

Final Reading  
# 1344

The City of Wyandotte Code of Ordinances has been amended as follows:

**AN ORDINANCE ENTITLED**  
**AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES**  
**BY ADOPTING ARTICLE VII ENTITLED "ABANDONED RESIDENTIAL**  
**STRUCTURE" TO CHAPTER 7 "BUILDING AND BUILDING REGULATIONS"**

The City of Wyandotte Ordains:

Section 1. Adoption of Article VII Entitled "Abandoned Residential Structure" to Chapter 7 of the Code of Ordinances.

Sec. 7-74. Purpose.

The purpose of establishing a registration process for vacant or abandoned properties is to provide requirements for the owners to maintain the property in accordance with all laws and ordinances in order to protect the public health, safety, and general welfare and to prevent neighborhood blight, and ensure that the properties are secure and to protect property values.

Sec. 7-75. Definitions.

(a) "Abandoned residential structure" means any building which has been used or was intended for use as a residential dwelling, in whole or in part, including accessory building, which has become vacant or abandoned for a period of at least twenty-eight consecutive days and which also meets at least one of the following conditions:

- (1) Is open to casual entry or trespass;
- (2) Is fire damaged to an extent which prohibits safe human occupancy;
- (3) Is the site of loitering or vagrancy;
- (4) Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Property Maintenance Code or Building Code;
- (5) Is under notice for being in violation of City ordinances;
- (6) Has been secured or boarded up for at least twenty-eight days;
- (7) Has taxes in arrears to the City for a period of time exceeding 365 days;
- (8) Has utilities disconnected or not in use for six (6) months;
- (9) Is under a condemnation notice or legal order to vacate;
- (10) Is structurally unsound; or
- (11) Is a potential hazard or danger to a person.

(b) "Evidence of vacancy or abandonment" means any condition that would lead a reasonable person that the property is vacant including but not limited to, any of the following: overgrown grass or vegetation, accumulation of newspapers, circulars, flyers, or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, an absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, or statements by neighbors, passersby, or government employees that the property is vacant.

(c) "Accessory building" means a subordinate structure on the same premises as the main residential structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is an abandoned residential structure or not, such as, but not limited to, a garage, barn or storage shed.

(d) "Owner" means any person or entity with a legal or equitable ownership interest in the structure and/or property. This definition includes but is not limited to any bank, credit union, financial institution, land contract vendor, land contract vendee, or any party who has received a conveyance through a Sheriff's Deed.

(e) "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) Are secured by exterior grade plywood in compliance with the City's Property Maintenance Code concerning type of material and not to exceed the time period allowed for the boarding up of the property.

#### Sec. 7-76. Registration.

(a) Owners of abandoned residential structures shall register such properties with the City Engineer's Office and pay a registration fee in the amount set by the City Council Resolution when registering the property. The duty to register an abandoned residential structure shall not require prior notice to the owner by the City. Registration of an abandoned residential 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.

(b) If the City notified the owner to register an abandoned residential structure by mail and the owner fails to file the registration information and fee within ten (10) days of said notice, the owner is responsible for a municipal civil infraction.

#### Sec. 7-77. Registration Information.

(a) For each abandoned residential structure each owner shall register with the City Engineer and provide the following information on an Abandoned Residential Structure Registration Form available from the City:

- (1) The address of the abandoned residential structure;
- (2) The legal names of all owners of the property;
- (3) The complete mailing address of all owners;
- (4) Telephone numbers of each owner, including cell phone and mobile phone numbers;
- (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 estimated length of time the structure is expected to remain vacant;
- (7) The reason the structure is currently vacant;

- (8) Any plans for restoration, reuse or removal of the structure with an accompanying timeline and work schedule.
- (b) An owner shall notify the City Engineer and file an amended form within seven days of any change in the registration information required by this section.

Sec. 7-78. Registration and Administrative Fee.

(a) An owner of an abandoned residential structure, whether registered or not, shall pay an annual abandoned residential structure registration fee in the amount of which shall be established by City Council resolution, for the time during which such structure remains an abandoned residential structure.

(b) Fees under this section shall be established to support the services rendered by the City in the course of its duties related to abandoned residential structures. Failure to register an abandoned residential structure (or pay the annual administrative fee) shall be cause for penalties to be assessed and are municipal civil infractions.

(c) The annual registration fee shall be paid so that it is received by the City within ten (10) days after the structure has become abandoned.

(d) A late fee, in an amount to be established by the City Council, shall also be payable by an owner of an abandoned residential structure when the registration fee is not timely paid.

Sec. 7-79. Recovery of Fees.

If all or part of the fees required by this chapter are not paid or are overdue, the City may recover such sums by:

- (a) Directing the City Assessor to add the amount due to the next tax roll of the City as a single lot assessment under these Codified Ordinances and collect said sum in the same manner as provided by law for collection of taxes and special assessments;
- (b) Filing suit against the owner for entry of civil money judgment; or
- (c) Any other means available by law, including but not limited to being included in any fines and costs assessed by the Court for the municipal civil infraction.

Sec. 7-80. Securing Structures.

(a) A City order to secure an abandoned residential property shall be complied with by the owner within seventy-two hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this ordinance, the City shall secure the structure and the City shall 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 as permitted for the recovery of fees under this chapter.

Sec. 7-81. Reuse and Occupancy.

No abandoned residential structure shall be reoccupied until inspected and found to be in full compliance with all applicable City codes and a Certificate of Occupancy is issued by the City.

Sec. 7-82. Responsibility for Violations.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility to bring the structure in compliance.

Sec. 7-83. Violation, Penalty.

Any owner that fails to register, fails to report changes to the registration information, fails to pay the registration fee when due, or fails to comply with any of the provisions of this ordinance, shall be responsible for a municipal civil infraction and a mandatory fine of \$500 plus court costs and all other remedies permitted under the law for violation of municipal civil infraction.

(a) Any person or entity commits a second offense or subsequent violation of any provision of this ordinance, such a violation in the discretion of the City Official may be charged as a misdemeanor punishable by a mandatory fine of \$500 and/or imprisonment not exceeding 90 days.

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

Section 2. Severability

All Ordinances or parts of Ordinances in conflict herein are hereby repealed, only to the extent necessary to give this Ordinance full force and effect.

Section 3. Effective date

This ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and this ordinance shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption.

