

**CITY OF MELVINDALE
ORDINANCE NO. 774**

**AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 5 [BUILDINGS
AND BUILDING REGULATIONS] BY ADDING ARTICLE XII
SECTIONS 5.354 THROUGH SECTIONS 5 -373 RELATING TO VACANT
PROPERTY.**

THE CITY OF MELVINDALE ORDAINS:

ARTICLE I. Sections 5.354 through Sections 5-373 of Article I, Chapter 5 of the Code of Ordinances, City of Melvindale, Michigan, is hereby added to hereafter read as follows:

Section 5-354 Findings, Purpose, and Intent

The Council finds and acknowledges the need for a Vacancy Ordinance as required for the benefit and wellbeing of the City, with the purpose of preventing blight, unsanitary and hazardous living conditions, lowered property values, as well as discourage criminal activities and in order to alleviate the immense burden that is placed on the Cities administrative, building and ordinance officials, as charged with the care and maintenance of abandoned and derelict structures. All of which are in part symptomatic of the neglect of vacant and abandoned properties. Knowing that this may compromise the health and safety of citizens as well as undermine quality of life the City hereby institutes the Ordinance 774 in order to encourage proper maintenance and care of properties. It is also the findings of this Council that a Vacant Property Registry is required for the tracking and care of all unoccupied properties with the intent of improving life for the citizens of Melvindale.

Section 5-355 Vacant Building Definitions:

Accessory building means a subordinate structure on the same premises as the main structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is an abandoned structure or not, such as, but not limited to, a garage, barn or storage shed.

Basic structural elements, means the parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including, but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

Dangerous building means any building or structure which has met Chapter 5 Article VI Section 5-186 through 5-210 Dangerous Building Ordinance and includes an abandoned residential, commercial, office, or industrial structure.

Deterioration or deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or

mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, vermin ingestion, infestation or destruction.

Emergency means a condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property. Nothing in this chapter shall prohibit the Building Department from summarily making safe any condition which, in the judgment of the Building Department, poses an emergency.

Good workmanship means executed in a skillful manner such as generally plumb, level, square, in line, undamaged, without marring adjacent work, utilizing as close to identical material as possible, and finished to a completed state. Alternative methods and materials must be approved by the chief building official or his or her designee.

Owner or ownership means any person holding legal or equitable title to a property or to real improvements upon a property, solely, jointly, by the entireties, in common, or as land contract vendee. Owner shall also mean any person who in fact has been empowered to act on behalf of, or as the agent of the owner. Owner shall also mean a person who has or exercises care, custody, dominion or control over any property. Owner shall not include any person who is a tenant.

Property means any lot or parcel of land inclusive of any building or unimproved land

Regular mail means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular mail shall also include post cards and postal cards.

"Secured" means a building which has all points of entry into the structure either:

1. Closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked; or
2. Secured by exterior grade plywood in compliance with this chapter.

Structure means anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure.

Supplementary conditions shall mean and include the following:

1. Is open to casual entry or trespass;
2. Is damaged by fire, flood, weather, or vandalism;
3. Is the site of loitering or vagrancy;
4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Property Maintenance Code, Fire Prevention Code, Heating Code, Building Code, or State Construction Code;
5. Is under notice for being in violation of a city ordinance;
6. Has been secured or boarded up for at least ninety (90) days;
7. Has taxes in arrears to the city for more than three hundred sixty-five (365) days;
8. Has utilities disconnected or not in use;
9. Is under a condemnation notice or legal order to vacate;
10. Is structurally unsound or has basic structural elements issues

11. Is a potential hazard or unsafe.

Unsafe means a condition which is reasonably likely to do harm to humans or property if not corrected or stopped.

Vacant commercial property means and includes:

1. Any single tenant building located in the City of Melvindale limits which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined.
2. Any multi-tenant building located in the City of Melvindale limits which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined

Vacant industrial property means and includes:

1. Any single tenant building located in the City of Melvindale which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined.
2. Any multi-tenant building located in the City of Melvindale which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined.

Vacant office property means and includes:

1. Any single tenant building located in the City of Melvindale which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined.
2. Any multi-tenant building located in the City of Melvindale which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined,

Vacant residential property means any building which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions herein defined.

Section 5-356 Applicability.

The provisions of this article shall apply to any person owning, occupying, managing or controlling any property in the City of Melvindale.

Section 5-357 Buildings under construction.

A building or structure under construction that meets all of the following conditions shall not be considered a vacant building:

- (1) There is a current valid building permit on file with the city;
- (2) There is significant and continuous progress being made toward completion of the building and/or project;
- (3) The

contractor, owner or tenant secures the property and takes all other necessary safety precautions;
(4)The contractor, owner or tenant takes all reasonable measures to maintain the exterior of the property in compliance with all property maintenance codes to the extent feasible; and
(5)Otherwise complies with this chapter and all applicable laws, ordinances, and regulations.

Section 5-358 Registration.

Owners of vacant property shall register such properties with the city building department and pay fees as set forth within Thirty (30) days. The duty to register an abandoned structure shall not require prior notice to the owner by the city. Registration of an abandoned structure does not preclude the city from taking appropriate actions to secure the property or to issue orders to repair or abate a dangerous, unsafe or unlawful condition or from acting to eliminate an emergency hazard to public health and safety. Properties that are vacant at the time of the adoption of this ordinance must register within thirty (30) days of the date this ordinance takes effect.

Section 5-359 Registration and Contact information.

Those who are required to register their properties under this division shall submit a copy of driver's license or valid ID and complete Vacant Property Registration Form, as provided by the City Building Department, containing the following information:

- 1 The address of the property. If no address exists provide parcel number
- 2The legal names of all owners of the property and copy of driver's license or current ID
- 3The complete mailing address of all owners;
- 4 Phone numbers and email address
- 5 Proof of identification of each owner;
- 6 The name, address and telephone number of any local agent or representative authorized by the owner to handle the affairs of the property and copy of Driver's License or Current ID
- 7 The reason for vacancy of the property;
- 8 The estimated length of time the property is expected to remain vacant
- 9 Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.
- 10 Permission for city authorized staff to access the exterior of the property for inspection purposes

Section 5 – 360 Change in ownership.

If registration information shall change during the period of vacancy, the owner, agent or tenant shall, within fifteen (15) days of a change in contact information, notify the city of the new contact information. A completed Vacant Property Registration Form, as provided by the City Building Department shall be submitted.

Section 5 – 361 Responsibility for violations and fees.

All nuisance, housing, building and related code violations including any fees will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any vacant property shall be obligated to provide written notice to any prospective purchaser of any violations, fees, or obligations imposed by the city regarding that property. Failure by an owner to comply with this section shall constitute a violation of this chapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any

extension of time to correct or address such violations or fees as existed at the time of sale, transfer or conveyance of the property.

Section 5 -362 Registration, Administration, monitoring and Inspection Fees

- A. Registration, Administration, monitoring and inspections fees will apply to all vacant properties.
 - B. Late fees will apply when a property has not been registered in accordance with 5-359
 - C. Late fees and penalties will apply when payment has not been received
 - D. In addition, in the case where the owner has failed to register there shall be assessed the added administration costs of the city's expenses in having to determine ownership of the property
 - E. Costs incurred by City for securing or maintaining property to comply with ordinance.
 - F. There is no fee to update current owner's information
- Fees shall be set from time to time by Mayor and City council and placed with fee schedule.

Section 5 – 363 Recovery of fees

If all or part of the fees required by this chapter are not paid or are overdue, the city may recover such sums by:

- A. Filing suit against the owner for entry of civil money judgment or any other means available by law. The city shall be entitled to all actual attorney fees and costs incurred in obtaining a warrant or to obtain a judgment against an owner for any overdue or unpaid fee associated with this ordinance.
- B. It shall be at the discretion of the Building Official that after a minimum period of 1 year of unpaid vacancy fees and admin fees that the amount owed may be rolled into taxes. The building official will direct the city assessor to add the amount due to the next tax roll of the city as a single lot assessment under codified ordinances and collect said sum in the same manner as provided by law for collection of taxes and special assessments.
- C. Any other means available by law, including but not limited to being included in any fines and costs assessed by the court for the infraction.
- D. All fees must be paid before a Certificate of Occupancy can be applied for and obtained

Section 5 – 364 Requirements

- A. Properties subject to this section shall comply with the current edition of the International Property Maintenance Code adapted in Article VII Section 5-211 of City of Melvindale code of Ordinances.
- B. Properties subject to this section shall comply with Nuisance ordinance in accordance with Chapter 14 Article I Section 14-1 through Section 14-22 of the City of Melvindale code of Ordinances
- C. Properties subject to this section shall comply with dangerous building ordinance in accordance with Chapter 5 Article VI Section 5-186 through Section 5-210 of the City of Melvindale code of Ordinances

Section 5 -365 Maintenance and Requirements

A. Properties subject to this section shall comply with the International Property Maintenance Code and more specifically be kept free of weeds; 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. The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

C. All visible front and side yards 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. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimmings.

D. Pools, spas, and other water features shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry and free of debris. In either case, properties with pools and/or spas must comply with the minimum-security fencing and barrier requirements of the Michigan building, construction and maintenance codes.

E. Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons such as vandals, scrappers or small children. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates, rooftop access, and any other opening of such size that it may allow an unauthorized person to access the interior of the property and/or structure(s).

F. 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.

G. The owner or the owner's agent shall demonstrate that all water, sewer, electrical, gas, HVAC, plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings, roofing, structural systems, foundations, drainage systems, gutters, doors, windows, parking areas, signage, driveway apron(s), service walk(s), sidewalk(s), and other public areas are sound operational, or properly disconnected.

If the property is owned by a corporation and/or the beneficiary/trustee/owner is located more than 100 miles away, a local Michigan property management company shall be contracted to verify that the requirements of this section, and any other applicable laws, are being met

Section 5 -366 Securing

Unless otherwise specified by the building inspection department, a city order to secure a vacant property shall be complied with by the owner within seventy-two (72) hours or a lesser specified time determined by the building official due to an emergency. If the securing has not been completed or does not comply with the requirements for securing the structure under this chapter, the city may secure the structure and bill the owner of record for all costs incurred, including service fee and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be recovered in accordance with section 5 - 363.

Section 5 -367. Workmanship

Changes made to vacant properties, accessory buildings, appurtenances or facilities regulated by this article shall be made with good workmanship.

Section 5 -368 Fire or severely damaged property

If a building is fire or severely damaged, the owner has 90 days from the date of the fire or damage to apply for a permit to start construction or demolition. The Code Official may grant extensions, provided the owner can demonstrate substantial progress towards completing repairs. Failure to do so will result in the property being deemed vacant and subject to the requirements of this article. The property will also be subject to Nuisance ordinance in accordance with Chapter 14 Article I Section 14-1 through Section 14-22 and dangerous building ordinance in accordance with Article VI Section 5-186 through Section 5-210

Section 5 370 Street address visible

Building shall be provided with approved address identification. The address identification shall be legible and place in a position that is visible from the street or road fronting the property.

Section 5 371 Inspection and monitoring

All properties under this ordinance are subject to routine safety and maintenance inspections by the Building Department.

Section 5 – 372 Reuse and occupancy

No vacant property shall be reoccupied until a current certificate of occupancy is issued by the building department. All fees relating must be paid before a certificate of occupancy can be applied for.

Section 5 – 373 Violation; Penalty.

- A. A person who violates or fails to comply with the requirements of this chapter is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety (90) days, or both, for each offense.
- B. Each day that an owner of a vacant property fails to comply with the requirements of this chapter shall constitute a separate offense.
- C. In addition to any other penalty provided for in this section, this chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this chapter.

Sections 5 – 374 through 5 -380 reserved

ARTICLE II. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE III. Conflicting Ordinances: All prior existing ordinances adopted by the City of Melvindale inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE IV. Reading and Publication. This Ordinance shall be adopted on November 21, 2018 and shall be effective on November 28, 2018. The City Clerk shall post three (3) copies of the Ordinance in three (3) conspicuous places in the City. The Clerk shall also publish a summary of this Ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the City Clerk's office within one week after the adoption of this Ordinance.

ADOPTED, APPROVED AND PASSED by the Common Council of the City of Melvindale this 21 day of November, 2018.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the Common Council of the City of Melvindale at a regular meeting held on November 21, 2018.

Diana Zarazua, City Clerk

The undersigned hereby certifies that the foregoing Ordinance was duly published by posting copies thereof in three (3) conspicuous places in the City of Melvindale on the 28 day of November, 2018, to wit:

1. City Hall, 3100 Oakwood
2. Library, 18650 Allen Rd.
3. John Kessey Fieldhouse, 4300 S. Dearborn

Diana Zarazua, City Clerk