

## ORDINANCE NO. 2023-08

**AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF LAWRENCE BY INSERTING A NEW ARTICLE 4, VACANT PROPERTY REGISTRATION, OF CHAPTER VI, BUILDINGS AND BUILDING REGULATIONS, OF SAID CODE.**

**THE VILLAGE OF LAWRENCE ORDAINS:**

### **SECTION 1.**

The Code of the Village of Lawrence is hereby amended by adding Article 4, Vacant Property Registration, Chapter 6, Buildings and Building Regulations.

#### **Sec. 6-70 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 village to be able to contact owners of vacant properties for property maintenance, fire safety and police purposes.

#### **Sec. 6-71 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) *Building Official* means the Building Official of the Village of Lawrence, 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 Van Buren 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 Village 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 Village, within a period of ten (10) days after the date of the notice. The failure of the owner to timely provide evidence to the Village 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.
- (k) *Vacant Land* means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings or agricultural use.
- (l) *Vacant Lot* means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature; or agricultural use.

#### **Sec. 6-72 Registration of vacant property.**

- (a) An Owner of a Vacant Property in the village shall be responsible for registering that property with the Building Department 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 thirty (30) days of the vacancy or within thirty (30) days of the date of the Village's notice deeming the property vacant pursuant to Section 6-71(j) hereof where the owner has not timely submitted satisfactory evidence to the Village substantiating that the property is occupied if a residential structure or is being used for commercial operations if a commercial structure.

#### **Sec. 6-73 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 6-73(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 6-73(d) and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address provided pursuant to this Section 6-73(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 6-73(d).
- (e) the Owner's covenant that the Building Official, 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 Building Official.
- (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 6-79 hereof.

**Sec. 6-74 Registration, inspection, and other fees.**

All fees applicable to this chapter shall be set from time to time by resolution of the Lawrence Village 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 Village 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 village'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 tax lien placed upon the property.

**Sec. 6-75 Requirement to keep information current.**

If at any time the information contained in the registration affidavit required pursuant to Section 6-73 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. 6-76 Vacant storefronts.**

- A. Responsibility for compliance with this section include any person owning, leasing, maintaining, or otherwise in possession or control of any vacant storefront located within the Village, or any owner of the property upon which the vacant storefront is located.
- B. The vacant storefront of a commercial building located in the Village shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.
- C. In order to improve overall security, any vacant first floor storefront that is located within the Village shall contain a window display, or other form of decorative screen, in each of the storefront windows within 60 business days of becoming vacant. The Village shall have the discretion to approve all window displays. Handwritten signs are not permitted. Professionally made window signs and real estate signs are permitted provided they meet the requirements of the Lawrence Village Zoning Ordinance. Not more than nine square feet of informational signage such as real estate signs or contact information may be placed in a vacant ground floor window. Larger professional signs that function as the window display are permitted.

**Sec. 6-77 Initial, Annual, 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 annual inspection by the Building Official, or his designee, upon registration. The Owner shall pay the inspection fees pursuant to Section 6-74 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 Building Official, 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 Building Official, or his designee, according to the following schedule.

- i. First year of registration: not less than twice annually, until the Building or Structure is lawfully occupied in accordance with Section 6-79 hereof.
- ii. Second year and beyond of registration: not less than annually, until the Building or Structure is lawfully occupied in accordance with Section 6-79 hereof.

(b) Any violations of the village code or this chapter which are detected upon any of the semi-annual/annual inspection(s) by the Building Official, 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 Building Official.

(c) Any Mortgagee who holds a mortgage on a property located within the village, 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. 6-78 Maintenance and security requirements.**

An Owner of a vacant property shall comply with the requirements in the International Property Maintenance Code for vacant buildings/structures and/or vacant land/lots as well as all of the following maintenance and security requirements:

- (a) For any vacant lot within any platted subdivision or condominium development within the Village of Lawrence Jurisdiction.

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) For any vacant un-platted land less than 2-acres within the Village of Lawrence Jurisdiction.

Property shall be kept free from weeds, grass more than eight inches (8") high within the line of sight and clear vision triangle for all roadways and driveways.

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

(d) 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.

(e) 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.

(f) 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.

(g) 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.

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

#### **Sec. 6-79 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 Building Official within thirty (30) days immediately prior to occupancy, and all violations have been corrected in accordance with the applicable requirements of Ordinance 2020-4, as amended from time to time, administered and enforced by the Building Department, 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 Building Official. In addition, a certificate of compliance shall not be issued until all outstanding costs, assessments, and/or liens owed to the village have been paid in full.

**Sec. 6-80 Violation and Penalty.**

(a) Violations of this article are municipal civil infractions, subjecting persons found responsible for violations to the fines as indicated in the fee schedule adopted by a Resolution of the Village Council. These fees are subject to change from time to time by Village Council Resolution.

**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. EFFECTIVE DATE**

This Ordinance shall take effect 7 days after publication.

Motion offered by   Lorenzo   and supported by   DeLoach  .


Roll Call Vote: Yes: DeLoach, Lorenzo, Glennie, Maring, Quick

No:   None  

**ORDINANCE DECLARED ADOPTED**

**CERTIFICATION**

I hereby certify that the above is a true copy of an ordinance adopted by the Lawrence Village Council at a special meeting held on August 28, 2023, at 7 p.m., pursuant to the required statutory notice and procedures. Publication occurred in the Kalamazoo Gazette on December 8, 2023. No copy is on file with the County Clerk as the Village maintains regular hours during each business day.

 President

 , Village Clerk

Introduced: August 28, 2023  
Enacted: August 28, 2023  
Published: December 8, 2023