

CITY OF ROSE CITY
OGEMAW COUNTY, MICHIGAN

Ordinance No. 10-21-19-1

VACANT AND ABANDONED STRUCTURES

- 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 Rose City.

- **Definitions.**

- As used in this chapter

A. "Abandoned commercial structure" means and includes:

1. Any single tenant building located in a B-1, B-2, B-3, or B-4 zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days (180 days will be allowed for seasonal businesses) or which satisfies one (1) of the supplementary conditions defined in the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances or

2. Any multi-tenant building located in a B-1, B-2, B-3, or B-4 zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days (180 days will be allowed for seasonal businesses) or which satisfies one (1) of the supplementary conditions defined in the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances and

B. "Abandoned office structure" means and includes:

1. Any single tenant building located in an OS or PO zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined the Dangerous Buildings Ordinance is non-compliant with the Ogemaw County Zoning Ordinances; or
2. Any multi-tenant building located in an OS or PO zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances.

C. "Abandoned industrial structure" means and includes:

1. Any single tenant building located in a ML, M-1, or M-2 zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances; or
2. Any multi-tenant building located in a ML, M-1, or M-2 zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances.

D. "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 ninety (90) consecutive days or which also meets at least one (1) of the following conditions:

1. Any single tenant building located in a R-1, R-2, R-3, or R-4 zoned district which has been unoccupied by a tenant for a period of three hundred and sixty-five (365) consecutive days or which satisfies one (1) of the supplementary conditions defined in the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances or
2. Any multi-tenant building located in a R-1, R-2, R-3, or R-4 zoned district which is more than fifty percent (50%) unoccupied for a period of three hundred and sixty-five (365) consecutive days or which satisfies one (1) of the supplementary conditions defined in the Dangerous Buildings Ordinance or is non-compliant with the Ogemaw County Zoning Ordinances and

E. "Abandoned structure" means and includes an abandoned residential, commercial, office, or industrial structure as defined herein.

F. "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.

G. "Owner" means any person with a legal or equitable ownership interest in the structure.

H. "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.

I. "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 applicable City, County and State codes;
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,
11. Is a potential hazard or danger to persons.

- **Registration**

Owners of abandoned structures shall register such properties with the city and pay a quarterly administration fee. 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 dangerous, hazardous or unlawful conditions or from acting to eliminate an imminent hazard to public health and safety.

- **Registration information**

A. For each abandoned structure each owner shall register with the city and provide the following information on an abandoned structure registration form available from the city:

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;
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.

B. 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.

- **Registration and administrative fee**

A. An owner of an abandoned structure, whether registered or not, shall pay an abandoned structure registration fee and a quarterly administrative fee for the time during which such structure remains an abandoned structure.

1. The fees can be waived if the owner of the abandoned structure has a Fair Market Value Listing Affidavit approved and on file with the City of Rose City. The Affidavit requires Proof of property listing and can be renewed every six months while actively listed for sale at a Fair Market Value.

2. The fees can also be waived if the owner of the abandoned structure has a Property Improvement Development Affidavit approved and on file with the City of Rose City. A Property Improvement Development Affidavit will be valid for the length of the affidavit.

B. Fees under this section shall be established to support the services rendered by the city in the course of its duties related to abandoned structures. Failure to register an abandoned structure or pay the quarterly administrative fee shall be cause for penalties to be assessed and are criminal violations of this chapter.

C. The quarterly administrative fee of 500 dollars shall be paid so that it is received by the city on or before the due date, following each quarter during which the structure was an abandoned structure for thirty (30) days or more.

D. A late fee, in an amount equal to ten percent (10%) of the inspection department administrative fee rounded up to the next whole dollar amount shall also be payable by an owner of an abandoned structure when the quarterly administrative fee is not paid by the due date.

- **Recovery of fees**

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the assessed or assessable real and personal property of the responsible party. Such lien shall be of the same character and effect as the lien for real property taxes and shall include accrued interest and penalties. The City clerk shall prior to March 1 of each year, certify to the City assessor the fact that such assessable costs are delinquent and unpaid. The City assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes. Further provided, that such assessable cost when assessed and invoiced as aforesaid shall additionally constitute a personal debt owed by any responsible party to the City.

All rights and remedies herein are cumulative in nature, and not exclusive, and the City is entitled to all other rights and remedies afforded by common law, statute, ordinance, rule, regulation or other law.

- **Securing structures**

A. Unless otherwise specified by the building inspection department, 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 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 the same manner as permitted for the recovery of fees under this chapter.

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 building inspection department, 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

2. Unless otherwise specified by the building inspection department, on entry points being secured above the first story or were 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 sixteen (16) penny common nails.

- **Right of entry and inspection**

If the owner has failed to secure a property, the City will use Rose City Dangerous Building ordinance # 08-04-29 to ensure proper repairs are completed to all structures.

- **Removing a building from the Vacant and Abandoned Structure List**

- A. Removing a building from the Vacant and Abandoned Structure List. No resident structure will be removed from the list without a Release from Vacant and Abandoned Structure List Form.
- B. A Release from Vacant and Abandoned Structure List Form will be reviewed by council after all of the following condition are fully satisfied.
 - 1. All fees, including, but not limited to, all late charges are paid in full.
 - 2. Proper supporting documents have been supplied to council, that are required with the Release from Vacant and Abandoned Structure List form.
- C. Removing a building from the Vacant and Abandoned Structure List. No commercial, office, or industrial structure will be removed from the list without a Release from Vacant and Abandoned Structure List Form.
- D. A Release from Vacant and Abandoned Structure List Form will be reviewed by council after all of the following condition are fully satisfied.
 - 1. All fees, including, but not limited to, all late charges are paid in full.
 - 2. Proper supporting documents have been supplied to council, that are required with the Release from Vacant and Abandoned Structure List form.

- **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 regarding that abandoned structure. 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 as existed at the time of sale, transfer or conveyance of the property.

- **Penalty**

A. A person who violates or fails to comply with the requirements of this is guilty of a civil infraction and shall be fined not more than five hundred dollars (\$500.00) for each offense.

B. Each day that an owner of an abandoned or vacant structure 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.

- **Independent authority**

The authority conferred in this ordinance is separate from and in addition to the authority set forth in Rose City Dangerous Buildings Ordinance # 08-04-29 and may be exercised jointly with or independent of the authority provided for in the Rose City Ordinances.

CERTIFICATION

I, Cindy Rosebrugh, City Clerk for the City of Rose City, County of Ogemaw, State of Michigan, do hereby certify that the foregoing is a full, true, and complete copy of an Ordinance duly made, passed, and adopted by the City Council of the City of Rose City, Michigan, at a regular meeting of the Council held on the 19th day of 2021.



Cindy Rosebrugh, City Clerk