



Fire Department
Charter Township of White Lake

To: Board of Trustee Officials
From: John Holland, Fire Chief
Date: 09/05/2024
Re: Vacant Building Ordinance

The Fire Department is requesting (for discussion only) the presentation of a new proposed ordinance to be known as the "Vacant Building" ordinance.

The drafting of this document was a collaborative effort between the following Departments:

- Fire Department
- Building Department
- Supervisor's Office
- Township Attorney



John Holland
Fire Chief

CHARTER TOWNSHIP OF WHITE LAKE VACANT BUILDING ORDINANCE

AN ORDINANCE TO REQUIRE VACANT BUILDINGS IN THE CHARTER TOWNSHIP OF WHITE LAKE TO REGISTER AND BE SUBJECT TO INSPECTIONS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS.

THE TOWNSHIP OF WHITE LAKE ORDAINS:

Section 1 of Ordinance. Chapter 8 of the White Lake Township Code of Ordinances is amended to add a new Article IX “Vacant Building Registration and Maintenance,” to read as follows:

Article IX Vacant Building Registration and Maintenance

Sec. 8-192. - Purpose.

The purpose of this article is the protection of the health, safety and welfare of the community 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. This Ordinance outlines a strategy to alleviate concerns of blight, nuisance properties, or any unwanted activity that left unrestrained, can ultimately create a negative impact to surrounding properties, neighborhoods, and first responders.

Sec. 8-193. - Scope.

The provisions of this article shall apply to all existing residential, commercial and industrial structures. This article does not relieve an Owner from compliance with all other federal, state, county or township codes, rules, regulations and standards.

Sec. 8-194. - Definitions.

Building means a structure with a roof supported by columns or walls to serve as a shelter or enclosure. This is a general term inclusive of all other terms such as commercial/industrial building (regardless of size), multi-unit residential, single family residential, and partially constructed structures.

Building Official shall mean the White Lake Township Building Official.

Code Official is identified as the agent of the Township that has been authorized to enforce the provisions of the International Codes, or other applicable Township Ordinances.

Construction Board of Appeals is the board appointed to hear and decide appeals of orders, decisions or determinations made by the Code Official.

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 waste

product/trash, disconnected utilities, junk and/or debris, broken or boarded up windows, abandoned vehicles, the absence of furnishings consistent with habitation or occupation. The definition also includes property taxes in arrears for a period of time exceeding three hundred and sixty-five (365) days.

Owner/Operator means the person having a legal or equitable title or any interest in any real property.

Property is a general term inclusive of all other terms such as "Building, Structure or Footprint thereof".

Registration means the recording of property information (owner/operator, location, property description, length of vacancy) with the Township Building Department.

Registration Fee means administrative fee collected to review and process the registration submittal.

Inspection Fee means a fee collected for all required inspections (initial, and annually).

Vacant Building or Structure means property that does not meet the exceptions of this article, is sitting idle in excess of ninety (90) consecutive days with no occupants, no function or contents, empty, void. Fits the description of evidence of vacancy. This definition shall include abandoned buildings as well.

Penalties means a punishment or consequences imposed for violations of this article.

Seasonal Home shall apply to residential use only, and is described as a dwelling that is regularly unoccupied for a period of no more than 180 days each year. This can be a primary or secondary residence.

Sec. 8-195. - Registration of Vacant Property.

An owner of a vacant property within the boundaries of White Lake Township, shall be responsible for registering that property by complying with the registration and inspection fee requirements.

A vacant property shall be registered within sixty (60) days of the vacancy. Building registration shall be valid for one (1) year from the time of registration. Upon registration expiration, if the vacancy status remains unchanged, it shall be the owner's responsibility to re-register the vacant structure as outlined within this article, and pay all associated fees.

Buildings that are vacant at the time this article takes effect shall be registered within sixty (60) days of effective date.

Sec. 8-196. - Registration.

Owners who are required to register their properties pursuant to this article shall do so by submitting the registration form containing the information specified in this section, on forms provided by the Township. The registration form may be completed by an agent for an owner provided the agent's written authorization from the owner is provided along with the registration form. The information on the registration form shall include:

- a) The name, address, telephone number, and email address of the owner of the property.
- b) Vacant property address/location, description.
- c) A mailing address where mail may be sent that will be acknowledged as received by the owner or owner's agent as identified in accordance with paragraph (d), below. If

certified mail/return receipt requested is sent to the address and the mail is returned for whatever reason 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 comply with this section constituting a violation hereof.

- d) The name of the 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 with whom the owner has contracted to act as the owner's agent for the purpose of this article.
- e) Projected length of vacancy.

Sec. 8-197. - Fee Schedule.

The owner of vacant property shall be responsible under this article to register and pay all associated fees including inspections.

The registration and inspection fee schedule shall be detailed by resolution of the Township Board as follows:

- a) Registration Fee
- b) Initial Inspection/Reinspection Fee (this fee shall account for, and be considered as one inspection. Each subsequent inspection thereafter shall be charged as a new inspection as it pertains to the noted deficiency).
- c) Annual Inspection Fee
- d) Complaint Inspection Fee
- e) Certificate of Occupancy (C of O) inspection Fee

Sec. 8-198. - Requirement to Keep Information Current.

If at any time the information contained in the registration form is no longer valid, the property owner has thirty (30) days to complete and file a new registration form containing current information. There shall be no fee to update a registered owner's current information.

Sec. 8-199. - Inspections.

As part of the registration process, the vacant premises shall be subject to an inspection to be known as "vacant building safety and maintenance inspection." This initial inspection will be scheduled after receipt of a completed registration form. The vacant property owner or agent shall be responsible for paying all inspection fees (as defined within the Township Fee Schedule), obtaining necessary permits, making required repairs. Once registered, vacant buildings are subject to an annual inspection, and all associated fees until a Certificate of Occupancy (or Re-Occupancy) has been issued and the building is lawfully occupied to ensure the buildings are safe, secured and well-maintained.

Post Registration Inspection Schedule –

- a) Initial inspection. Conducted within forty-five (45) days of registration.
- b) Annual Inspection. Conducted on a yearly basis to ensure compliance.

- c) Complaint Inspection. Complaints on the property condition, or building safety concerns will be handled on a case – by – case basis at the sole discretion of the Building Official and in accordance with Township ordinances.
- d) Certificate of Occupancy or Re-Occupancy (C of O) Inspection. All vacant buildings shall be subject to a C of O inspection prior to occupancy. The official opening of any new business regardless of proposed occupancy type shall require a C of O inspection.

The owner or the owner's agent shall demonstrate the following –

- a) All water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, roofing, structural systems, foundation, drainage systems, gutters, doors, windows, parking areas, signage, driveway aprons, service walks, sidewalks and other public areas are sound, operational or properly disconnected.
- b) Accumulations of combustible material(s), flammable or combustible waste or rubbish shall be removed.
- c) The premises shall be maintained clear of waste or hazardous materials.
- d) The building shall be securely locked to prevent unwanted entry.
- e) A Knox Box shall be provided along with the appropriate keys for public safety entry if needed.
- f) Vacant building shall be subject to re-inspections as determined by the Building Code Official, based on complaints, or property maintenance deficiencies.

Sec. 8-200. - Maintenance and Security Requirements.

Building owners are responsible for compliance with the requirements of this section, which apply to all vacant buildings from the time of vacancy, up until such time the building is re-occupied, and Certificate of Occupancy (or Re-Occupancy) is issued.

- a) The exterior, including lawn and landscaping care shall be maintained as regulated in other applicable Township ordinances.
- b) Property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- c) Pools, spas and other water features shall be kept in working order so that the water remains clear and free of pollutants and debris, or drained and covered with an approved cover to ensure the area is kept dry and free of debris. In either case, properties with pools and/or spas must comply with the minimum-security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.
- d) 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 to access the interior of the property and/or structures. Broken windows must be repaired or replaced within ten (10) days. Boarding up of open or broken windows is prohibited except as a temporary measure with any other boarding to only be done on the interior with materials that are painted or otherwise treated so as to not be visible from the exterior of the structure. The code official reserves the right to secure property

against any unauthorized entry (as permitted by law) when found noncompliant with this Section, and attempts to contact the property owner have been unsuccessful. Also, the Township reserves the right to recapture all costs incurred by the Township.

- e) It shall be the owner's responsibility to inspect or cause to be inspected the vacant property to verify compliance with this section and other applicable laws. The vacant property shall be posted with a Township placard (design and color TBD) identifying the property as a registered vacant property. The owner shall also create and maintain a written record of the inspections that shall be presented upon the Building Official's request.

Sec. 8-201. - Right of Entry.

If access to a vacant building for the purpose of inspection is refused, or if the owner, agent and or tenant (as applicable) fails to cooperate, or cannot be located, the Code Official, upon showing that probable cause exists for the inspection, may seek the issuance of an order directing compliance with the inspection requirements of this Ordinance from a court with jurisdiction.

Sec. 8-202. - Re-Occupancy.

A vacant or unoccupied building, shall not be occupied until a Certificate of Occupancy (or Re-Occupancy) has been issued by the Building Official. Mechanical, electrical, plumbing and structural systems including septic/sewer and water shall be certified by a licensed contractor as being in good repair. In addition, a Certificate of Occupancy (or Re-Occupancy) shall not be issued until all outstanding fees have been satisfied.

Sec. 8-203. - Exemptions.

- a) A building under active construction or renovation, with appropriate permits, is exempt. This exemption shall not exceed one (1) year unless a written extension is granted by the Building Official.
- b) A building that has sustained fire damage or damage caused by extreme weather conditions, shall be exempt for a period of ninety (90) days. Additional ninety (90) day extensions may be granted by the Building Official, provided the owner can demonstrate substantial progress toward completing the necessary repairs. The requirement is also outlined in Chapter 18, Section 110.5 - Fire Damaged Property of the Township Code of Ordinances.
- c) A building that is for sale or lease shall be exempted for a period of six (6) months from the start of the vacancy, provided that the owner or agent submits a request for exemption in writing to the Building Department with proof of the listing for sale or lease. After such time has expired, the building shall be registered as vacant.
- d) Multi-tenant commercial or industrial buildings containing more than one lawfully occupied and active tenant space shall not be considered vacant. However, these tenant spaces/areas shall be fit for occupancy/maintained in tenantable condition as defined within the Michigan Building Code (MBC) or the Michigan Residential Code (MRC).
- e) Seasonal Home shall be exempt as defined under Sec. 8-194 – Definitions.

- f) The Building Official shall be authorized, in certain situations, to extend timelines as outlined within this article, provided that the property owner is demonstrating progress for compliance.

Sec. 8-204. - Appeals.

Appeals pertaining to this article, shall be submitted to the Building Official within twenty (20) days after the day the decision, notice or order was served. The appeal shall be in writing, and shall detail the challenge to the ordinance. The Building Official will make the determination based on the intent of the ordinance article, and shall respond in writing to the applicant within thirty (30) business days.

Appeals pertaining to applicable code interpretation shall be submitted to the “Construction Board of Appeals” on the application form provided by the White Lake Township Building Department, and shall be based on a claim that the intent of the applicable code or rules legally adopted hereunder have been incorrectly interpreted, the provisions of the code do not apply, or an equivalent method of protection or safety is being proposed. The process shall be as outlined within the White Lake Township Building Code Board of Appeals.

Sec. 8-205. - Penalties.

A violation of this article shall be deemed a Municipal Civil Infraction as described in Chapter 22, Article IV of the Township Code of Ordinances and shall be processed in accordance with the Municipal Civil Infraction policies and procedures adopted by the Charter Township of White Lake.

Sec. 8-206. - Authority.

- a) This article shall not impair or diminish the authority of the Township to employ any alternate action or corrective measure provided for under any other federal, state or local law, or any other ordinance or codes adopted by the Charter Township of White Lake.
- b) This article shall not be construed so as to limit the application and enforcement of the Township Zoning Ordinance or other ordinances or codes adopted by the Township which address the maintenance or properties, residential dwellings, or the health, safety and welfare of tenants residing in residential dwellings.

ARTICLE 2: SEVERABILITY.

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

ARTICLE 3: EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

ARTICLE 4: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

ARTICLE 5: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of this Charter Township of White Lake at a meeting thereof duly called and held on the ____ day of _____, 2024, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

BY: _____

Rik Kowall, Supervisor

BY: _____

Anthony L. Noble, Clerk