ORDINANCE 13-016
AN ORDINANCE TO CREATE ARTICLE 5, OF CHAPTER 10, OF THE ADRIAN CODE, ENTITLED “VACANT BUILDINGS”

Section 10-400 of Chapter 10 of the Adrian Code is hereby created to read as follows:

Section 10-400 Purpose

The purpose of this ordinance 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 insuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage foreclosures and increased bankruptcies many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and has increased criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs and bushes, illegal dumping and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. The City also needs the ability to contact owners for utility shutoff, fire safety, and for police related reasons.

Section 10-401 Definitions

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

a. Vacant: a building, structure or land shall be deemed to be vacant if no person or persons actually currently conducts a lawful licensed business or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, not transient basis.

b. Open: a building or structure subject to the provisions of this section shall be deemed to be open if any one or more exterior doors other than a storm door is broken, open, and/or closed without a properly functioning lock to secure it, or if one or more windows is broken, or not capable of being locked and secured from intrusion or any combination of the same.

c. Owner: is defined as any person, partnership, corporation, limited liability company or other legal entity with legal or equitable ownership interest in the structure.

Section 10-402 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:

a. overgrown and/or dead vegetation,
b. accumulation of newspapers, circulars, fliers, and/or mail;
c. past due utility notices, and/or disconnected utilities;
d. accumulation of trash, junk, and/or debris;
e. boarded up or broken windows;
f. abandoned vehicles, auto parts or materials;
g. the absence of, or continually drawn window coverings, such as curtains, blinds, and/or shutters;
h. the absence of furnishings, and/or personal items consistent with habitation or occupancy;
i. statements by neighbors, passersby, delivery agents or utility agents, including the department of public works and/or police/fire department employees that the property is vacant.
j. is under condemnation notice or legal order to vacate;
k. has taxes in arrears to the City for a period of time exceeding 365 days; or
l. is under notice for being in violation of City ordinances.
m. graffiti

Section 10-403 Registry of Vacant Properties

There is hereby created in the City of Adrian Inspection Department a registry of vacant properties. The City shall record a notice of registration for each registered property in the Lenawee County Register of Deeds.

Section 10-404 Vacant Properties to be Registered

Owners of real property are required to register all vacant properties within 60 days of the vacancy. Structures that are vacant at the time of the enactment of this ordinance must register within 30 days. Failure to register a vacant property is a civil infraction. The following properties are exempt from this ordinance:

a. County owned property reverted by tax foreclosure and land bank owned property
b. Properties currently registered as rental properties so long as the registrations are current and all required inspections have been completed.
c. Properties wherein the owner spends a portion of the year residing at another address

Section 10-405 Owners Registration Form; Content, Consent for inspection

 Owners who are required to register their properties pursuant to this ordinance shall submit a completed vacant property registration form, as provided by the City Inspection Department, containing the following information:

a. Name of the owner of the property.
b. 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 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 evidence that the owner has failed to comply with this requirement.
c. The name, address and phone number of an individual responsible for the care and control of the property. The named individual must live within 30 miles of the City of Adrian.
d. Signed consent provision allowing the City to enter and inspect the property upon notice to the owner and without notice to the owner in the case of an emergency.
e. The status of all utility services (water, sewer, gas and electric).

Section 10-406 Registration Fee
The registration fee shall be set by resolution of the City Commission to offset the cost of administering this ordinance. In addition, in the case where the owner has failed to register, there shall be assessed an added cost of the City’s expense in having to determine ownership, which may include but is not limited to title search.

**Section 10-407 Initial Inspection**

Upon registration, each vacant property shall be inspected by the City. Failure to allow an inspection is a civil infraction. Upon completion of the inspection, if the City determines that the cost of repair exceeds the value of the property, the City may proceed with other enforcement action including but not limited to condemnation and demolition.

**Section 10-408 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 10 days file a new registration form containing current information. There shall be no fee to update the current owner's information. The owner shall also provide notification to the City upon sale of the property.

**Section 10-409 Required Maintenance for Vacant Structures**

An owner of vacant property is required to maintain the vacant property as follows:

a. The property shall be kept free of:
   1.) weeds or grass more than 8 inches high,
   2.) vegetation growth between the sidewalk and/or driveway
   3.) dry brush
   4.) dead vegetation
   5.) trash, junk and debris
   6.) building materials
   7.) rodent harborage
   8.) discarded items, including but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers,
   9.) any illegal storage of vehicles.

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

c. The Property 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. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpet, or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of landscaping and removal of trimmings.

d. 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 Michigan Building, and Construction Codes and the International Property Maintenance Code.

e. Properties subject to this ordinance 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 fourteen (14) days. Boarding up of open or broken windows is prohibited except as approved by the inspection department.

f. Timely removal of bulk mail and posted circulars

g. If the vacant property is not heated, it must be winterized.

h. If electrical service is not terminated, the vacant property must be inspected for compliance with the 2012 International Property Maintenance Code.

i. Failure to comply with any other provision of the 2012 International Property Maintenance Code.

Section 10-410 Securing Structures

A City order to secure a vacant property shall be complied with by the owner within seventy-two hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this ordinance, the City shall secure the structure and bill the owner for all costs incurred, including service fees and administrative costs. If payment in full is not received within 30 days from the due date, a late fee in the amount of $50.00 shall be charged. If full payment is not received, the amount owed to the City shall be collected as a special assessment against the property as provided in section 70-12 of the Adrian City Code.

Section 10-411 Fire or Storm Damaged Property

If a building regulated hereunder is damaged by fire or storm, the owner has ninety (90) days 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 will be subject to the requirements of this ordinance.

Section 10-412 Reuse and Occupancy

No vacant structure shall be reoccupied until inspected and found to be in compliance with the 2012 International Property Maintenance Code and a Certificate of Occupancy is issued by the City. The fee for the inspection shall be set by resolution of the City Commission.

Section 10-413 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 to bring in compliance. 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.

Section 10-414 Monitoring of Property; Fee

Upon violation of this ordinance by the owner, the building department is hereby authorized to monitor the condition of any property required to be registered under this ordinance. The right to monitor the property includes the right to enter for purposes of inspection. The City shall notify the owner of the intent to inspect the property prior to entry except in the event of an emergency. A monthly monitoring fee as set by resolution of the City Commission may be assessed against the property/owner to offset the costs incurred by the City in responding to telephone calls, complaints, inquiries, site visits, owner contacts, and the monitoring of the site. The monitoring requirement ceases once the property is brought into compliance.
Section 10-415  Unpaid Fees; Assessment

All fees and costs hereunder that remain unpaid after fourteen (14) days written notice to the owner/management company shall be assessed against the property as a lien and included on the tax roll pursuant to section 70-12 of the Adrian City Code.

Section 10-416  Penalties:

   a. A violation of any provision of this ordinance is a civil infraction and is punishable by a fine of $150 for a first offense and $250 for any subsequent offense.
   b. In addition to any other penalty provided for in this section, this section may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this section.

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