

ORDINANCE NO. 1672

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SOUTHFIELD BY DELETING EXISTING CHAPTER 104, VACANT PROPERTY REGISTRATION, TO TITLE VIII, BUILDING REGULATIONS, AND INSERTING THEREIN NEW CHAPTER 104, VACANT PROPERTY REGISTRATION, OF TITLE VIII, BUILDING REGULATIONS, OF SAID CODE.

THE CITY OF SOUTHFIELD ORDAINS:

SECTION 1.

The Code of the City of Southfield is hereby amended by deleting existing Chapter 104, Vacant Property Registration, Title VIII, Building Regulations, and inserting in lieu thereof a new Chapter 104, Vacant Property Registration.

Sec. 8.601 Purpose

The purpose of this chapter 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 ensuring safe and sanitary maintenance of dwellings, commercial and industrial buildings. Further, it is important for the city to be able to contact owners of vacant properties for property maintenance, fire safety and police purposes.

Sec. 8.602 Definitions

For purposes of this chapter, certain words and phrases are defined as follows:

- (a) *Building* means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.
- (b) *Director* means the Director of the Building and Safety Engineering Department, or his/her designee.
- (c) *Evidence of vacancy* means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk, and/or debris, broken or 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 occupation, current owner's interest in the property has been foreclosed, statements by neighbors, passersby, delivery agents or governmental employees that the property is vacant.

- (d) *Foreclosure or foreclosed* means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the borrower, or the process by which the property is foreclosed by the Oakland County Treasurer pursuant to the Michigan General Tax Act for delinquent property taxes.
- (e) *Mortgage* means a recorded lien or interest in real property to secure payment of a loan.
- (f) *Mortgagee* means a person, firm, or corporation holding a mortgage on a property
- (g) *Mortgagor* means a borrower under a mortgage, who grants a lien or interest in property to a Mortgagee as security for the payment of a debt.
- (h) *Owner* means an individual, co-partnership, association, corporation, company, fiduciary, or other person or legal entity having a legal or equitable title or any interest in any real property.
- (i) *Structure* means anything constructed or erected the use of which requires location on or attachment to the ground and includes Buildings.
- (j) *Vacant, or Vacant Property* means an improved lot or parcel of real property with at least one Building or Structure that: 1) is not currently occupied if a residential structure, or not currently being used for commercial operations if a commercial structure; or 2) shows Evidence of Vacancy and the owner fails to provide satisfactory evidence to the City substantiating that the Building or Structure is occupied if a residential structure, or is being used for commercial operations if a commercial structure, after notice thereby by the City, within a period of ten (10) days after the date of the notice. The failure of the owner to timely provide evidence to the City as set forth herein substantiating that the property is occupied if a residential structure or is being used for commercial operations if a commercial structure shall be and constitute prima facie proof that the property is a Vacant Property. Provided, however, a Building or Structure which remains furnished, utilities connected or in use, and the property maintained while the Owner is absent, shall not be considered vacant.

Sec. 8.603 Registration of vacant property.

- (a) An Owner of a Vacant Property in the city shall be responsible for registering that property with the Department of Building and Safety Engineering by complying with the affidavit and registration and inspection fee requirements in this chapter within the times set forth in this chapter.

- (b) A Vacant Property shall be registered within ten (10) days of the vacancy or within ten (10) days of the date of the City's notice deeming the property vacant pursuant to Section 8.602 (j) hereof where the owner has not timely submitted satisfactory evidence to the City substantiating that the property is occupied if a residential structure or is being used for commercial operations if a commercial structure.

Sec. 8.604 Registration affidavit.

Owners who are required to register their properties pursuant to this chapter shall do so by submitting a copy of a driver's license and an affidavit containing the information specified in this section. The affidavit may be provided by an authorized agent for an Owner. The affidavit shall include the following:

- (a) the 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/return receipt requested is sent to the address provided by the Owner pursuant hereto 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 properly comply with this Section 8.604(b).
- (c) the name of an individual or legal entity 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 provided that the Owner has contracted with such person or entity to act as his agent for purpose of this chapter.
- (d) a current address, telephone number, facsimile number, and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified/return receipt requested mail is sent to the address provided pursuant to this Section 8.604(d) and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address provided pursuant to this Section 8.604(d) is returned for whatever reason, then such occurrence shall be prima facie proof that the Owner has failed to properly comply with the requirements of this Section 8.604(d).
- (e) the Owner's covenant that the Director, or his designee, will be permitted to inspect the property, including any Building or Structure situated thereon, in accordance with this chapter, and at such other reasonable times, upon reasonable notice, as determined necessary by the Director.
- (f) an explanation as to the reason for the vacancy of the property.

Once a vacant property has been properly registered by the Owner, such registration shall be valid and effective for a period not to exceed 365 days, and shall be renewed annually thereafter until the property has become occupied and a certificate of compliance has been issued pursuant to Section 8.609 hereof.

Sec. 8.605 Registration, inspection and other fees.

All fees applicable to this chapter shall be set from time to time by resolution of the Southfield City Council, which fees shall include a registration fee, an inspection fee, a re-inspection fee, and such other related fees established by resolution of the City Council. There shall also be a fee for the filing of a new owner's affidavit. For properties that are not registered within the required time, an additional fee for the added cost 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. The payment of all fees required under this chapter is secured by a lien against the property and if not paid within 30 days after the bill for such fee(s) is rendered, such fee(s) shall be collected as provided in Section 1.13 of this Code.

Sec. 8.606 Requirement to keep information current.

If at any time the information contained in the registration affidavit required pursuant to Section 8.604 of this chapter is no longer valid, the Owner has ten (10) days to file a new affidavit containing valid, current information. There shall be no fee to update an existing registered Owner's current information.

Sec. 8.607 Initial and Semi-Annual inspections.

- (a) Vacant or unoccupied Buildings or Structures, including the surrounding real property, required to be registered in accordance with this chapter shall be subject to an initial safety and maintenance inspection by the Director, or his designee, upon registration. The Owner shall pay the inspection fees pursuant to Section 8.605 hereunder. The Owner shall demonstrate, within the course of such inspection, that all Building or Structure water, sewer, electrical, gas, HVAC, plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings, roofing, structural systems, foundation, drainage systems, gutters, doors, windows, parking areas, signage, driveway apron(s), service walk(s), sidewalk(s), and other public areas on the property, are sound, operational, or properly disconnected. In the event such inspection reveals any violations, the Owner shall, within ten (10) days, apply for any necessary permits, and shall, within thirty (30) days, or such additional period as permitted by the Director, complete all repairs required resulting from such inspection. Following the initial inspection, in order to ensure that vacant Buildings and Structures are safe, secured, and well-maintained, all vacant or unoccupied Buildings or Structures, including the surrounding real property, shall be subject to inspections by the Director, or his designee, not less than twice annually, until the Building or Structure is lawfully occupied in accordance with Section 8.609 hereof. Any violations of the city code or this chapter which are detected upon any of the semi-annual inspections by the Director, or his designee, shall be fully repaired and remedied within thirty (30) days of notice to the Owner, or such additional time as permitted by the Director.

- (b) Any Mortgagee who holds a mortgage on a property located within the city, shall perform an inspection, to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the Mortgagor, within five (5) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement). Upon such inspection by the Mortgagee, if the property is found to be vacant or shows Evidence of Vacancy, it is, by this ordinance, deemed vacant and the Mortgagee shall register the property in accordance with this chapter and be subject to all provisions of this chapter.

Sec. 8.608 Maintenance and security requirements.

An Owner of a vacant property shall comply with all of the following maintenance and security requirements:

- (a) Property shall be kept free from weeds, grass more than eight inches (8") 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.

- (b)) Property shall be maintained free of graffiti, tagging, or similar markings.

- (c) All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges, or similar plantings. Maintenance includes, but is not limited to, cutting, pruning, and mowing of required landscaping and removal of all trimmings.

- (d) Pools, spas, and other water features shall be covered with an industry approved safety cover and shall also comply with the minimum security fencing and barrier requirements of applicable building and existing structures/property maintenance codes and ordinances.

- (e) Property 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, gates and any other opening of such size that may allow a child or other person to access the interior of the property and/or structures. Broken windows must be repaired or replaced with like glazing materials within fourteen (14) days, except as otherwise provided in the existing structures code. Boarding up of open or broken windows is prohibited except as a temporary measure not to exceed fourteen (14) days.

(f) Electrical power and natural gas shall be provided to all vacant or unoccupied Building(s) or Structure(s) to power all mechanical equipment to maintain a minimum ambient interior temperature of not less than 45 degrees F during the months of September through April of each calendar year and to power a sump pump. A minimum of a 7 watt night light shall be placed in the interior of any vacant residential Building or Structure on a timer, set so as to turn on at dusk and off at dawn, on both the first and second levels, so as to be visible from the exterior of the residential Building or Structure. All vacant or unoccupied residential Buildings or Structures shall have the water shut off at the street and shall have the building properly winterized so as to prevent the bursting of water pipes, unless the Building or Structure is served by a heating system which requires the use of water.

(g) Property shall be maintained in compliance with all other applicable code requirements.

Sec. 8.609 Re-occupancy.

A vacant property and any Building or Structure situated thereon shall not be occupied until a certificate of compliance has been issued by the Director within thirty (30) days immediately prior to occupancy, and all violations have been corrected in accordance with the applicable requirements of Chapters 100 and 102, as amended from time to time, administered and enforced by the Department of Building and Safety Engineering, and other applicable provisions of this Code. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good operation and repair, if specifically requested by the Director. In addition, a certificate of compliance shall not be issued until all outstanding costs, assessments, and/or liens owed to the city have been paid in full.

Sec. 8.610 Violation and Penalty.

(a) Violations of this article are municipal civil infractions, subjecting persons found responsible for violations to the fines, sanctions, remedies, and procedures as set forth in Chapter 15, Section 1.700 et. seq. of this Code

SECTION 2.

Should any section, subsection, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 3.

Rights and duties which have matured; penalties which have been incurred; proceedings which have begun; and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 4.

All ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 5.

This Ordinance shall take effect upon passage and publication.

KENSON J. SIVER, Mayor

NANCY L.M. BANKS, City Clerk

Introduced: February 13, 2017

Enacted: February 27, 2017

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