

ORDINANCE NO. 80 -741

AN ORDINANCE TO ADD AN ARTICLE REGARDING VACANT COMMERCIAL/INDUSTRIAL PROPERTY TO CHAPTER 28, PROPERTY MAINTENANCE OF THE WARREN CODE OF ORDINANCES.

THE CITY OF WARREN ORDAINS:

That the Code of Ordinances of the City of Warren, Michigan, is hereby amended by adding an article to Chapter 28, Property Maintenance, to be numbered IV, Vacant Commercial/Industrial Property,

**WHICH SHALL READ AS FOLLOWS:**

**ARTICLE IV. VACANT COMMERCIAL/INDUSTRIAL PROPERTIES**

**Section 28-81. Purpose.**

The purpose of this Article is to promote the public health, safety, and welfare of the citizens of Warren, through reasonable, effective, and consistent rules requiring commercial and industrial property owners and other responsible parties to maintain and secure vacant commercial and industrial properties.

**Section 28-82. Definitions.**

For the purpose of this Article, certain words and phrases are defined as follows:

- (1) *Code official*: the Director of Property Maintenance and Building Inspection or his or her designee.
- (2) *Landscaping*: includes all of the following: grass; ground cover; bushes; shrubs; hedges; decorative rock or bark; artificial turf or sod; or any similar plantings or materials.
- (3) *International Property Maintenance Code (IPMC)*: the International Property Maintenance Code as adopted and amended in the Warren Code of Ordinances, Chapter 28, Property Maintenance, Article I and II, International Property Maintenance Code.
- (4) *Mortgage*: an instrument by which title to real estate is transferred to a third-party trustee as security for a real estate loan.
- (5) *Nighttime hours*: means the time between sunset and sunrise.
- (6) *Responsible party or parties*: includes all of the following:
  - (a) Owner, meaning any individual, partnership, corporation, limited liability company, association, or other legal entity having a legal or equitable title or any interest in the subject property.

- (b) Mortgagee, meaning any individual, partnership, corporation, limited liability company, association, or other legal entity holding a mortgage on the subject property.
- (c) Mortgagor, meaning a borrower, pursuant to a mortgage, who deeds the subject property to a trustee as security for the payment of a debt.
- (d) Buyer, meaning any individual, partnership, corporation, limited liability company, association, or other legal entity who gives something of value in consideration for a subject property.
- (e) Government agencies are excluded as responsible parties.
- (7) *Secure or secured*: making the subject property inaccessible to unauthorized persons by doing all of the following: repairing fences and walls; closing, chaining, and padlocking all gates; locking and repairing or boarding all doors, windows, and other openings; ensuring that there are no openings that would allow a person to access the structures or buildings on the subject property; and any other measures the Code Official determines are necessary. Securing broken windows means reglazing or boarding the window.
- (8) *Subject property*: real property with vacant buildings or structures used, previously used, or permitted to be used for commercial or industrial purposes, including the buildings or structures themselves. This includes any real property being offered for sale, trade, transfer, or exchange as commercial or industrial, whether it is legally permitted and/or zoned for such use.
- (9) *Vacant*: not legally occupied for a period of 30 days or more.

**Section 28-83. Vacant property maintenance and security requirements.**

- (1) The responsible party or parties shall do all of the following to the subject property:
  - (a) Continue electrical service;
  - (b) Turn on exterior lights during nighttime hours;
  - (c) Within a reasonable period of time, remove or paint over graffiti, tagging, or markings. Painting over means painting with exterior grade paint that matches the color of the exterior of the subject property (see the Warren Code of Ordinances, Chapter 22, Section 22-64(b));
  - (d) Maintain the exterior of the subject property as described in IPMC, Section 302, Exterior Property Areas, and IPMC, Section 304, Exterior Structure;
  - (e) Within a reasonable period of time, remove all weeds; dead vegetation; vegetation trimmings; trash; debris; building materials; and accumulation of newspapers, flyers, and notices, other than those notices required by local, state, and federal law;
  - (f) Maintain existing landscaping, including, but not limited to, mowing the grass; watering the plants, shrubs, hedges; and trimming and pruning the hedges or bushes; and
  - (g) Secure the subject property.

**Section 28-84. Additional maintenance authority.**

- (1) In addition to the enforcement remedies established in this Article or other chapters of the Warren Code of Ordinances, the Code Official may require the responsible party or parties to implement additional maintenance and/or security measures, including, but not limited to: installing additional security lighting; increasing on-site inspection frequency; hiring an on-site security guard; and implementing any other measures that may be reasonably required for the upkeep of the subject property.
- (2) The Code Official shall inform the responsible party or parties of the additional maintenance requirements through a notice to abate, described in Section 28-86.

**Section 28-85. Strict liability offense.**

A violation of Section 28-83 or 28-84 is a strict liability offense.

**Section 28-86. Violations.**

- (1) If the responsible party or parties violate this Article, the Code Official may take all of the following actions:
  - (a) Issue a notice to abate to the responsible party or parties.
  - (b) Issue a civil infraction, pursuant to Warren Code of Ordinances, Chapter 1, Section 1-8(b), to the responsible party or parties.
- (2) The notice to abate shall include:
  - (a) The nature and location of the violation; and
  - (b) The time within which the violation must be corrected.

**Section 28-87. Re-occupancy.**

- (1) A vacant commercial or industrial property is not re-occupied until:
  - (a) All outstanding costs, assessments, and liens owed to the City have been paid in full; and
  - (b) A Certificate of Compliance has been obtained, pursuant to the Warren Code of Ordinances, Appendix A, Zoning, Section 22.10.

**Section 28-88. Saving clause.**

This Article is supplemental to the requirements of the IPMC, the Housing Law of Michigan, MCL 125.401 *et seq*, and any other local, state, or federal law.

**Section 28-89--28-105. Reserved.**

This Ordinance shall take effect on June 15, 2016.

I HEREBY CERTIFY that the foregoing Ordinance No. 80 -741 was adopted by the Council of the City of Warren at its meeting held on May 24, 2016.

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PAUL WOJNO  
City Clerk

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