

The City of Ypsilanti

Ordinance No.

AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE VI “INSPECTION AND CONTROL OF CERTAIN BUILDINGS,” DIVISION 1 “GENERALLY,” BY AMENDING SECTION 18-111 “DEFINITIONS” BY ADDING A DEFINITION FOR “TRIGGERING EVENT;” BY AMENDING DIVISION 5 “VACANT BUILDINGS,” BY AMENDING SECTION 18-190 “INSPECTIONS” TO HAVE THE CITY COUNCIL BY RESOLUTION SET THE FEE FOR INSPECTIONS AND TO PROVIDE FOR LIMITED WAIVERS OF FEES; BY AMENDING SECTION 18-194 “ESCROW ACCOUNT” TO BE CONSISTENT WITH PREVIOUS CHANGES, TO PROVIDE FOR ESCROWS ONLY AFTER OCCURRENCE OF A TRIGGERING EVENT AND TO SET THE ESCROW FEES; AND BY AMENDING DIVISION 6 “DANGEROUS BUILDINGS;” BY RENUMBERING CERTAIN SECTIONS AND BY ADDING SECTION 18-228 “COMPLIANCE; RETURN TO PRE-VACANT BUILDING STATUS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to Chapter 18 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled “Building and building regulations.”

That Chapter 18, “Buildings and Building Regulations,” of the Ypsilanti City Code, Article VI, “Inspection and Control of Certain Buildings,” Division 1 “Generally,” Section 18-111 “Definitions,” be amended so that a definition for “Triggering Event” be added to read as follows:

Sec. 18-111. Definitions.

Triggering Event means any one (1) or more of the following events that occur at a vacant building, the property on which it is located, or its adjacent right-of-way:

- (a) Law enforcement response.
- (b) Fire or emergency personnel response.
- ©) Ordinance enforcement and subsequent abatement, including, but not limited to: grass, weed, or brush violations; litter, trash, or cleanup violations;

graffiti violations; vehicle or zoning vehicle violations; animal complaints; and unsecured or non-weather tight structure.

(d) Remains a vacant building for twelve (12) months or more.

(e) Issuance of a citation or complaint to correct exterior violations, apparent or existing, of the Property Maintenance Code as adopted by the City of Ypsilanti.

That Chapter 18, “Buildings and Building Regulations,” of the Ypsilanti City Code, Article VI, “Inspection and Control of Certain Buildings,” Division 5 “Vacant buildings,” section 18-190 “Inspections,” be amended to read as follows:

Sec. 18-190. Inspections.

(a) *Generally.* The city building department with the assistance of the city fire department and/or Fire Marshall, shall forthwith undertake systematic inspection of all vacant buildings in the City of Ypsilanti. Vacant buildings shall be reinspected periodically monthly.

(b) *Scope of inspection.* The inspection shall include review of building security including the means used to prevent unauthorized access, and all fire risks and potential hazards, including but not limited to, structural building materials (type and age) , renovations that may be encountered during a fire, unprotected hazardous materials and fuel packages, open shafts, pits and holes due to removal of equipment, structural degradation due to weather and vandalism, exposed structural members, penetrations in barriers such as walls, floors, and ceilings that allow abnormal fire travel, combustible contents, maze-like configurations, blocked or damaged stairs, and whether fire alarm and suppression systems are present and working.

(c) *Cost of inspections.* **A fee for the cost of the inspections shall be set by resolution by the city council.** **The owner, the owner’s agent, or the “owner/agent” of the vacant building shall be individually and severally responsible for the fee cost of inspections.**

(d) *Scheduling.*

(1) The owner, the owner’s agent, or the “owner/agent” of the vacant building shall schedule the initial inspection at the time they register the vacant building. The inspection shall be scheduled for inspection within thirty

(30) days of the date that the building qualified as a vacant building. Thereafter, at each inspection, if not scheduled previously, the next monthly inspection shall be scheduled.

(2) Unsecured vacant buildings shall be inspected forthwith pursuant to Section 18-221 to determine whether such building or structure is a dangerous building.

(3) Unregistered vacant buildings shall be inspected forthwith pursuant to Section 18-221 to determine whether such building or structure is a dangerous building and monthly thereafter under section 18-221.

(e) Waiving of fees. The fees shall be waived for the following vacant buildings:

(1) Vacant buildings that have not had a triggering event occur during the period it qualifies as a vacant building or within sixty (60) days prior to its initial designation as a vacant building.

(2) A new or existing building or structure undergoing significant construction progress on a continual basis without a triggering event other than remaining a vacant building for twelve (12) months or more.

That Chapter 18, “Buildings and Building Regulations,” of the Ypsilanti City Code, Article VI, “Inspection and Control of Certain Buildings,” Division 5 “Vacant buildings,” section 18-194 “Escrow account,” be amended to read as follows:

Sec. 18-194. Escrow account.

(a) Generally. All persons owning a vacant building at which one or more triggering events have occurred during the period it qualifies as a vacant building or within sixty (60) days prior to its initial designation as a vacant building shall deposit an amount as designated below monthly unless specifically waived in an escrow account with the City of Ypsilanti until the structure no longer qualifies as a vacant building. Interest, if any, earned on the escrow account shall be retained by the city to reimburse the city for its costs in maintaining the account. The city may deduct from the escrow account its fees costs for inspections of the vacant buildings, any costs incurred by the city in securing the vacant building, any emergency costs it incurs with regard to the vacant building, and any other costs which it is otherwise authorized by law to deduct. If the vacant building is “regularly occupied” and no longer qualifies as a vacant building, any funds remaining in the escrow account, after all costs are subtracted, shall be returned to the current owner, owner’s agent, or the “owner/agent.” If the vacant building is not repaired, renovated, and “regularly occupied”, and becomes a dangerous building as defined by the city code, the city may apply the funds in the escrow account toward the repair or demolition of the building or toward such other action as the law allows.

(1) For a vacant building that meets all of the following conditions: 1) Presently can be legally “regularly occupied,” 2) Is secured and all other necessary safety precautions have been taken, 3) Both the interior and exterior of the building

and premises are maintained, and 4) Other than being vacant, complies with this Division and all applicable laws, ordinances, and regulations, then the monthly escrow shall be fifty dollars (\$50.00). ~~is “regularly occupied” by the owner or a member of the owner’s family for at least one-half each year, and 2) remains not “regularly occupied” for a period of 30 days or more, and 3) if the owner notifies the building department in writing that the dwelling will remain not “regularly occupied” for such period, then the monthly escrow shall be fifty dollars (\$50.00).~~

- (2) ~~For a A new or existing building or new structure undergoing significant construction progress on a continual basis without a triggering event other than remaining a vacant building for twelve (12) months or more shall have the monthly escrow waived.~~ that meets all of the following conditions: 1) Has a valid building permit, 2) Demonstrates that significant and continuous progress is being made toward completion, 3) Secures the property and takes all other necessary safety precautions, and 4) Otherwise complies with this Division and all applicable laws, ordinances, and regulations, then the monthly escrow shall be fifty dollars (\$50.00).
- (3) For all other vacant buildings, including buildings also designated as dangerous, the monthly escrow shall be three hundred dollars (\$300.00).

(b) Sale or transfer. Escrow funds shall not be refunded upon the sale or transfer of a vacant building unless the vacant building is “regularly occupied” and no longer qualifies as a vacant building. Nothing in this provision authorizes the sale or transfer of a vacant building that it is not lawful to otherwise sell or transfer. Persons desiring to be reimbursed for the escrow funds should address that issue with the persons or persons to whom the vacant building is being sold or otherwise transferred.

That Chapter 18, “Buildings and Building Regulations,” of the Ypsilanti City Code, Article VI, “Inspection and Control of Certain Buildings,” Division 6 “Dangerous buildings,” be amended by renumbering the sections as follows:

Sec. 18-~~225~~ 224. Noncompliance with order; misdemeanor.

Sec. 18-~~226~~ 224. Judicial review.

Sec. 18-~~227~~ 225. Emergency situations.

That Chapter 18, “Buildings and Building Regulations,” of the Ypsilanti City Code, Article VI, “Inspection and Control of Certain Buildings,” Division 6 “Dangerous buildings,” be amended by adding a new Section 18-228, “Compliance; return to pre-vacant building status,” to read as follows:

Sec. 18-228. Compliance; return to pre-vacant building status.

Dangerous buildings that have been abated by alteration, repair, or rehabilitation, but remain not regularly occupied,” shall return to their pre-vacant building status, and all time frames shall be reset so that the building will be considered to have on that day become not “regularly occupied.”

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of Chapter 18 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled “Building and building regulations,” except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Copies to be available. Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY OF _____, 2005.

Cheryl Farmer, Mayor

Cherry Lawson, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in the Ypsilanti Courier on the ____ day of _____, 2005.

Cherry Lawson, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ____ day of _____, 2005.

Cherry Lawson, City Clerk

Notice Published _____

First Reading _____

Second Reading _____

Published _____

Effective Date _____

PROPOSED-1ST READING

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE YPSILANTI CITY CODE, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," ARTICLE VI "INSPECTION AND CONTROL OF CERTAIN BUILDINGS," DIVISION 1 "GENERALLY," BY AMENDING SECTION 18-111 "DEFINITIONS" BY ADDING A DEFINITION FOR "TRIGGERING EVENT," BY AMENDING DIVISION 5 "VACANT BUILDINGS," BY AMENDING SECTION 18-190 "INSPECTIONS" TO HAVE THE CITY COUNCIL BY RESOLUTION SET THE FEE FOR INSPECTIONS AND TO PROVIDE FOR LIMITED WAIVERS OF FEES; BY AMENDING SECTION 18-194 "ESCROW ACCOUNT" TO BE CONSISTENT WITH PREVIOUS CHANGES, TO PROVIDE FOR ESCROWS ONLY AFTER OCCURRENCE OF A TRIGGERING EVENT AND TO SET THE ESCROW FEES; AND BY AMENDING DIVISION 6 "DANGEROUS BUILDINGS," BY RENUMBERING CERTAIN SECTIONS AND BY ADDING SECTION 18-228 "COMPLIANCE; RETURN TO PRE-VACANT BUILDING STATUS." be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

PROPOSED-1ST READING