

CHAPTER 20: BUILDING REGULATIONS

Article

- I. ASSUMPTION OF ADMINISTRATION AND ENFORCEMENT OF THE STATE CONSTRUCTION CODE**
- II. PROPERTY MAINTENANCE CODE**
- III. FLOOD DAMAGE PREVENTION REGULATIONS**
- IV. VACANT AND ABANDONED PROPERTY REGISTRATION**

Clio - Building Regulations

**ARTICLE I: ASSUMPTION OF ADMINISTRATION AND ENFORCEMENT
OF THE STATE CONSTRUCTION CODE**

Section

- 20.101 Adoption of state construction code by reference; assumption of administration
- 20.102 Designation of regulated flood-prone hazard areas
- 20.103 Enforcement

- 20.199 Violations; penalties

**§ 20.101 ADOPTION OF STATE CONSTRUCTION CODE BY REFERENCE;
ASSUMPTION OF ADMINISTRATION.**

Pursuant to the provisions of M.C.L.A. § 117.3, the city adopts by reference the state construction code, in accordance with Section 8b(6) of Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 - 125.1531, as amended. The Building Official and/or the Police Department is hereby designated as the enforcing agency to discharge the responsibility of the city under Public Act 230 of 1972, as amended. The city assumes responsibility for the administration and enforcement of the state construction code, building code, plumbing code, mechanical code and electrical code within its corporate limits. (Ord. 140, passed 11-6-74, amended by Codification Ordinance; amended by Ord. 416, passed 10-5-09; amended by Ord. 457, passed 7-1-13)

§ 20.102 DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS), entitled Genesee County, Michigan (all jurisdictions), and dated September 25, 2009, and the Flood Insurance Rate Map(s) (FIRMs) panel number(s) of 26049C, 0042D and 0061D, and dated September 25, 2009, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code. (Ord. 416, passed 10-5-09; amended by Ord. 457, passed 7-1-13)

§ 20.103 ENFORCEMENT.

The provisions of this article shall be enforced by the city through its Building Official and/or Police Department. (Ord. 457, passed 7-1-13)

Clio - Building Regulations

§ 20.199 VIOLATION; PENALTY.

Any person violating any provision of the State Construction Code Act of 1972, being M.C.L.A. §§ 125.1501 - 125.1531, shall, upon conviction thereof, be guilty of a misdemeanor, and be subject to a fine not exceeding \$500, or imprisonment for not more than 93 days in the Genesee County Jail, or both fine and imprisonment at the discretion of the court.

(Codification Ordinance) (Amended by Ord. 457, passed 7-1-13)

ARTICLE II: PROPERTY MAINTENANCE CODE

Section

- 20.201 Adoption of Property Maintenance Code
- 20.202 Additions, insertions and changes

§ 20.201 ADOPTION OF PROPERTY MAINTENANCE CODE.

That a certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the *International Property Maintenance Code 2015 Edition* as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Clio, in the State of Michigan; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code 2015 Edition* are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 20.202. Subsequent editions of the *International Property Maintenance Code* may be adopted by resolution of the Clio City Commission.

(Ord. 293, passed 5-18-98, amended by Codification Ordinance; amended by Ord. 320, passed 3-5-01; amended by Ord. 381, passed 4-17-06; amended by Ord. 476, passed 5-18-15; amended by Ord. 488, passed 10-3-16)

§ 20.202 ADDITIONS, INSERTIONS AND CHANGES.

That the *International Property Maintenance Code* is amended and revised in the following respects:

- (A) Section 101.1 Insert: City of Clio
- (B) Section 103.5 Insert: City's Fee Schedule

(C) Section 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The costs associated with any action taken by the authority having jurisdiction on such premises, including fines

Clio - Building Regulations

and court costs shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) Section 111.2 Membership of board. The City Commission shall serve as the board of appeals.

(E) Section 111.2.1 Alternate members. Strike this section.

(F) Section 111.2.2 Chairman. The Mayor shall serve as chairman.

(G) Section 111.2.4 Secretary. The Clerk shall serve as secretary to the board. The secretary shall keep a detailed record of all proceedings of the board.

(H) Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200 or more than \$500.

(I) Section 302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of seven inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* of agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

(J) Section 304.14 Insect screens. During the period from April 1 to October 1, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens a minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

(K) Section 6.2.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to April 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Property Maintenance Code

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(L) Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.
(Ord. 293, passed 5-18-98, amended by Codification Ordinance; amended by Ord. 318, passed 1-8-01; amended by Ord. 320, passed 3-5-01; amended by Ord. 376, passed 1-3-06; amended by Ord. 381, passed 4-17-06; amended by Ord. 476, passed 5-18-15; amended by Ord. 488, passed 10-3-16)

[Text continues on page 20-11]

Clio - Building Regulations

ARTICLE III: FLOOD DAMAGE PREVENTION REGULATIONS

Section

- 20.301 Title; legal basis
- 20.302 Interpretation
- 20.303 Definitions
- 20.304 Rules of construction
- 20.305 Scope
- 20.306 Basis for establishing special flood hazard area
- 20.307 General standards for flood hazard reduction
- 20.308 Specific standards for flood hazard reduction
- 20.309 Floodway protection standards
- 20.310 Development permit, required
- 20.311 Administration
- 20.312 Appeals to Zoning Board of Appeals (ZBA)
- 20.313 Variances
- 20.314 Fees
- 20.315 Warning and disclaimer of liability
- 20.316 Nuisance declaration

- 20.399 Violations; penalties

§ 20.301 TITLE; LEGAL BASIS.

Sections 20.302 through 20.316 of this Code, inclusive, will be known and cited as the “Flood Damage Prevention Regulations.” The City Commission enacts these regulations in accordance with the National Flood Insurance Act of 1968, as amended, and regulations promulgated thereunder, and subsequent enactments and rules and regulations promulgated in furtherance of such program by the United States Department of Housing and Urban Development, Federal Insurance Administration, and the Federal Emergency Management Agency.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.302 INTERPRETATION.

In the interpretation and application of these regulations to special flood hazard areas, all provisions shall be:

Clio - Building Regulations

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the city;

(C) Deemed neither to limit nor repeal any other powers granted under state statutes; and

(D) Applicable to all areas of special flood hazards within the City of Clio.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.303 DEFINITIONS.

(A) *General rule.* Words and phrases take their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) **ADVERSE AFFECTS.** The damage to adjacent properties caused by rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(2) **APPEAL.** A request for a review of the City's application of any provision of these regulations or request for a variance.

(3) **AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within the City of Clio subject to a 1% or greater chance of flooding in any given year.

(4) **BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year.

(5) **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

(6) **FLOOD** or **FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source, or both.

(7) **FLOOD BOUNDARY AND FLOODWAY MAP.** The official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

(8) **FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved to discharge the base flood.

Flood Damage Prevention Regulations

(9) **HABITABLE FLOOR.** Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or any combination of these. A floor used only for storage purposes is not a **HABITABLE FLOOR**.

(10) **MOBILE HOME.** A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(11) **STRUCTURE.** A walled and roofed building, a mobile home, or a gas or liquid storage tank, that is principally above ground.

(12) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged is being restored, before the damaged occurred.

For purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The does not include:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(13) **VARIANCE.** A grant of relief from the requirements of these regulations which permits construction in a manner that would otherwise be prohibited by these regulations.

(14) **ZONING BOARD OF APPEALS (ZBA).** The Zoning Board of Appeals (ZBA) for the City of Clio.
(Ord. 174, passed 7-7-80; amended by Codification Ordinance; amended by Ord. 318, passed 1-8-01)

§ 20.304 RULES OF CONSTRUCTION.

The following listed rules of construction apply to the text of these regulations:

- (A) The word **BUILDING** includes the word “structure.”

Clio - Building Regulations

(B) The word **BUILDING** or **STRUCTURE** includes any part thereof.

(C) The words **USE**, **USED**, or **OCCUPIED**, as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designed to be used” or “occupied.”
(Ord. 174, passed 7-7-80; amended by Codification Ordinance) Cross reference: § 1.406

§ 20.305 SCOPE.

(A) These regulations do not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of this Code, other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or private agreements, or with restrictive covenants running with the land to which the city is a party.

(B) Where these regulations impose a greater restriction upon the land than is imposed or required by such existing provision of this Code or any other ordinance of the city, the provisions of these regulations shall control.
(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.306 BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREA.

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Boundary and Floodway Map, No. 2606670001 A, with an effective date of September 3, 1980, and its Flood Insurance Rate Map (FIRM) are adopted by reference and declared to be a part of these regulations. These maps are on file with the City Clerk at 505 W Vienna St., Clio, MI 48420.
(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.307 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards, the following standards apply:

(A) Anchor all new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure.

(B) Anchor all mobile homes to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. The following specific requirement apply:

(1) Provide over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

Flood Damage Prevention Regulations

(2) Provide frame ties at each corner of the mobile home with five additional ties per side at the intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(3) Make all components of the anchoring system capable of carrying a force of 4,800 pounds;
and

(4) Anchor any additions to the mobile home in a similar manner;

(C) Assemble all new construction and substantial improvements with materials and utility equipment resistant to flood damage;

(D) Use methods and practices that minimize flood damage for all new construction and substantial improvements;

(E) Design new and replacement water supply systems to minimize or eliminate infiltration of flood waters into the system;

(F) Design new and replacement sanitary sewer systems to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water;

(G) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding;

(H) Include public utilities and facilities, such as sewer, gas, electric, and water systems in all subdivision proposals and locate and construct such public utilities and facilities to minimize flood damage;

(I) Make all subdivision proposals consistent with the need to minimize flood damage;

(J) Provide adequate drainage in all subdivision proposals to reduce exposure to flood damage; and

(K) Provide base flood elevation data for all subdivision proposals and other proposed development that contain at least 50 lots or five acres, whichever is less.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.308 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards where base flood elevation data have been provided, the following standards apply:

(A) For new construction of or substantial improvement to any residential structure elevate the lowest floor, including basement, to or above the base flood elevation.

Clio - Building Regulations

(B) For new construction of or substantial improvement to any commercial, industrial or other non-residential structure, either elevate the lowest floor, including basement, to or above the base flood elevation or together with the attendant utility and sanitary facilities, do the following:

(1) Flood proof the new construction or substantial improvement so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Make structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Provide the city with certification by a registered professional engineer or architect that standards of these regulations are satisfied.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.309 FLOODWAY PROTECTION STANDARDS.

(A) The following standards apply to all development occurring within the floodways:

(1) Encroachments, including fill, new construction, substantial improvements and other development are prohibited, except upon certification by a registered professional engineer or from the Department of Natural Resources that the proposed development will not result in any increases in flood levels during a base flood discharge, and complies with M.C.L.A. §§ 324.3101 *et seq.*

(2) The placement of mobile homes are prohibited except in mobile home parks and in subdivisions that existed on July 7, 1980.

(3) Development which is permitted in the floodway shall meet the requirements of these regulations.

(B) Any uses of land permitted in an underlying zoning district shall not be construed as being permitted within the floodway except upon complying with the provisions of this section.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.310 DEVELOPMENT PERMIT, REQUIRED.

(A) Before any construction, substantial improvement or development begins within any area of special flood hazard, as identified in these regulations, a development permit shall be obtained. Application for a development permit shall be made on forms furnished by the city.

(B) Applicants for a development permit shall submit a site plan with the information required in § 13.02B of the City of Clio Zoning Ordinance, as amended. In addition to those procedures applicants

Flood Damage Prevention Regulations

will show on the site plan or submit separately the following information at the same time the site plan is presented:

- (1) The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (2) The elevation in relation to mean sea level to which any structure has been flood proofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of these regulations;
- (4) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (5) The location of any proposed fill and storage of materials (including a list of typical materials to be stored) and drainage facilities; and
- (6) Evidence that all affected political subdivisions and the Michigan Department of Natural Resources were informed that a watercourse will be altered or relocated as a part of the proposed development and that applicant notified the Federal Insurance Administration that the affected political subdivisions and the state were notified;

(C) The city will approve or deny the application for a development permit within 45 days of its submission, or it shall be deemed to have been approved.

(D) The city will base its action of approval or denial on the following factors:

- (1) There is no adverse affect or if there is an adverse affect, that it can be mitigated satisfactorily (mitigation measures become a condition of the permit);
- (2) All information required by these regulations has been submitted;
- (3) The structural types and density of the proposed development are compatible with the existing land use and underlying zoning district; and
- (4) Satisfactory evidence that all necessary permits have been obtained for which prior approval is required.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.311 ADMINISTRATION.

(A) The City Administrator, or other qualified person by whatever title, will administer the

Clio - Building Regulations

provisions of these regulations.

(B) The duties of the person administering these regulations include:

(1) Applying and enforcing the provisions of these regulations literally;

(2) Issuing development permits after determining that applications have met the conditions for such issuance;

(3) Posting a schedule of fees established by the City Commission and collecting and depositing the fees for the applicable actions with the City Treasurer;

(4) Maintaining the records for public examination that pertain to the administration of these regulations;

(5) Monitoring watercourses and flood ways so that the flood carrying capacity is not diminished; and

(6) Determining, when needed, the exact location of the boundaries of the areas of special flood hazard where there appears to be a conflict between a mapped boundary and actual field conditions. (Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.312 APPEALS TO ZONING BOARD OF APPEALS (ZBA).

(A) The Zoning Board of Appeals (ZBA) will hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the person administering these regulations. The Board will enter the findings upon which it decided there was or was not an error in any requirement, decision or determination made by the person administering these regulations.

(B) The Zoning Board of Appeals will hear and decide requests for variances from the requirements of these regulations. The Board will not hear variances from which it is barred from hearing under the City of Clio Zoning Ordinance, Ordinance No. 181, as amended.

(C) Those aggrieved by the Zoning Board of Appeals may appeal such decision to the Circuit Court for the County of Genesee, as long as such appeal is taken within 30 days after the Zoning Board of Appeals renders its decision. (Ord. 174, passed 7-7-80; amended by Codification Ordinance; amended by Ord. 318, passed 1-8-01)

Flood Damage Prevention Regulations

§ 20.313 VARIANCES.

(A) The Zoning Board of Appeals (ZBA) will grant variances from the provisions of these regulations in compliance with the general standards for granting such variances contained in these regulations, the City of Clio Zoning Ordinance, and each of the following specific standards:

(1) The Board will not grant a variance for development within the floodway where the result of such development would increase flood levels during a base flood discharge, except upon the certification by a registered professional engineer or the Michigan Department of Natural Resources that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with M.C.L.A. §§ 324.3101 *et seq.* shall be required.

(2) The Board will grant a variance only upon the following findings which will be entered into the record of the meeting at the variance is granted:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in hardship to the applicant; and

(c) A determination that the granting of a variance will neither result in flood heights in excess of those permitted by these regulations, in addition threats to public safety, and in extraordinary public expense; nor will it create nuisances, cause fraud on or victimization of the public or conflict with existing laws, ordinances or this Code; and

(3) The variance when granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

(B) The Board may attach conditions to the granting of a variance to ensure compliance with the standards contained in these regulations.

(C) Variances may be granted for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance; amended by Ord. 318, passed 1-8-01)

§ 20.314 FEES.

(A) Fees will be assessed as part of the application for a development permit and for a hearing for

Clio - Building Regulations

an appeal or a variance to cover the cost incurred in processing such applications and holding such hearings.

(B) The City Commission will establish a schedule of fees and a policy for their collection by resolution. The schedule of fees and the collection policy may be amended by a resolution.

(C) No permit will be issued until all applicable fees have been paid in full. Fees double if applicant begins work before a permit is issued.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.315 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the city or any of its officers or employees or the Federal Insurance Administration for any flood damages that result from reliance on these regulations or any administrative decision made lawfully thereunder.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.316 NUISANCE DECLARATION.

Any building or structure that is erected, altered or moved into this city or moved within the city and maintained or used, and any use of land which is begun, maintained or changed in violation of any provision of these regulations is hereby declared to be a nuisance per se.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

§ 20.399 VIOLATIONS; PENALTIES.

Any person violating any provision of the City of Clio Flood Damage Prevention Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 174, passed 7-7-80; amended by Codification Ordinance)

ARTICLE IV: VACANT AND ABANDONED PROPERTY REGISTRATION

Section

- 20.401 Purpose
- 20.402 Definitions
- 20.403 Registration of vacant or abandoned structure
- 20.404 Mortgagee's obligation to determine vacancy or abandonment
- 20.405 Registration form
- 20.406 Requirement to keep information current
- 20.407 Inspections
- 20.408 Registration, inspection, and other fees
- 20.409 Maintenance and security requirements
- 20.410 Re-occupancy

- 20.499 Penalty

§ 20.401 PURPOSE.

The purpose of this article is to help protect the health, safety, and welfare of the public by preventing blight, protecting property values and neighborhood integrity, avoiding the creation of nuisances, and ensuring the safe and sanitary maintenance of dwellings, commercial buildings, and industrial buildings. Further, it is important for the city to be able to contact owners of vacant or abandoned structures for property maintenance, fire safety, and police purposes.
(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.402 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The official authorized to issue a certificate of compliance by the city's Code Official.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this article, or their designee.

FORECLOSURE. The process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the trustor (borrower).

Clio - Building Regulations

MORTGAGE. A recorded lien or interest in real property to secure payment of a loan.

MORTGAGEE. A person, firm, or corporation holding a mortgage on a property.

OWNER. An individual, co-partnership, association, corporation, company, fiduciary, or other person or legal entity having a legal or equitable title to real property, any lender under a note secured by a mortgage, or any person, firm, or corporation holding a mortgage on a residential structure that has initiated, is in the process of, or has completed foreclosure proceedings, filed a complaint for foreclosure by judicial action or is publishing a notice of foreclosure by advertisement.

VACANT or ABANDONED STRUCTURE. An improved lot or parcel of real property with at least one building or structure that is not currently used and lawfully occupied and has not been used and lawfully occupied for a period of at least 180 consecutive days and meets one or more of the following conditions:

- (1) Is open to casual entry or trespass;
 - (2) Has been boarded or partially boarded restricting ingress and egress through windows and/or doors for at least 30 consecutive days;
 - (3) Has windows covered with paper or cardboard or similar material or painted for at least 30 consecutive days;
 - (4) Has either water, sewer, electric, or gas, or any of the foregoing disconnected or not in use for a period of at least 30 consecutive days;
 - (5) The meter for water or sewer fails to record a read for a period of at least 180 consecutive days;
 - (6) Demonstrates a lack of property maintenance and upkeep as evidenced by one or more current violations of the city's property maintenance code;
 - (7) Has had its wiring, plumbing, or other fixtures essential for occupancy removed;
 - (8) A commercial building or an industrial building where normal weekly operating hours of at least five hours have not been maintained for a period of at least 30 days;
 - (9) Has real estate taxes in arrears for a period of time exceeding 365 days; or
 - (10) The owner has no intent to return to or maintain the property.
- (Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

Vacant and Abandoned Property Registration

§ 20.403 REGISTRATION OF VACANT OR ABANDONED STRUCTURE.

An owner of a vacant or abandoned structure in the city shall register that property with the Code Official by filing a completed registration of vacant or abandoned structure form containing all the information required by this article on forms provided by the Code Official, and by paying any registration and inspection fees required by this article within 180 days of its vacancy or abandonment. (Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.404 MORTGAGEE'S OBLIGATION TO DETERMINE VACANCY OR ABANDONMENT.

A mortgagee who becomes an owner, as defined herein, as a result of the initiation of foreclosure proceedings, shall at all times exercise reasonable care to determine if the property is vacant or abandoned. If the mortgagee determines the property is vacant or abandoned, or if through the exercise of reasonable care should have determined the property is vacant or abandoned, the mortgagee shall comply with the registration requirements of this article. (Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.405 REGISTRATION FORM.

Owners who are required to register their properties pursuant to this article shall do so by submitting a completed registration of vacant or abandoned structure form containing the information specified in this section. The form may be provided by an agent for an owner provided the agent's written authorization from the owner is provided with the form. The form shall include all of the following information:

(A) The address of the property and the name and address of all owners of the property. If the property owner is a limited liability company, the name and address of the managing member. If there are no managing members, the name and address of all members. If any of the members or managing members required to be disclosed under this section are limited liability companies, the process must be repeated until names and addresses of individuals are identified;

(B) A mailing address where mail may be sent that will be acknowledged as received by the owner;

(C) The name of an individual or legal entity responsible for the care and control of the property as well as the current address, telephone number, facsimile number, and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property;

(D) The name and address of any agent submitting the form on behalf of the owner;

(E) An explanation as to the reason for the vacancy of the property;

Clio - Building Regulations

(F) The name and address of any and all mortgage holders; and

(G) The name and address of any other persons with a property interest in the subject property.
(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.406 REQUIREMENT TO KEEP INFORMATION CURRENT.

If at any time the information contained in the registration form required pursuant to this article is no longer valid, the owner shall, within ten days, file a new form containing valid, current information. There shall be no fee to update an existing registered owner's current information.
(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.407 INSPECTIONS.

(A) Vacant or abandoned structures, including the surrounding real property, required to be registered in accordance with this article, shall be subject to an initial inspection by the Code Official, upon registration, and annually thereafter to ensure the safety, security, and maintenance of the property until lawfully occupied in accordance with § 20.410. The owner shall pay the inspection fee pursuant to § 20.408 hereunder.

(B) Following the initial inspection, in order to ensure that vacant or abandoned structures are safe, secured, and well-maintained, all vacant or abandoned structures, including the surrounding real property, shall be subject to additional inspections on one or more of the following basis:

(1) By area, such as an entire block, neighborhood, or historic district, such that all vacant or abandoned properties in a predetermined geographical area will be inspected simultaneously, or within a short period of time;

(2) By complaint, such that complaints of property maintenance violations or violations of the requirements of this article shall be inspected within a reasonable time;

(3) By recurrent violations, such that any property which is found to have a high incidence of recurrent or uncorrected violations may be inspected more frequently;

(4) Whenever reasonable cause exists to believe that there is a violation of the property maintenance code or this article on any vacant or abandoned structure or other conditions which makes the structure or premises unsafe, dangerous, or hazardous; or

(5) For the purpose of re-inspection to ensure the correction of any violations in existence at a previous inspection.

Vacant and Abandoned Property Registration

(C) Any violations of the City Code or this article which are detected upon any of the inspections by the Code Official shall be fully repaired and remedied within 30 days of notice to the owner, or within such additional time as permitted by the Code Official.

(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.408 REGISTRATION, INSPECTION, AND OTHER FEES.

All fees applicable to this article shall be set from time to time by resolution of the City Commission, which fees shall include a registration fee, an inspection fee, a re-inspection fee, a certificate of compliance fee, and such other related fees established by resolution of the City Commission. The payment of all fees required under this article is secured by a lien against the property subject to enforcement in the same manner as ad valorem real property taxes. Payment of the registration and inspection fee is due upon filing of the registration. Payment of re-inspection fees are due within 30 days of mailing of the bill.

(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.409 MAINTENANCE AND SECURITY REQUIREMENTS.

An owner of a vacant or abandoned structure shall comply with all of the following maintenance and security requirements.

(A) Property shall be kept free from weeds, grass more than seven inches high, dry brush, dead vegetation, trash, junk, debris, or building materials; any accumulation of newspapers, circulars, flyers, or notices, except those required by federal, state, or local law; discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials or any other items that give the appearance that the property is abandoned.

(B) Property shall be maintained free of graffiti, tagging, or similar markings.

(C) All yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges, or similar plantings. Maintenance includes, but is not limited to, cutting, pruning, and mowing of required landscaping and removal of all trimmings.

(D) Pools, spas, and other water features shall be covered with an industry approved safety cover and shall also comply with the minimum-security fencing and barrier requirements of applicable building and existing structures/property maintenance codes and ordinances.

(E) 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 or other person to access the interior of the

Clio - Building Regulations

property and/or structures. Broken windows must be repaired or replaced with like glazing materials within 14 days, except as otherwise provided in the Existing Structures Code. Boarding up of open or broken windows is prohibited except as authorized by the Code Official.

(F) All vacant or abandoned structures shall have the building properly winterized so as to prevent the bursting of water pipes.

(G) Property shall be maintained in compliance with all other applicable code requirements.

(H) Adjoining sidewalks shall be kept free of accumulations of snow and ice.
(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.410 RE-OCCUPANCY.

Vacant or abandoned structures shall not be occupied until a certificate of compliance has been issued by the Code Official within 30 days immediately prior to occupancy, and all violations have been fully repaired and remedied. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good operation and repair. In addition, a certificate of compliance shall not be issued until all outstanding costs, assessments, and/or liens owed to the city have been paid in full.

(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)

§ 20.499 PENALTY.

Any person violating any provisions of this article shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this code.

(Ord. 496, passed 4-16-18; amended by Ord. 504, passed 4-1-19)