CHAPTER 155: VACANT PROPERTIES

Sec. 155.01 - Purpose.

Purpose and intent. It is the intent of this subchapter is to help protect the health, safety and welfare of the citizens to prevent blight, protect property values and neighborhood integrity, to avoid the creation and maintenance of nuisances and to ensure the safe and sanitary maintenance of dwellings and commercial and industrial buildings. Due to economic conditions, mortgage foreclosures, and bankruptcies, homes, buildings and properties have become vacant and unsupervised. This has caused properties to become nuisances, decrease private investment and to invite unwanted activity. Such unwanted activities have included an increase in instances 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, vermin activity, foul odors, and façade decay at vacant properties. These vacant properties have a negative impact on surrounding properties and causes deterioration in neighborhoods and commercial areas. The city also needs to be able to contact owners for utility shutoff, fire safety and police reasons.

(Ord. 19-005, passed 4-22-19)

Sec. 155.02 - Definitions.

The following terms shall apply to this chapter as written unless context indicates or requires different meaning:

EVIDENCE OF VACANCY. 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 may include, but shall not be limited to, overgrown and/or dead vegetation; unshoveled snow from sidewalks; 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 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, passersby, delivery agents or utility agents, including city employees, that the property is vacant.

OWNER. The person or legal entity who has legal title and/or the right to possess, use, transfer or convey property, i.e., the owner or successor to title by foreclosure, sheriff's sale or by court order.

VACANT PROPERTY. A lot, property, building, or structure that is not legally or currently occupied. 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.

(Ord. 19-005, passed 4-22-19)

Sec. 155.03 - Scope.

The provisions of this chapter shall apply to all existing vacant land and structures including, but not limited to, residential, commercial and industrial structures. This article does not relieve any person from compliance with all other city ordinances, the state building code, and all other laws, rules and regulations.

(Ord. 19-005, passed 4-22-19)

Sec. 155.04 - Registry of Vacant Properties.

(A) Creation of registry. There is hereby created in the City of Garden City a registry of vacant properties and structures.

(B) Vacant properties to be registered annually. Owners of real property are required to register all vacant properties within 60 days of the vacancy and to reregister the properties annually thereafter. Structures that are vacant at the time of the enactment of this ordinance must register within 60 days.

(Ord. 19-005, passed 4-22-19)
Sec. 155.05 - Registry Information Requirements.

(A) Required information. Owners of vacant properties required to register their properties pursuant to this article shall submit a completed vacant property registration form, as provided by the city or its designee 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 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.

3. The name of an individual responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be someone other than the owner with whom they have 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. An acknowledgment that property subject to this chapter that is left open and/or accessible shall be subject to entry by the city in order to ensure that the property has not become an attractive nuisance and to ensure that the property is locked and/or secured.

(B) Required information update. If at any time the information contained in the registration form is no longer valid, the property owner shall within ten days file a new registration form containing current information. There shall be no fee to update the current owner's information.

(C) Removal of occupied property from registry. Prior to reoccupation of property that is subject to this article, the owner shall notify the city or its designee that the property has been sold or rented, and to whom. There shall be no fee to remove a property from the registry.

Sec. 155.06 - Annual Registration and Inspection Fee.

(A) Creation of fee. An annual registration and vacant property inspection fee shall be set by the city in the city's administrative fee resolution to offset the cost of processing the form, conducting the safety and maintenance inspections and maintaining the records.

(B) Payment of fee. The fee established in division (A) above shall be submitted with the registry information outlined in Sec. 155.05. In addition, in the case where the owner has failed to register, the owner shall be assessed the added cost of the city's, or its designee's, expense in having to determine ownership, which may include, but is not limited to, title search and legal expenses.

(C) Unpaid fees; assessment. All fees herein 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.

Sec. 155.07 - Required Inspections.

(A) Initial inspection. Owners of vacant properties who are required to file an owner's registration form under this section shall be subject to an initial inspection by the city or its designee to ensure the safety and maintenance of the vacant property by insuring compliance with all applicable codes.
and ordinances, including but not limited to the International Property Maintenance Code, Chapter 151 Building Regulations and Chapter 154 Zoning.

(B) Annual inspection. Any vacant property included on the vacant property registry of Sec. 155.04 shall be subject to an annual inspection to insure continued compliance with all applicable codes and ordinances, including but not limited to the International Property Maintenance Code, Chapter 151 Building Regulations and Chapter 154 Zoning.

(C) Compliance with inspection violations. Any vacant property that is found to be in violation of any applicable city code or ordinance shall obtain the necessary permits, make required repairs and obtain any follow-up inspections from the city or its designee to ensure the building is safe, secure and maintained. 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.

(D) (1) In a nonemergency situation where the owner or occupant demands a warrant for inspection of the premises, the enforcing agency shall obtain a warrant from a court of competent jurisdiction. The enforcing agency shall prepare the warrant, stating the address of the building to be inspected, the nature of the inspection, as defined in this or other applicable acts, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, area or recurrent violation basis). The warrant shall also state that it is issued pursuant to this section, and that it is for the purposes set forth in this chapter and applicable state law.

(2) If the court finds that the warrant is in proper form and in accord with this section, it shall be issued forthwith.

(3) In the event of an emergency no warrant shall be required.

(Ord. 19-005, passed 4-22-19)

Sec. 155.08 - Maintenance and Safety Requirements.

(A) Vegetation and debris removal. Properties subject to this section shall be kept free of weeds; grass more than six inches high; 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 including the illegal outside storage of vehicles. Property subject to this chapter must comply with the security fencing, barrier and maintenance requirements of the International Property Maintenance Code and any other applicable city ordinances.

(B) Graffiti removal. Property subject to this ordinance 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) Landscaping maintenance. All visible front and side yards of property subject to this chapter 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 required landscaping and removal of all trimmings.

(D) Pool maintenance. Pools, spas, and other water features shall be kept in working order to ensure 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 security fencing, barrier and maintenance requirements of the International Property Maintenance Code and any other applicable city ordinances.
(E) **Odor.** Properties shall be free of offensive odors meaning any smell, condition or thing that is foul or offensive to the senses, including all disagreeable or obnoxious odors and stenches, as well as the conditions, substances or causes which give rise to the emission or generation of such odors and stenches. Offensive odor shall not be allowed to escape into the atmosphere in concentrations which are offensive to the public or to adjoining property owners or occupants, and can become injurious and dangerous to the health, comfort, or property of individuals, or of the public and creates a public nuisance or which could be detrimental to human, plant, or animal life. It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of conditions which give rise to the emission or generation of an offensive odor.

(F) **Exterior Façade.** Properties shall be free of broken or cracked window panes; windows not fully glazed or containing inserts/patches, or openings boarded up for more than 30 days. Wood surfaces must be clean, stained or painted with no chipping or peeling paint. Exterior surfaces shall be free of dirt or grime, and siding and roof shall be clean and in good repair with no missing, damaged or deteriorated materials including shingles, siding, fascia boards, trim, shutters, porch skirting, etc. Awnings shall not be faded, torn or in disrepair. Roof and roof shingles shall be in good condition and not covered with tarp in excess of 30 days if repairs are being made. Porches and stairs shall be stable and free of cracked boards or block.

(G) **Exterior furniture.** Properties shall be free of storage, display or use of upholstered or other furniture or discarded automobile seats/parts on porches, patios or in yards not designed, manufactured, sold or intended for use as outdoor furniture.

(H) **Security.** Properties subject to this section 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 14 days. Boarding up of open or broken windows is prohibited except as a temporary measure for no longer than 14 days. Properties subject to this section shall be maintained and secured to comply with the minimum-security fencing, barrier and maintenance requirements of the International Property Maintenance Code.

(I) **Compliance with inspection violations.** 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 and operational, or properly disconnected.

(J) **Local property management.** If the property is owned by a corporation and/or the beneficiary/trustee/owner is located more than 30 miles away, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

(K) **Property management signage.** Vacant commercial/industrial property shall be posted with name and 24-hour contact phone number of the property management company located within 30 miles of the subject property. The posting shall be no less than 18 inches by 24 inches and shall be of a 72-point Arial font and shall contain along with the name and 24-hour contact number, the words “THIS PROPERTY MANAGED BY” and “TO REPORT PROBLEMS OR CONCERNS, CALL.” The posting shall be placed on the interior of a window facing the front of the property and visible from the street, or secured to the exterior of the building/structure on the front of the property so it is facing and visible from the street if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.

(Ord. 19-005, passed 4-22-19)
Sec. 155.09 - Fire Damaged Property.

If an occupied building is damaged by fire, the owner must, within 90 days from the date of the fire, apply for a permit to start construction or demolition. The City Manager may grant additional 90-day extensions, upon the owner demonstrating substantial progress towards completion of repairs. Failure to do so will result in the property being deemed vacant and subject to the requirements of this chapter.

(Ord. 19-005, passed 4-22-19)

Sec. 155.99 - Penalties; Municipal Civil Infraction.

(A) Failure to timely register a vacant property or any other violation of this chapter shall be a municipal civil infraction. The requirements of this article are in addition to, and not in lieu of all other city ordinances, state law and/or any other rules and regulations as well as the requirements of MCL 125.539(i), which allows for demolition of vacant structures, or nuisance abatement by the city.

(B) The first offense or any subsequent offense shall be subject to the procedures and fine schedule in Chapter 41 and any other costs authorized by the court pursuant to MCL 600.8727, MCL 600.8335, or state law. As authorized by MCL 600.8731, in the event such fines and costs are not timely paid, then such fines and costs may become a lien on the property and be placed on the tax roll, or result in a suit for collection of judgment.

(Ord. 19-005, passed 4-22-19)