

# ADRIAN CITY COMMISSION

## MINUTES

October 21, 2024 6:00PM

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Official proceedings of the October 21, 2024 regular meeting of the City Commission, Adrian, Michigan.

The Commission began the regular meeting at 6:00 p.m. at the City Chambers Building, 159 E. Maumee Street, Adrian, Michigan 49221. The meeting was opened with a moment of silence followed by the Pledge of Allegiance.

**PRESENT:** Mayor Heath & Commissioners Behnke, Schwartz, Roberts, Miller, Castleberry and Gauss

**ABSENT:** None

**PROCLAMATION:** Fire Inspector of the Year – David Comfort

### **PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA**

#### **WORK STUDY SESSION**

Presentation from Sam Beauford.

**MOTION TO APPROVE THE AGENDA** moved by Behnke, seconded by Miller. Motion carried by recorded vote.

**MOTION TO APPROVE THE CONSENT AGENDA** moved by Gauss, seconded by Castleberry. Motion carried by recorded vote.

#### **CONSENT AGENDA**

**Minutes.** Approval of the Minutes of the October 7, 2024 regular meeting of the Adrian City Commission.

**Presentation of Accounts.** Approval of the October 16, 2024 Check Registers.

**CR24-123. Utilities.** Resolution to authorize the purchase of a dump truck through a MI-DEAL Contract for the O&M Department.

**CR24-124. City Clerk.** Resolution to approve Commercial Marihuana Permits for Fluresh.

#### **ORDINANCES**

**ORD. NO. 24-003.** Second Reading and Consideration of an Ordinance to Amend the Code of Ordinances, Chapter 10—Buildings and Building Regulations—by Amending Article V of that Chapter, Vacant Buildings.

CITY OF ADRIAN  
LENAWEE COUNTY, MICHIGAN  
ORDINANCE NO. 24-003

AN ORDINANCE TO AMEND THE CITY OF ADRIAN ZONING

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ORDINANCE, CHAPTER 10, BUILDINGS AND BUILDING  
REGUATIONS, ARTICLE V, VACANT BUILDINGS, BY AMENDING  
THAT SECTION TO READ AS SET FORTH HEREIN.

NOW THEREFORE, THE CITY OF ADRIAN ORDAINS:

1. The City of Adrian Zoning Ordinance, CHAPTER 10, BUILDINGS AND BUILDING REGUATIONS, ARTICLE V, VACANT BUILDINGS, shall be amended to read as follows:

### **Sec. 10-400. Purpose.**

The purpose of this article is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances, facilitating rehabilitation and restoration, and insuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage foreclosures and increased bankruptcies many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and has increased criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs and bushes, illegal dumping and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. The city also needs the ability to contact owners for utility shutoff, fire safety, and for police related reasons.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

### **Sec. 10-401. Definitions.**

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

*Open* [means] a building or structure subject to the provisions of this section shall be deemed to be open if any one or more exterior doors other than a storm door is broken, open, and/or closed without a properly functioning lock to secure it, or if one or more windows is broken, or not capable of being locked and secured from intrusion or any combination of the same.

*Owner* is defined as any person, partnership, corporation, limited liability company or other legal entity with legal or equitable ownership interest in the structure.

*Vacant* [means] a building, structure or land shall be deemed to be vacant if no person or persons actually currently conducts a lawful business or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, not transient basis. Buildings with multiple tenants and /or uses, and land with more than one structure shall be deemed vacant if more than 60 percent of the ground floor, based on total square footage, is unoccupied.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

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**Sec. 10-402. De facto vacant property.**

De facto vacancy shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Any property exhibiting such condition or conditions shall be treated as vacant for purposes of this ordinance. Such conditions include, but are not limited to:

- (1) Overgrown and/or dead vegetation;
- (2) Accumulation of newspapers, circulars, fliers, and/or mail;
- (3) Past due utility notices, and/or disconnected utilities;
- (4) Accumulation of trash, junk, and/or debris;
- (5) Boarded up or broken windows;
- (6) Abandoned vehicles, auto parts or materials;
- (7) The absence of, or continually drawn window coverings, such as curtains, blinds, and/or shutters;
- (8) The absence of furnishings, and/or personal items consistent with habitation or occupancy;
- (9) Statements by neighbors, passersby, delivery agents or utility agents, including the department of public works and/or police/fire department employees that the property is vacant;
- (10) Is under condemnation notice or legal order to vacate;
- (11) Has taxes in arrears to the city for a period of time exceeding 365 days; or
- (12) Is under notice for being in violation of city ordinances;
- (13) Graffiti;
- (14) Any other violation of the current International Property Maintenance Code.

(Ord. No. 13-016, 9-3-2013)

**Sec. 10-403. Vacant properties to be registered.**

There is hereby created in the City of Adrian Community Development Department, a registry of vacant properties. Owners of real property are required to register all vacant properties, and pay the applicable fee, within 60 days of the vacancy. If registration and payment in full of the associated fee is not received by the due date, a late fee in an amount established by resolution of the City Commission shall be charged. If full payment is not received, the amount owed to the city shall be collected as a special assessment against the property as provided in section 70-12 of the Adrian City Code.

The following properties are exempt from this article:

- (1) County-owned property reverted by tax foreclosure and land bank owned property.
- (2) Properties currently registered as rental properties, so long as the registrations are current and all required inspections have been completed.
- (3) Properties wherein the owner spends a portion of the year residing at another address.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, repealed former § 10-403, which pertained to registry of vacant properties, and derived from Ord. No. 13-016, adopted Sept. 3, 2013. Said ordinance amended and renumbered former § 10-404 as § 10-403.

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**Sec. 10-404. Owners registration form; content, consent for inspection.**

Owners who are required to register their properties pursuant to this article shall submit a completed vacant property registration form, as provided by the city inspection department, containing the following information:

- (1) Name of the owner of the property.
- (2) An email address for the owner and a mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked refused or unclaimed, or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie evidence that the owner has failed to comply with this requirement.
- (3) The name, address, email address, and phone number of an individual responsible for the care and control of the property who can provide access to the building on an emergency basis. The named individual must live within 30 miles of the City of Adrian.
- (4) Signed consent provision allowing the city to enter and inspect the property upon 24 hours' notice to the owner and without notice to the owner in the case of an emergency.
- (5) The status of all utility services (water, sewer, gas and electric), proof of any disconnections, and the name in which such accounts, if any, are held.
- (6) A detailed plan of action for restoring the building to an occupied status.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-405 as § 10-404.

**Sec. 10-405. Registration fee.**

The registration fee shall be set by resolution of the City Commission to offset the cost of administering this article. In addition, in the case where the owner has failed to register, there shall be assessed an added cost of the city's expense in having to determine ownership, which may include but is not limited to title search. The fee for registration shall be set by resolution of the City Commission.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-406 as § 10-405.

**Sec. 10-406. Initial inspection.**

Upon initial registration, each vacant property shall be inspected by the city, within 30 days, for compliance with the current edition of the International Property Maintenance Code and any other applicable ordinances. The fee for the inspection shall be set by resolution of the City Commission. Failure to schedule and/or allow an inspection is a civil infraction. Upon completion of the inspection, the city shall order any repairs it deems necessary for compliance with the said code and, if the city determines that the cost of repair exceeds the value of the property, may also proceed with other enforcement action including but not limited to condemnation and demolition. Completion of the inspection, and any required repairs, under this section shall also be deemed compliance with the City's Point of Sale inspection program.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, amended and renumbered former § 10-407 as § 10-406.

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**Sec. 10-407. Requirement to keep information current.**

If at any time the information contained in the registration form is no longer valid, the property owner shall, within ten days, file a new registration form containing current information. There shall be no fee to update the current owner's information. The owner shall also provide notification to the city upon sale of the property.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-408 as § 10-407.

**Sec. 10-408. Required maintenance for vacant structures.**

An owner of vacant property is required to maintain the vacant property as follows:

- (1) The property shall be kept compliant with the most current version of the International Property Maintenance Code.
- (2) In addition to all requirements of the International Property Maintenance Code, the property shall be kept free of:
  - a. Weeds or grass more than eight inches high;
  - b. Vegetation growth within the sidewalk and/or driveway;
  - c. Dry brush;
  - e. Trash, junk and debris;
  - f. Building materials;
  - g. Rodent harborage;
  - h. Discarded items, including but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers;
  - i. Vehicles stored outdoors.
- (2) The property shall be maintained free of graffiti, tagging or similar markings.
- (3) The property shall be landscaped and properly maintained in a manner consistent with a well-maintained, occupied home or property. Dead or overgrown vegetation shall not be allowed to remain. Landscaping includes but is not limited to grass, ground covers, bushes, shrubs, hedges, or similar plantings, decorative rock or bark designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpet, or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, weeding, cutting, pruning and mowing of the property and its landscaping and removal of trimmings.
- (4) Pools, spas and other water features shall be kept in working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris, and must comply with the minimum security fencing, barrier and maintenance requirements of the Michigan Building Code and the International Property Maintenance Code.
- (5) Properties subject to this article 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 (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). Broken windows must be repaired or replaced within 14 days. Boarding up of open or broken windows is prohibited except as a temporary, emergency measure.

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- (6) Timely removal of mail and posted circulars.
  - (7) If the vacant property is not heated, it must be winterized.
  - (8) For properties located within the boundaries of the Downtown Development Authority's Development Area, the windows of vacant, street-level space shall be covered with an approved, decorative treatment that mimics an active storefront.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-409 as § 10-408.

#### **Sec. 10-409. Securing structures.**

A city order to secure a vacant property shall be complied with by the owner within 72 hours. If the securing has not been completed or is not compliant with the requirements for securing the structure under this article, the city shall secure the structure and bill the owner for all costs incurred, including service fees and administrative costs. If payment in full is not received within 30 days from the due date, a late fee in an amount established by resolution of the City Commission shall be charged. If full payment is not received, the amount owed to the city shall be collected as a special assessment against the property as provided in section 70-12 of the Adrian City Code.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-410 as § 10-409.

#### **Sec. 10-410. Fire or storm damaged property.**

If a building regulated hereunder is damaged by fire or storm, the owner has 90 days from the date of the fire to apply for a permit to start construction or demolition.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-411 as § 10-410.

#### **Sec. 10-411. Reuse and occupancy.**

No vacant structure shall be reoccupied until inspected and found to be in compliance with the current edition of the International Property Maintenance Code, the Michigan Building Code and related construction codes (as applicable), and a certificate of occupancy is issued by the city. The fee for the inspection shall be set by resolution of the City Commission.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-412 as § 10-411.

#### **Sec. 10-412. Responsibility for violations.**

All code violations related to enforcement of this ordinance will be cited and noticed to the owner of record and shall become the owner's responsibility to bring in compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property. Any unpaid fees pursuant to this ordinance shall constitute a lien on the property.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

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Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-413 as § 10-412.

### **Sec. 10-413. Monitoring of property; fee.**

The Community Development Department is hereby authorized to monitor the condition of any property required to be registered under this article. The right to monitor the property includes the right to enter for purposes of inspection. The city shall notify the owner of the intent to inspect the property 24 hours prior to entry except in the event of an emergency. In addition, each owner shall schedule, on or before the anniversary of the initial inspection of a vacant property, of follow-up inspection of the interior and exterior of the vacant structure to assured continued compliance with the standards of this article. Structures that are vacant for more than three years shall be inspected every six months for this same purpose. The fee for each reinspection shall be set by resolution of the City Commission.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, amended and renumbered former § 10-414 as § 10-413.

### **Sec. 10-414. Right to appeal.**

The owner shall have the right to appeal the imposition of the vacant building registration fees to Construction Board of Appeals, upon filing an application in writing along with a \$150.00 nonrefundable filing fee to the City of Adrian within 20 days of the date of the order from which relief is sought. On appeal, the owner shall bear the burden of proof.

(Ord. No. 15-004, 5-4-2015)

### **Sec. 10-415. Waiver of registration fee.**

A one-time waiver of the registration fee may be granted by the city administrator upon application by the owner, if all taxes and fees, such as but not limited to; property taxes, mowing charges, snow removal, past vacant building registration fees, rental registrations, trash collection, and water and sewer billings have been paid prior to application of the waiver. If the owner:

- (1) Demonstrates with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building, including a detailed plan of action for accomplishing the intended activity within one year of the date of registration.
- (2) Demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building.
- (3) Provides satisfactory proof that the building was lawfully and consistently occupied no more than six months earlier, that the property is being actively marketed for sale or lease, and, if the building is a residential dwelling, that it has a valid Certificate of Compliance as a rental dwelling or under the Point of Sale inspection program.

(Ord. No. 15-004, 5-4-2015)

**Sec. 10-416. Unpaid fees; assessment.**

All fees and costs hereunder that remain unpaid after 14 days' written notice to the owner/management company shall be assessed against the property as a lien and included on the tax roll pursuant to section 70-12 of the Adrian City Code.  
(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-415 as § 10-416.

**Sec. 10-417. Penalties.**

- (a) A violation of any provision of this article is a civil infraction and is punishable by a fine of \$150.00 for a first offense and \$250.00 for any subsequent offense.
- (b) In addition to any other penalty provided for in this section, this section may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this section.

(Ord. No. 13-016, 9-3-2013; Ord. No. 15-004, 5-4-2015)

Editor's note(s)—Ord. No. 15-004, adopted May 4, 2015, renumbered former § 10-416 as § 10-417.

INTRODUCTION .....	October 7, 2024
SUMMARY PUBLISHED .....	October 17, 2024
ADOPTION .....	October 21, 2024
COMPLETED PUBLICATION .....	October 28, 2024
EFFECTIVE DATE .....	November 5, 2024

**Moved by: Commissioner Roberts**  
**Seconded by: Commissioner Castleberry**  
**The motion to adopt the ordinance was approved with recorded vote.**

**MISCELLANEOUS REPORTS**

- Departmental Report.
- Adrian Fire Department Report.
- Adrian Police Department Report.
- Code Enforcement/Inspection Reports.

**PUBLIC COMMENT**

**COMMISSIONER COMMENTS**

**MOTION TO ADJOURN** by Behnke, seconded by Castleberry. Motion carried.

**MEETING ADJOURNED** at 7:24 PM

The next regularly scheduled meeting of the Adrian City Commission will be held on **Monday November 4, 2024** at 6:00 pm at the City Chambers Building, 159 E. Maumee Street, Adrian, MI 49221.