

**CHARTER TOWNSHIP OF BROWNSTOWN
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. 308

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF PROPERTIES THAT ARE VACANT FOR THE PURPOSES OF ASSURING CODE COMPLIANCE AND MAINTENANCE.

THE CHARTER TOWNSHIP OF BROWNSTOWN, COUNTY OF WAYNE, HEREBY ORDAINS AS FOLLOWS:

Sec. 1. Scope

The provisions of this chapter shall apply to all existing properties and structures.

Sec. 2. Purpose

The purpose of establishing a registration process for vacant properties is to provide requirements for responsible parties to implement the required Vacant Property Maintenance Plan for such properties which will protect public health, safety and general welfare of the citizens and prevent neighborhood blight, ensure properties are secured, prevent deterioration, and protect property values and neighborhood integrity.

Sec. 3. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned means a property that is vacant and is under current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessor's Lien Sale, land contract forfeiture, or a property that has been the subject of a foreclosure sale where the title was retained by or transferred to the beneficiary of the deed of trust involved with the foreclosure, or a property transferred under a deed in lieu of foreclosure/sale.

Accessible Property means real property that is accessible to the public, either, in general or through an open and unsecured door, window, gate, fence, wall, or other such openings.

Beneficiary means a lender participating in a real property transaction that holds a secured interest in the real property in question identified in a deed of trust.

Days means consecutive calendar days.

Deed of Trust means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.

Evidence of Vacancy means 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, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt of the trustor (borrower) under deed of trust defaults.

Land Contract Forfeiture means the process by which a property, sold under and land contract, is being forfeited in the local district court to satisfy the breach of land contract by the borrower.

Notice of Default means a recorded instrument that reflects and provides notice that a default has taken place with respect to a deed of trust, and that a beneficiary intends to proceed with a trustee's sale.

Owner means any person, co-partnership, agent, operator, firm, association, corporation, or fiduciary having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Property means any unimproved or improved real property, or portion thereof, located in the Township of Brownstown, including the buildings or structures located on the property regardless of condition.

Securing means such measures as may be directed by the Building Official or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of doors, windows, or other openings.

Trustee means any person, partnership, association, corporation, fiduciary or other legal entity holding a Deed of Trust securing an interest in real property.

Trustor means any owner/borrower identified in a Deed of Trust, who transfers an interest in real property to a trustee as security for payment of debt by that owner/trustor.

Vacant means any building, structure or real property that is, or has been unoccupied, or occupied by a person without a legal right of occupancy.

Yard means the open unoccupied spaces on the same lot with a main building extending along the entire length of front, side, and rear lot lines.

Sec. 4. Eviction Of Personal Property

When an eviction by court order occurs, the owner shall place on the private area of the owner's property only, and not on any public area adjacent to the owner's property, a movable container of sufficient size and type, which will allow access from its side for disposal of the personal property. Any personal property not relocated from the premises shall be placed and disposed of only in the movable container. The movable container shall be removed from the owner's property within forty-eight (48) hours of its placement.

Sec. 5. Registration Of Vacant Property Required

Owners and/or owners' agents of real property are required to register all vacant property within 30 days of the vacancy or the effective date of this ordinance whichever is later. Registration pursuant to this section shall be renewed annually. Registration required by this ordinance shall include the following information:

- 1) Name, address and contact number of the owner
- 2) Name, address and contact number of the local agent or representative for the property

- 3) Name, address and contact number of the management company assigned to the property for the security and maintenance of the property
- 4) Common address and tax parcel identification number of the property
- 5) The date on which the property became vacant
- 6) Affirmation of utility connections or disconnections
- 7) Signed Maintenance Plan Agreement as required by this ordinance

Sec. 6. Requirement To Keep Information Current

If at any time the information contained in the registration is no longer valid, the property owner shall file a new registration within 10 (ten) days containing current information. There shall be no fee to update the current owner's information.

Sec. 7. Vacant Property Maintenance Plan

It is declared a public nuisance for any owner to cause, permit, or maintain any property condition contrary to the provisions of this ordinance. The owner or owner's agent must adhere to the Vacant Property Maintenance Plan as contained in this section and the time schedule requirements on the registration.

- 1) The owner or owner's agent shall perform regular weekly inspections of the property to assure compliance with the requirements of this section
- 2) The owner or owner's agent shall allow access by the Township Building Department Inspectors for the purpose of inspection and in case of emergency.
- 3) Utilities must be properly disconnected or connected and in proper working order.
- 4) All doors, windows and other openings shall be secured as required in Section 8.
- 5) Weeds shall be removed from landscape beds, the perimeter of buildings, along fence lines, and in parking lot joints & cracks.
- 6) Grass height shall be maintained no higher than eight (8) inches and the trimmings removed from the property.
- 7) Exterior properties shall be kept free of junk & debris, including, but not limited to, newspapers, flyers, circulars, furniture, appliances, containers, equipment, auto parts, garbage, clothing, inoperable vehicles, boats and campers, or any other items that give the appearance that the property is vacant.
- 8) Building appurtenances must be securely attached so as not to cause a blighting condition, including, but not limited to, gutters, downspouts, shutters, railings, guards, steps, awnings, canopies, signs, light fixtures, and fire-escapes.
- 9) Detached signs and lighting systems shall be structurally sound, and maintained so as not to cause a blighting condition, or removed.
- 10) Property fencing and retaining walls shall be maintained structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened, or removed.
- 11) Pools, spas, and ponds shall be drained and kept dry or kept in working order so that the water remains clear and free of pollutants and debris. Pools and spas must comply with the barrier requirements of the adopted International Property Maintenance Code.
- 12) The property shall be free of graffiti or similar markings by removal or painting over with a color that matches the exterior of the structure.
- 13) Perishables shall be removed from the interior of the structures.

Sec. 8. Security Requirement

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, closing and locking of windows, doors, and any other opening that may allow access to the interior of any structure on the property. Broken glass shall be secured by replacement, re-glazing, or boarding

of the opening. The boarding of any opening shall be painted with a color that matches the exterior of the structure.

Sec. 9. Additional Authority

The Building Official or his or her designee shall have the authority to require the owner to implement additional maintenance, security, or other measures not specified in the Vacant Property Maintenance Plan, as may be reasonably required to prevent further decline.

Sec. 10. Fees

The fees for registering and the renewal of registering a vacant property shall be the cost of administering the provisions of this ordinance and in the amounts established by the Township Board. In addition, in a case where the owner has failed to register, there shall be assessed the added costs of the Township's expenses in having to determine ownership which may include, but are not limited to, title searches.

Sec. 11. Penalties

Any owner of vacant property that fails to register, fails to report changes to registration information, or fails to renew a registration annually shall be responsible for a municipal civil infraction and assessed a fine in an amount established from time to time by resolution of the Township Board. Any owner or owner's agent of vacant property subject to the registration requirements of this Ordinance, who causes, permits, or maintains a violation of this Ordinance as to that property, shall be responsible for a municipal civil infraction.

Sec. 12. Appeals

Any person aggrieved by any of the requirements of this Ordinance may appeal a determination made hereunder in a manner specified in the adopted International Property Maintenance Code.

Sec. 13. Saving Clause

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Sec. 14. Severability

Should any word, sentence, phrase, or any portion of this Ordinance be held in any manner invalid by any court of competent jurisdiction, or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases, or portions of this Ordinance.

Sec. 15. Conflicting Ordinances

All prior existing ordinances adopted by the Township of Brownstown inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

This Ordinance shall be given a first reading on February 16, 2010, shall be enacted on March 15, 2010 and shall be published on or before March 24, 2010 and shall become effective March 25, 2010.

ADOPTED, APPROVED AND PASSED by the Township Board of The Charter Township of Brownstown this 15th day of March 2010.