

CITY OF BUCHANAN
VACANT AND UNDERUTILIZED BUILDING ORDINANCE
ORDINANCE NO. []

AN ORDINANCE TO REGULATE, REHABILITATE, AND PROMOTE THE ACTIVE USE OF VACANT AND UNDERUTILIZED BUILDINGS; TO DISCOURAGE NONCONFORMING STORAGE USES OUTSIDE STORAGE ZONES; TO ESTABLISH DEFINITIONS, REGISTRATION, LOCAL RESPONSIBLE AGENT, INSPECTION, MAINTENANCE, ACTIVATION, FEES (SET BY FEE SCHEDULE), ENFORCEMENT, HARDSHIP RELIEF, AND APPEALS; AND TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE.

SECTION 1. PURPOSE AND INTENT

This ordinance is intended to:

1. Ensure vacant and underutilized buildings are maintained, secured, and transitioned to productive use.
2. Reduce blight, vandalism, fire risk, and depressed property values.
3. Dissuade speculative “warehousing” of buildings for inexpensive storage where storage is not a permitted primary use.
4. Align with City planning goals for downtown vitality, neighborhood stability, and economic development.
5. Provide a fair process for temporary hardship relief with accountability and milestones.
6. Utilize an administrative fee schedule adopted by the City Commission for transparent and adjustable fees.

SECTION 2. DEFINITIONS

Vacant Building. A building unoccupied or not in active use for its intended, permitted purpose for more than 90 consecutive days.

Underutilized Building. A building used primarily for storage, warehousing, or other non-public/inactive use inconsistent with its zoning or certificate of occupancy (e.g., storefronts used as private storage).

Personal Storage Use. Storage of property, vehicles, or materials not tied to an active, licensed business and not permitted as a primary use by zoning.

Active Use / Activation. Continuous occupancy or operation consistent with the building’s intended design and zoning (residential occupancy, business operation,

permitted nonprofit use, or licensed storage facility).

Owner. Any person/entity with legal or equitable title or control.

City Official. City Manager, Building Official, Code Enforcement Officer, or designee.

Local Responsible Agent. A person or firm with authority to act for the owner, located within 60 miles of Buchanan, available 24/7 for inspections, emergencies, and communications.

SECTION 3. REGISTRATION

A. Duty to Register

1. Owners must register any vacant or underutilized building within 30 days of vacancy/underutilization or City notice.
2. Registration shall be renewed annually until the building is **activated**, demolished, or issued a **Certificate of Compliance for Active Use**.
3. Registration must be completed through the City's designated portal or form and shall include: owner and local responsible agent contacts; property/parcel ID; prior and intended use; Activation Plan (timeline, milestones); maintenance/security measures; and 24/7 emergency contact.

B. Certificate of Vacant/Underutilized Registration & Inspection

1. Upon registration and payment of applicable fees, the City will issue a Certificate of Vacant/Underutilized Registration and schedule an inspection.
2. Properties must pass inspection or receive a Correction Order with deadlines; upon compliance, the City issues a Vacant Property Ordinance Certificate of Compliance valid for one year, subject to maintenance.

C. Fees (by Fee Schedule)

1. Registration, renewal, inspection, and re-inspection fees shall be set by the City Commission Fee Schedule ("Fee Schedule") and may include escalating renewal tiers to discourage prolonged vacancy/underutilization.
2. Failure-to-register, late renewal, and ownership-search cost recovery fees may be applied per the Fee Schedule. \$(to be set by City Commission as part of fee schedule)

D. Limited Exemptions

1. Up to 90 days for real estate actively listed for sale/lease (proof required).
2. During an active, permitted construction period with valid permits and demonstrated progress.
3. Seasonal residential occupancy/**temporary absence of 180 days or less**, if compliant with property maintenance and not used primarily for storage.

4. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the damage if the property owner submits a request for exemption.

SECTION 4. MAINTENANCE & SECURITY STANDARDS

Owners must:

1. Comply with Building, Fire, and Property Maintenance Codes; maintain weather-tightness and structural integrity.
2. Secure all openings; maintain operable locks; prevent unauthorized entry.
3. Maintain exterior grounds (trash, weeds, snow/ice, graffiti removal) and address vermin, mold, or hazards.
4. Maintain fire protection/suppression systems where applicable; maintain heat or winterization to protect plumbing.
5. Prohibit storage or warehousing as a primary use unless permitted by zoning and licensed. (Practices align with Detroit's vacant property program and Dearborn's maintenance plan.)

SECTION 5. UTILIZATION & ACTIVATION

A. Residential

1. Within 6 months, submit and implement an Activation Plan (occupancy, renovation, or sale).
2. At 12 months with no substantial progress, the City may issue rehabilitation/nuisance orders or apply escalated renewal fees under the Fee Schedule.

B. Commercial/Non-Residential

1. Within 6 months, submit an Activation/Marketing Plan (lease-up, tenanting, adaptive reuse, sale).
2. At 12 months without substantial progress, the City may impose escalated fees, or civil remedies.

C. Anti-Warehousing / Non-Business Storage

1. Buildings in non-storage zones used primarily for storage are underutilized and must either:
 - a) Convert to an active permitted use; or
 - b) Obtain a Limited-Use Storage Permit (one year; annual inspection; maximum two renewals absent activation).
2. Limited-Use Storage Permits may include conditions (hours of access, fire safety measures, inventory limits) to mitigate impacts.

D. Temporary Activation Permit (optional tool)

The City may issue Temporary Activation Permits (e.g., pop-ups, artist/maker uses, seasonal markets) up to 180 days to incentivize interim activation while long-term reuse proceeds, subject to life-safety and zoning compliance.

SECTION 6. INSPECTIONS, NOTICES, AND ENFORCEMENT

1. Inspections. Initial and periodic inspections may be conducted to verify compliance and progress.
2. Notices. Written notice will specify violations and a correction period (generally 30 days, or shorter for imminent hazards).
3. Penalties. Civil fines, administrative penalties, re-inspection fees, and cost recovery shall be as set in the Fee Schedule; repeated noncompliance may trigger escalating monthly penalties. \$(to be set by City Commission as part of fee schedule)
4. Remedies. The City may abate hazards, place liens, pursue civil actions, and condemn/demolish unsafe structures consistent with law.
5. Failure to Register. The City may assess added costs to determine ownership (e.g., title search) and recover them, per Fee Schedule

SECTION 7. HARDSHIP RELIEF

A. Eligibility (illustrative, non-exclusive)

1. Financial Hardship. Documented inability to finance rehabilitation/lease-up despite good-faith efforts (e.g., denied financing, pro forma, broker engagement).
2. Legal Impediments. Probate/estate, bankruptcy, foreclosure, receivership, title defects, active litigation, or recorded restrictions preventing action.
3. Physical/Environmental Constraints. Contamination requiring remediation; disaster damage; extraordinary structural failures; public infrastructure constraints outside owner control.
4. Redevelopment in Progress. Executed design contracts, permits applied/issued, construction financing in process/secured, or executed LOIs/leases.
5. Health/Disability. Temporary incapacitation with a property care plan or agent engaged.
6. Market Hardship (time-limited). Demonstrated lack of reasonable market interest despite listing/marketing at market terms for ≥6 months, with a revised marketing strategy.

B. Application

Written request to the City Official with supporting documents (financials, legal filings, contracts, environmental reports, listings/price history). Site inspection or interview may be required.

C. Duration & Conditions

1. Initial hardship up to **12 months**, renewable upon proof of progress.

2. Required conditions: minimum maintenance/security, quarterly status reports, and **milestones** (e.g., permit submittal by X date; financing application by Y; listing updates).
3. Failure to maintain or meet milestones voids the hardship.

SECTION 8. APPEALS

An owner may appeal a registration determination, citation, or penalty to the City Commission within 30 days of notice. A hearing shall be scheduled within 60 days. The Commission's decision is final, subject to judicial review.

SECTION 9. SEVERABILITY

If any provision is held invalid, the remainder remains in full force and effect.

SECTION 10. EFFECTIVE DATE

Effective **[insert date]**. All qualifying properties must be registered within **30 days** of the effective date.