

**CITY OF MARINE CITY
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE NO. 22-002**

AN ORDINANCE OF THE CITY OF MARINE CITY, ST. CLAIR COUNTY, MICHIGAN TO ESTABLISH LAND USE TITLE XV, CHAPTER 158, SECTION 149 ET SEQ. ENTITLED "VACANT OR ABANDONED STRUCTURE PREVENTION".

THE CITY OF MARINE CITY ORDAINS:

Chapter 158.149 et seq. is hereby established to read as follows:

Section 158.149 Purpose.

It is the purpose of this article to prevent, reduce, or eliminate blight by preventing and eliminating contributing factors and causes of in the City. This ordinance addresses vacant or abandoned buildings which the City Commission determines to contribute to blight.

By way of this ordinance, the City encourages proper occupied use of commercial and industrial buildings within their zoning districts. 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, potentially results in human injury, and potentially invites criminal activities.

It is also determined that vacant or abandoned structures demand an inordinate amount of City administrative and ordinance enforcement resources. As such, the City Commission finds the prolonged presence of vacant or abandoned structures to be unacceptable to the citizens of Marine City.

Section 158.150 Definitions.

The following words, terms, and phrases, when used in this provision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Absent a definition, plain language shall apply.

(A) Vacant or Abandoned Commercial Structure means and includes:

1. Any single tenant building located in a commercially zoned district which has been unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in subsection (H), below; or
2. Any multi-tenant building located in a commercially zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in subsection (H), below.

(B) Vacant or Abandoned Industrial Structure means and includes:

1. Any single tenant building located in an industrially zoned district which has been unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in subsection (G), below; or
2. Any multi-tenant building located in an industrially zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in subsection (G), below.

(C) Vacant or Abandoned Structure means and includes commercial or industrial structure as defined herein.

(D) 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 a vacant or abandoned structure or not, such as, but not limited to, a garage, barn, or storage shed.

(E) Owner means any person with legal or equitable ownership interest in the property.

(F) 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 subchapter.

(G) Unoccupied means without occupants, void of zoning use; vacant or abandoned.

(H) 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 proper Maintenance Code, Fire Prevention Code, Heating Code, Building Code, or State Construction 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;
9. Is under condemnation notice or legal order to vacate;
10. Is structurally unsound; or,
11. Is a potential hazard or danger to persons;
12. The use of the building is inconsistent with zoning ordinance.

Sec. 158.151 Registration.

Owners of vacant or abandoned structures shall register such properties with the City and pay a monthly registration fee as set forth in the then current City Fee Schedule. The duty to register an abandoned structure shall not require prior notice to the owner by the City. Registration of a vacant or 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.

Sec. 158.152 Registration Information.

(A) For each vacant or abandoned structure, each owner shall register with the City and provide the following information on a vacant or abandoned structure registration form available from the City:

1. The address of the vacant or abandoned structure;
2. The complete mailing address of all owners;
3. Telephone number of each owner, including cell phone numbers;
4. Proof of identification of each owner;
5. The name, address, and telephone number of any local agent or representative authorized by the owner to handle the affairs of the property;
6. The reason for vacancy of the property;
7. The estimated length of time the property is expected to remain vacant; and
8. 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 registration form within seven (7) days of any change in the registration information required by this section.

Sec. 158.153 Registration and registration fee.

(A) An owner of a vacant or abandoned structure, whether registered or not, shall pay a vacant or abandoned structure registration fee and a monthly administrative fee for the time during which such structure remains unused for the purposes for which the property is zoned or otherwise lawfully permitted. The vacant or abandoned structure registration fee and monthly administrative fee shall be the same amount as the inspection department administrative fee established in the City's most current Fee Schedule, which may be amended from time to time at the sole discretion of the City.

(B) Fees under this section shall be established to support the services rendered by the City in the course of its duties related to vacant or abandoned structures. Failure to register a vacant or abandoned structure or pay the registration fee and monthly administrative fees shall be cause for penalties to be assessed and are a

criminal violation of this subchapter.

- (C) The monthly administrative fee shall be paid so that it is received by the City on or before the seventh day of each month, following each month during which the structure was a vacant or abandoned structure for fifteen (15) days or more.
- (D) A late fee, in an amount equal to fifty percent (50%) of the inspection department administrative fee rounded up to the next whole dollar amount, shall also be payable by an owner of a vacant or abandoned structure when the monthly administrative fee is not paid by the due date referenced herein and pursuant to the City's most current Fee Schedule.
- (E) Exceptions for the monthly registration fee may be considered by the building official or City Manager if it can be adequately demonstrated that the property is held up in probate and a resolution is forthcoming, under construction with a reopen date established, or for sale with proven attempts to actively sell the property. Initial registration and registration fee is required.

Sec. 158.154 Recovery of fees.

If all or part of the fees required by this subchapter are not paid or are overdue, the City may recover such sums by filing suit against the owner for entry of civil money judgment or any other means available by law. The City shall be entitled to all attorney fees and costs incurred in obtaining a warrant or to obtain a judgment against an owner for any overdue or unpaid fees associated with any vacant or abandoned structures.

Sec. 158.155 Securing structures.

- (A) Unless otherwise specified by the building inspection department, a City order to secure a vacant or 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 subchapter, 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 permitted for the recovery of fees under this subchapter.
- (B) All points of entry on a vacant or 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 the 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 where not accessible from the ground level, such shall be secured by the 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.

Sec. 158.156 Right of entry and inspection.

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

Sec. 158.157 Reuse and re-occupancy.

(A) Re-Occupancy of Vacant or Abandoned Commercial or Industrial Structure: The owner of a vacant or abandoned commercial or industrial structure shall be required to obtain and pay for special inspections including, but not limited to, building, electrical, HVAC, and plumbing inspections. The fees set forth in the Fee Schedule shall be in addition to those required by any section of the City ordinances. The owner of a vacant or abandoned commercial or industrial structure shall obtain all necessary permits and pay all related fees in full for work identified as being necessary during a special 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 Marine City Code of Ordinances, state codes, Property Maintenance Code, Fire Prevention Code, and Heating Code.

(B) Certificate of Re-Occupancy for Vacant or Abandoned Commercial or Industrial Structure: A certificate of re-occupancy shall be issued after all of the following conditions are satisfied:

1. All fees, including but not limited to late charges and re-inspection fees are paid in full;
2. All inspections and approvals have been obtained from the director of inspection;
3. All outstanding fees, charges, and monies owed by the owner of the abandoned structure to the City of Marine City have been paid in full.

Sec. 158.158 Responsibility for violations.

All nuisance and building 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 any vacant or abandoned structure of any violations, fees, or obligations imposed by the city regarding that vacant or abandoned structure. Failure of 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.

Sec. 158.159 Penalty.

(A) A violation of this subchapter is a misdemeanor offense subjecting the violator to the penalties set forth in Section 10.99.

(B) Each day that an owner of a vacant or abandoned structure fails to comply with the requirements of this subchapter shall constitute a separate offense.

(C) In addition to any other penalty provided for in this section, this subchapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this subchapter.

Severability.

This ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Repeal of Ordinances in Conflict Herewith.

Any and all Ordinances of the City of Marine City or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

Ratification.

All other provisions of the Code of Ordinances of the City of Marine City, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

Publication.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Marine City, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

Effective Date.

This Ordinance shall take effect on the first day of December 2022 in accordance with the provisions and requirements of the City of Marine City. The City Clerk is hereby directed to publish this Ordinance within fifteen (15) days after the date of adoption as required by section 7.2 of the City Charter of the City of Marine City.

ORDINANCE DECLARED ADOPTED.

/s/ Cheryl Vercammen
Cheryl Vercammen, Mayor
City of Marine City, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Marine City, County of St. Clair, State of Michigan, at a regular meeting of the City Commission held on the 21 day of July, 2022 and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Mayor Cheryl Vercammen; Commissioners Jacob Bryson, Elizabeth Hendrick, Wendy Kellehan, William Klaassen, John Kreidler, Brian Ross
Members Absent: None.

It was moved by Commissioner Kellehan and supported by Commissioner Ross to adopt the Ordinance.

Ayes: Bryson, Kellehan, Ross, Vercammen

Nays: Hendrick, Klaassen, Kreidler.

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Marine City.

/s/ Shannon M. Adams
Shannon M. Adams, City Clerk
City of Marine City, Michigan

INTRODUCED: 05-19-2022
ADOPTED: 07-21-2022
PUBLISHED: 07-28-2022
EFFECTIVE: 12-01-2022