

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

Ordinance No. 408

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF
FLAT ROCK BY AMENDING CHAPTER 18 OF SAID CODE
BY ADDING ARTICLE IX ENTITLED "VACANT AND
ABANDONED STRUCTURES" TO PROVIDE FOR THE
REGISTRATION OF VACANT AND ABANDONED
PROPERTIES AND THE INSPECTION OF SAID
PROPERTIES UPON THEIR REUSE OR RE-OCCUPANCY.**

THE CITY OF FLAT ROCK ORDAINS:

SECTION I. Chapter 18 of the Code of the City of Flat Rock is hereby amended by adding Article IX entitled Vacant and Abandoned Structures, which article shall read as follows:

ARTICLE IX. VACANT AND ABANDONED STRUCTURES

Sec. 18-400. Findings.

The City Council determines that the presence of vacant and abandoned structures creates blight. It is recognized that blight lowers property values, leads to deteriorating conditions, undermines the quality of life, affects the public health, safety and general welfare and also results in human injury and criminal activities. It is also determined that vacant and unoccupied structures demand an inordinate amount of City administrative and ordinance enforcement resources. As such, the City Council finds the prolonged presence of vacant and abandoned structures to be unacceptable to the citizens of Flat Rock, requiring special provisions and regulations pertaining thereto.

Sec. 18-401. Purpose.

The purpose of establishing a registration process for vacant and abandoned properties is to provide requirements for responsible parties to implement maintenance for such properties which will protect public health, safety and general welfare of the citizens of Flat Rock and prevent neighborhood blight, ensure properties are secured, prevent

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deterioration, protect property values and neighborhood integrity, and to provide for the inspection of vacant and abandoned structures upon reuse and occupancy.

Sec. 18-402. Definitions.

As used in this article:

A. *Abandoned commercial, office, or industrial structure* means and includes:

1. Any single tenant building which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one of the supplementary conditions defined in Section 18-402(F)(1) through (11); or
2. Any multi-tenant building which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one of the supplementary conditions defined in Section 18-402(F)(1) through (11).

B. *Abandoned residential structure* 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 twenty-eight (28) consecutive days or which also meets at least one of the following conditions:

1. Is open to casual entry or trespass;
2. Is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy;
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 or State Construction Code;
5. Is under notice for being in violation of City ordinances;
6. Has been secured or boarded up for at least twenty-eight (28) days;
7. Has taxes in arrears to the City for a period of time exceeding three hundred sixty-five (365) days;

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8. Has utilities disconnected or not in use;
 9. Is under a condemnation notice or legal order to vacate;
 10. Is structurally unsound; or
 11. Is a potential hazard or danger to persons.
- C. *Abandoned structure* means and includes an abandoned residential, commercial, office, or industrial structure as defined herein.
- D. *Owner* means any person, co-partnership, agent, operator, firm, association, corporation, or fiduciary having a legal or equitable ownership interest in the structure.
- E. *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 article.
- F. *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 State Construction Code, Flat Rock Building Codes, or Property Maintenance 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;

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9. Is under a condemnation notice or legal order to vacate;
 10. Is structurally unsound; or
 11. Is a potential hazard or danger to persons.
- G. *Vacant* means any building or structure that is, or has been unoccupied, or occupied by a person without a legal right of occupancy.
- H. *Yard* means the open unoccupied spaces on the same lot with a main building extending along the entire length of front, side, and rear lot lines.

Sec. 18-403. Eviction of personal property.

When an eviction by court order occurs, the owner shall place on the private area of the owner's property only, and not on any public area adjacent to the owner's property, a movable container of sufficient size and type, which will allow access from its side for disposal of the personal property. Any personal property not relocated from the premises shall be placed and disposed of only in the movable container. The movable container shall be removed from the owner's property within forty-eight (48) hours of its placement.

Sec. 18-404. Registration.

Owners of an abandoned structure shall register such property with the City Clerk and pay an annual administration fee as established from time-to-time by resolution of the City Council. Registration pursuant to this section shall be renewed annually. Registration required by this ordinance shall include the following information:

1. The address of the abandoned structure;
2. The legal names of all owners of the property and each owner's date of birth, if applicable;
3. The complete mailing address of all owners;
4. Telephone numbers of each owner, including cell phone and mobile phone numbers;
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;

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7. The reason for vacancy of the property;
8. The estimated length of time the property is expected to remain vacant; and
9. Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.

An owner shall notify the City and file an amended form within seven (7) days of any change in the registration information required by this section.

Sec. 18-405. Right of entry and inspection.

If the owner has failed to secure a property the City may, after obtaining a warrant, enter to secure the structure or reenter the structure to conduct necessary inspections to ensure compliance with the requirements of this article and determine if there are any emergency or hazardous conditions.

Sec. 18-406. Property maintenance requirements.

It is declared a public nuisance for any owner to cause, permit, or maintain any property condition contrary to the provisions of this ordinance. The owner must adhere to the requirements as contained in this section:

1. The owner or owner's agent shall perform regular weekly inspections of the property to ensure compliance with the requirements of this section.
2. Utilities must be properly disconnected or connected and in proper working order.
3. All doors, windows and other openings shall be secured as required in Section 18-407.
4. Weeds shall be removed from landscape beds, the perimeter of buildings, along fence lines, and in parking lot joints and cracks.
5. Grass height shall be maintained no higher than eight (8) inches and the trimmings removed from the property.
6. The exterior of the property shall be kept free of junk and debris, including, but not limited to, newspapers, flyers, circulars, furniture, appliances, containers, equipment, auto parts, garbage, clothing, inoperable vehicles, boats and campers, and other items that give the appearance that the property is vacant.

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7. Building appurtenances must be securely attached so as not to cause a blighting condition, including, but not limited to, gutters, downspouts, shutters, railings, guards, steps, awnings, canopies, signs, light fixtures, and fire-escapes.
8. Detached signs and lighting systems shall be structurally sound, and maintained so as not to cause a blighting condition, or removed.
9. Property fencing and retaining walls shall be maintained structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened, or removed.
10. Pools, spas, and ponds shall be drained and kept dry or kept in working order so that the water remains clear and free of pollutants and debris. Pools and spas must comply with the barrier requirements of the Property Maintenance Code.
11. The property shall be free of graffiti or similar markings by removal or painting over with a color that matches the exterior of the structure.
12. Perishables shall be removed from the interior of the structures.

Sec. 18-407. Securing structures.

A. Unless otherwise specified by the Department of Building and Safety, a City order to secure an abandoned structure shall be complied with by the owner within seventy-two (72) hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this article, the City may secure the structure and bill the owner of record for all costs incurred, including service fee and administration costs. The amount so billed shall constitute a personal debt of the owner, and if remains unpaid, shall be collected in accordance with the provisions of the single premises assessment of the City Charter.

B. All points of entry on an abandoned structure that are suitable for animal or human entry shall be secured as follows:

1. Unless otherwise specified by the Department of Building and Safety, on all first story and ground accessible points of entry, such shall be secured by use of exterior grade plywood or its equivalent, of at least one-half inch thickness, cut to the size of the opening and secured by the use of Phillips-headed two-inch long screws; and

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2. Unless otherwise specified by the Department of Building and Safety, on entry points being secured above the first story or where not accessible from ground level, such shall be secured by use of exterior grade plywood or its equivalent of at least one-half inch thickness, cut to the size of the opening and secured by the use of 16 penny common nails.

Sec. 18-408. Additional authority.

The Building Official or designee shall have the authority to require the owner to implement additional maintenance, security, or other measures not specified in Section 18-406, as may be reasonably required to prevent further decline of the structure and property.

Sec. 18-409. Reuse and re-occupancy.

A. No abandoned structure shall be reoccupied until it has been inspected and found to be in full compliance with all applicable City and State Codes and a final certificate of occupancy is issued by the Department of Building and Safety; all fees are paid in full; and all other conditions set forth in this section are satisfied.

B. Prior to reuse or re-occupancy, the owner of an abandoned structure shall obtain and pay for a certificate of occupancy inspection, with such inspection to include, but shall not be limited to, the inspection of the building, electrical, HVAC and plumbing components of the structure. The owner of the abandoned structure shall obtain all necessary permits and pay all related fees in full, for work identified as being necessary during the inspection. Permits shall be obtained and all fees paid in full for any work previously completed without the requisite permit. Each inspection shall be conducted and approved in accordance with the Flat Rock Code of Ordinances, State Construction Code, Property Maintenance Code, and Fire Prevention Code.

C. Prior to the reuse and occupancy of the structure, a certificate of occupancy shall be issued after all of the following conditions are fully satisfied:

1. All fees are paid in full; and
2. All inspections and approvals have been obtained from the Department of Building and Safety.

Sec. 18-410. Responsibility for violations.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any abandoned structure shall be obligated to provide written notice to any prospective purchaser of an abandoned structure of any violations, fees, or obligations imposed by the City

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regarding the abandoned structure. Failure by an owner to comply with this section shall constitute a violation of this article. 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 as existed at the time of sale, transfer or conveyance of the property.

Sec. 18-411. Independent authority.

The provisions contained in this article are separate from and in addition to all other code requirements contained in Chapter 18 and may be exercised jointly with or independent of the code provisions contained therein.

Sec. 18-412. Municipal civil infraction.

Any owner in violation of this ordinance shall be responsible for a municipal civil infraction and assessed a fine in an amount established from time to time by resolution of the City Council.

SECTION II. That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

SECTION III. This ordinance shall be published in the News Herald newspaper as required by Charter on the 25 day of April, 2010, but in no event shall be effective earlier than ten (10) days after enactment.

Jonathan D. Dropiewski, Mayor

Lorene Butski, City Clerk

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on April 19, 2010, the original of which proceedings is on file in my office.

Lorene Butski, City Clerk

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