

## **ORDINANCE 411 VACANT BUILDING ORDINANCE**

### **I. Purpose**

A. From time to time there are structures within the City of Center Line that are not in compliance with its ordinances, have become a threat to life and property or are vacant or abandoned. Therefore, the City of Center Line states as follows:

1. Noncomplying structures must promptly be made safe and secure to protect the public safety.
2. Noncomplying structures are dangerous and unsafe in that they are extremely vulnerable to fire, flooding, collapse or other hazards.
3. Noncomplying structures are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods and have an adverse impact on other properties.
4. Structures that were previously used or occupied and have since become vacant have a significant and detrimental impact on the local real estate market.
5. Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
6. Structures that are vacant and unsecured pose serious threats to the public's health and safety and therefore are public nuisances.
7. Immediate abatement of these hazards or rehabilitation of these structures is necessary to prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties. Such actions are also necessary to secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
8. Communication between owners of noncomplying structures and the city is essential for effective allocation of public resources and the maintenance of public health, welfare and safety in regards to such structures.

B. The ordinance provides for the administration, enforcement, including abatement of public nuisances, and imposition of penalties associated with noncomplying and vacant structures.

### **II. Owner Defined**

Owner as defined under this ordinance is: any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or the city 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.

### III. Vacant Building Defined

A Vacant Building under this ordinance is defined to include: A building or portion of a building the owner of which knows or should reasonably know is:

1. Unoccupied and unsecured for at least thirty (30) days; or
2. Unoccupied and secured by boarding or other similar means for at least thirty (30) days; or
3. Unoccupied and a dangerous structure as determined by the city building department pursuant to applicable provisions of its ordinances; or
4. Unoccupied and condemned by the city building department pursuant to applicable provisions of its ordinances; or
5. Unoccupied and has multiple ordinance violations, including blight violations; or
6. Unoccupied and the building or its premises has been the site of unlawful activity within the previous six (6) months; or
7. Unoccupied for over one hundred eighty (180) days and during which time the city building department has issued a notice to correct public nuisance conditions and same have not been corrected in compliance with applicable ordinances; or
8. Unoccupied for over one (1) year.

Vacant Buildings do not include: unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

### IV. Vacant Building Registration Fee

Within ten days of a structure becoming vacant, as defined herein, the owner of the structure shall obtain from the city a Vacant Building Registration Form and pay the filing fee of \$250.00. If the building is still vacant at the time of expiration of the original six-month Registration Form, the owner shall immediately file a new Registration Form and pay the applicable filing fee.

### V. Vacant Building Registration Form

The owner shall execute a Vacant Building Registration Form for each vacant building which shall contain:

1. The name, street address, and telephone number of all persons with any legal interest(s) in the building.
2. The name, street address, and telephone number of a person, agent, or management company, designated by the owner as the authorized agent for receiving notices of ordinance violations and for receiving process in any court proceeding or administrative enforcement processing on behalf of such owner in connection with the enforcement of this ordinance.
3. An emergency contact name and telephone number.
4. The case name, number, court, and all parties to any litigation pending concerning or affecting the building, including bankruptcy or foreclosure cases.
5. Type and location of any toxic, flammable or hazardous materials stored or used at said location.
6. Any other relevant information about the vacant building for police, paramedics, the fire department, or other emergency responders.
7. The registration filing fee.

An owner shall notify the city building department within 14 days of any change in the registration information by filing an amended registration statement.

#### VI. Vacant Buildings Must Be Secured

An owner of any vacant building shall within thirty (30) days of the building becoming vacant enclose and secure the building and maintain the building in a secure and closed condition until the building is no longer a vacant building as defined herein.

#### VII. Inspection; fees; violations, appeal.

1. Within 30 days of the Vacant Building Registration Form being filed with the city, the owner shall allow for an inspection of the interior and exterior of the vacant building during normal business hours or at a mutually agreed upon time and pay a \$500.00 inspection fee. The inspection fee must be paid within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with property, building codes, health, fire, water and sewer codes. The city building department shall send the inspection report to the owner as identified on the Vacant Building Registration Form within thirty (30) days.

If the owner files a subsequent Vacant Building Registration Form as required, the owner shall allow for an inspection of the interior and exterior of the vacant building during normal business hours or at a mutually agreed upon time and pay a \$500.00 inspection fee. The inspection fee must be paid within thirty (30) days of the inspection. Such inspection

will determine the extent of compliance with property, building codes, health, fire, water and sewer codes. The city building department shall send the inspection report to the owner as identified on the Vacant Building Registration Form within thirty (30) days.

2. Upon any violation of this ordinance, the city building department shall issue a letter of violation; and such letter shall state that the reason(s) for the violation(s). The owner has 30 days from the date of the letter to remedy the violation(s)

3. Within ten days of the date of the letter of violation, the owner or may claim an appeal as of right pursuant to section 14-219. The appeal board may reverse, modify or affirm any determination of the city building department or its designated agent. Any person aggrieved by the decision of the board of appeals may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

4. If the owner does not appeal the letter of violation under this section, the owner has 30 days from the date of the letter to remedy the violation(s). If, after the expiration of the 30-day period, the owner refuses to remedy the violation(s) or demands a warrant for the inspection in paragraph 1, the city building department or its designated agent shall obtain a warrant from a court of competent jurisdiction.

5. Any owner found to be in violation of any provision of this ordinance shall be subject to a civil fine up to \$1,500.00 for each violation. Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity. A nuisance abatement action in circuit court is discretionary and is not a precondition to prosecution under this section.

6. The city building inspector or its agent in an emergency situation shall have the right to enter a building where reasonable grounds exist to believe that a condition hazardous to health or safety exists on the premises and requires immediate attention.

Dennis Champine  
City Clerk

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