plan of action must be updated every six (6) months.

(6) A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.

(7) Written notice to the city, including a copy of the deed, of a change in:

a. Ownership of the property;

b. Contact information for the owner or the designated manager. Written notice must be provided to the City no later than thirty (30) days after said changes have occurred.

c. Continued annual registration of the property by the abandoned and/or vacant structure property owner until said structure is deemed occupied and in compliance with all relevant code requirements by the City.

(8) Such additional information as is required by the City.

(C) An owner shall not be required to register the residential structure if the owner or occupant:

(1) Notifies the Building 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 Building Department by the owner or agent not more than thirty (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, as adopted by the City of Algonac.

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

(D) The City Manager or his/her designee may consider evidence that the property is listed for sale or lease with a licensed broker for fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered.

(E) 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.

Section 18.125. Registration Fees.

(A) Abandoned and/or vacant structure property owners shall be responsible for an annual registration and inspection fee for each vacant property after the initial partial year of registration, for which no fee shall be due. Said fee shall be billed annually by the City and shall be based upon the duration of the vacancy as determined and established from time to time by resolution of the City Council.

(B) After the owner is given notice of the amount of the registration fee due, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the City, and are

hereby made a lien on the premises. Whenever any such fee(s) shall be delinquent for six months, the City official in charge of collection thereof shall certify such delinquency to the City assessor and such fee(s) shall be entered upon the next tax roll as a charge against such premises, and shall be collected and the lien thereof enforced in the same manner as special assessments against such premises.

(C) Property which has been devastated by a catastrophe such as fire or flood has thirty (30) days to register from the date of the disaster but may be exempt from the fees. This exemption is for the duration of one year from the date of the catastrophe; thereafter, all applicable fees are due.

(D) Where the owner of the property has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy, the owner must register the property and is otherwise subject to this article but may be exempt from the registration fees.

(E) For properties that are not reported within the required time set forth in the initial Notice to Register, an additional fee for the added costs 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.

(F) The payment of all fees required under this ordinance shall be secured by a lien against the property and may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.

Section 18.126. Property Manager or Agent.

(A) Abandoned and/or vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the city. The property manager shall serve as agent for the property owner for purposes of accepting legal service; however, the abandoned and/or vacant property owner remains personally liable in criminal prosecutions for code violations.

(B) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe.

Section 18.127. Time Limit to Secure Structure.

(A) 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.

(B) 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.

(C) 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.

Section 18.128. 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 St. Clair County Sheriff's Department, 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.

Section 18.129. Standard of Care for Abandoned and/or Vacant Property.

The standard of care, subject to approval by the City Manager or his/her designee, shall include, but is not limited to:

(A) Window, skylight and door. Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with appropriately sized doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the city manager or his/her designee.

(B) Structure. All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

(C) Exterior walls. All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface-coated where necessary to prevent deterioration.

(D) Roof and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, and operational.

(E) Interior and exterior areas. The property must be kept free of junk, trash, debris and combustible materials.

(F) Vegetation and landscaping. Shall be maintained in good and healthy condition.

(G) Premises identification. The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (0.5) inch.

(H) Overhang extensions and awnings. Overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.

(I) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair,

with proper anchorage, and capable of supporting the imposed loads.

(J) *Handrails and guards.* Every exterior handrail and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(K) *Protective treatment.* Exterior surfaces, including but not limited to, doors, door and window frames, porches, balconies, decks and fences, shall be maintained in good condition, weathertight and in such condition so as to prevent the entry of rodents and other pests. All exposed surfaces subject to rust or corrosion, other than decay-resistant woods or surfaces designed for stabilization by oxidation, shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight.

(L) *Repairs.* All repairs shall be subject to approval by the City. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.

(M) *Compliance with City Code.* The owner of an abandoned or vacant residential structure shall be responsible for maintaining the structure and property in conformity with the Algonac City Code.

Section 18.130. Re-Occupancy of Abandoned and/or Vacant Properties.

An abandoned and/or vacant structure shall not be occupied until a Certificate of Occupancy has been issued by the City Building Official, and all violations have been corrected in accordance with the applicable requirements of the Algonac City Code. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair. 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. All repairs must be completed within six (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, as adopted by the City of Algonac.

Section 18.129. Jurisdiction, Enforcement, and Penalties.

(A) Written notice of violation will precede the issuance of a citation, in which the abandoned and/or vacant property owner will be given a reasonable length of time, as determined by the City Manager or his/her designee, to remedy the violation. Written notice shall be issued to the abandoned and/or vacant structure property owner by means of personal service; or alternatively, by both first-class mail to his/her last known address, and by posting on the property.

(B) Any violation of this ordinance is a misdemeanor as more fully described in Section 1-14(b).

(C) Administrative, civil, and criminal enforcement are alternative remedies which may be sought independently of each other.

SECTION 2. SEVERABILITY

This ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall

remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of Algonac or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION

All other provisions of the Code of Ordinances of the City of Algonac, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Algonac, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Algonac, but in no case sooner than ten (10) days after enactment pursuant to Charter Section 7.3(f).

ORDINANCE DECLARED ADOPTED.



Rocky B. Gillis, Mayor
City of Algonac, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Algonac, County of St. Clair, State of Michigan, at a regular meeting of the City Council on held on the 5th day of December, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Bembas, Carter, Davey, Gillis, Harris, Martin

Members Absent: Blair

It was moved by Member Carter and supported by Member Harris to adopt the Ordinance.

Members voting yes: Carter, Davey, Gillis, Harris, Martin, Bembas

Members voting no: None

Members absent: Blair

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Algonac.



Lisa M. Borgacz, City Clerk
City of Algonac, Michigan

INTRODUCED: November 21, 2023
ADOPTED: December 5, 2023
PUBLISHED: December 13, 2023
EFFECTIVE: December 13, 2023