

ORDINANCE NO. 21-0002

NUISANCE ABATEMENT ORDINANCE

ARTICLE I. - IN GENERAL

Sec. 90-1. - Program Designation.

The City of Highland Park, Michigan, does hereby establish the Nuisance Abatement Program (NAP). The NAP program shall function and be under the direction of the Mayor, whose authority may be administered through the City Council; and shall have all the powers and duties enumerated in this chapter.

Sec. 90-2. - Scope and Purpose.

The purpose of the NAP will be to eliminate vacant or abandoned property that has been identified as nuisance property in order to prevent or eradicate significant dangers or conditions that adversely affect the public health, safety and welfare of the City of Highland Park. This NAP chapter addresses issues raised by the Michigan courts, which have recognized that the actions or inactions of property owners can create or perpetuate nuisances to adjoining neighbors, and that eradicating nuisance properties leads to protecting, promoting, and securing the public health, safety and welfare of the neighborhoods and communities within the county.

Sec. 90-3. - Powers and Duties.

The City Council hereby authorizes the Mayor to perform the following responsibilities in administering the program, without further City Council approval:

- (1) Identify properties as nuisances.
- (2) Determine, to the extent possible, legal and/or equitable owners and interested parties' properties identified as nuisances.
- (3) Compel property owners or interested parties, by any legal means, to abate nuisances on the property.
- (4) Institute lawsuits against the properties, owners and/or interested parties of properties that constitute a nuisance and demand abatement of the nuisance. The City shall have authority to file a Complaint in the court with proper subject matter jurisdiction.
- (5) File a lis pendens against any property that is identified as a nuisance and is currently the subject of a NAP lawsuit.

(6) Negotiate and enter into contracts for services necessary to carry out the objectives of the NAP, including, but not limited to, environmental, renovation, development, restoration, repair and demolition activities, which contracts shall not exceed \$100,000, without Council approval.

(7) Acquire property through the NAP.

(8) Convey or sell property through the NAP.

(9) Negotiate and execute settlement agreements with the owners or interested parties of properties identified as nuisances in order to abate the nuisance on these properties, through whatever means are necessary, including, but not limited to, rehabilitation, renovation, development or demolition.

(10) Settle any lawsuit or pre-litigation dispute by entering into settlement agreements with the owners or interested parties of these nuisance properties, which may even include acquisition of such properties by the NAP.

(11) In the event that the NAP has acquired nuisance properties from the owners or interested parties or any other legal means, enter into agreements whereby the NAP sells such properties in order that the nuisance be abated.

(12) Proceed with any lawsuits related to properties identified as a nuisance which have not been settled and seek a court order that allows for any, or all, of the following:

a. Compel the owners or interested parties of such nuisance properties to abate the nuisance by whatever means are necessary, including, but not limited to, renovation, development, restoration, repair or demolition.

b. Authorize the NAP to enter onto such properties in order to abate the nuisance through whatever means are necessary, including, but not limited to, repairs, renovation, restoration or demolition, and seek reimbursement from the owners and/or interested parties.

c. Award ownership of the nuisance properties to the county and allow the county to proceed to abate the nuisances on such properties and thereafter to proceed against the owners or interested parties to collect any and all costs, expenses and fees incurred in abating the nuisance on such properties, which includes, but is not limited to, renovation, development, restoration, repair or demolition, satisfaction of any and all liens against the property, litigation expenses, and reasonable attorney fees.

(13) Request and receive an ex parte order prohibiting the sale, conveyance, transfer or encumbrance of property that is the subject of a NAP lawsuit pending the completion of such lawsuit. In the event that a court determines that this subsection was violated by an owner or interested party, a penalty may be assessed by the court for such violation, which may include all fees, costs and expenses associated with such NAP lawsuit.

(14) Obtain and clear title to properties designated as nuisances.

(15) Negotiate community redevelopment purchase agreements as specified in this chapter.

Sec. 90-4. - Community Redevelopment Purchase Agreements.

NAP is also authorized to negotiate and execute "community redevelopment purchase agreements," essentially, with neighborhood or community organizations that are willing and able to assume ownership of nuisance properties owned or under the control of the NAP or the City of Highland Park exclusively for the purpose of abating nuisances on such properties. These community redevelopment purchase agreements shall specify the following:

(1) The period of time within which the neighborhood or community organization must take active steps to abate the nuisance; and

(2) The nature and extent of the actions necessary to abate the nuisance; and

(3) That any and all costs, expenses and fees incurred in abating the nuisance shall be the sole and exclusive responsibility of the neighborhood or community organization; and

(4) That the NAP and the City of Highland Park shall have no liability or responsibility for any injuries or damage to persons or property upon execution of such redevelopment zone agreement, and that they shall be indemnified and held harmless by such neighborhood or community organization.

(5) May require that the neighborhood or community organization shall pay for, or reimburse, the NAP or the City of Highland Park for:

a. All costs and expenses incurred in acquiring such nuisance property, including any litigation costs; and

b. All outstanding property taxes related to such nuisance property; and

c. Costs and expenses for the removal of any existing liens or encumbrances on such nuisance properties, including, but not limited to water bills or other obligations of record; and

d. In the event that the NAP has made any efforts to, or incurred any costs in, abating the nuisance on any such property, all costs, expenses and fees related to such properties; and

e. Any other costs, fees or expenses related to such nuisance property; and

f. In the event that sale price exceeds all of the costs, expenses and fees listed or referred to in items a. through e. of this subsection (5), any such excess shall be reinvested into the NAP.

Sec. 90-5. - Conveyance of Acquired Property Outside of a Community Redevelopment Purchase Agreement.

Any property acquired through the NAP, but not covered under the terms and conditions of a community redevelopment purchase agreement may be conveyed, transferred or sold in the following manner:

(1) The NAP may offer and sell properties that have been acquired through the NAP by auction, multi-listing, any competitive or open sale process or any negotiated process, with City Council approval.

(2) The sale price of any NAP properties may include, at a minimum, the following:

a. All costs and expenses incurred in acquiring such nuisance property, including any litigation costs; and

b. All outstanding property taxes related to such nuisance property; and

c. Costs and expenses for the removal of any existing liens or encumbrances on such nuisance properties, including, but not limited to, water bills or other obligations of record; and

d. In the event that the NAP has made any efforts to, or incurred any costs in, abating the nuisance on any such property, all costs, expenses and fees related to such properties; and

e. Any other costs, fees or expenses related to such nuisance property; and

f. In the event that sale price exceeds all of the costs, expenses and fees listed or referred to in items a. through e. of this subsection (2), any such excess shall be reinvested into the NAP.

(3) In collecting the sale price for such properties, the NAP may:

a. Demand that the subsequent purchaser pay the entire sale price in a single disbursement; or

b. Agree to allow the subsequent purchaser to pay the sales price in installments.

Sec. 90-6. - NAP Reports to City Council.

The NAP shall provide bi-annual progress reports to the City Council, which progress reports shall include the following:

(1) A list of all current pending commercial and residential NAP lawsuits; and

(2) A status report of all current pending commercial and residential NAP lawsuits; and

(3) A status report of all commercial and residential NAP properties that are currently under contract for sale, transfer or conveyance.

Sec. 90-7. - Definitions.

"Abandoned" or "vacant" shall mean a residential or commercial property, including buildings, structures and lots, that is not occupied for a substantial time by the property owner or a legal tenant and is not a viable property because it:

- (1) Is unsuitable for habitation or reasonable use; or
- (2) Is in a dilapidated, hazardous, unsafe or dangerous condition; or
- (3) Is open to entrance or trespass.

"Community redevelopment organization" shall mean a community or neighborhood organization that exists in a geographic area or neighborhood and is designated by the Mayor with approval of the City Council and as a result of that designation as a community redevelopment organization may apply to the NAP for assistance to abate nuisance properties within its borders.

"Interested party" shall mean a mortgagor, mortgagee, assignee, lienholder, titleholder, land contract vendee or vendor, or any person(s) or business entity with a legal or equitable interest in properties designated as nuisances as set forth herein.

"Nuisance" shall mean an unsafe, hazardous or unsanitary condition, activity or situation that:

- (1) Interferes with the use or enjoyment of adjacent land; or
- (2) Injures or interferes with the adjacent land; or
- (3) Poses a significant danger to or adversely effects the public health, safety or welfare of the surrounding community.

Sec. 90-8. - Interpretation

Because the purpose of this chapter is to promote and protect the health, safety and general welfare of the City of Highland Park, it shall be liberally construed in order to effectuate that purpose.

Sec. 90-9. - Severability.

In the event that any section or provision of this chapter, or its application to any person or circumstance, is held invalid or unenforceable, the invalid or unenforceable section or provision shall be deemed severed and of no further force or effect, but the same shall not affect the validity of any other section or provision of this chapter.

Sec. 90-10. – Effective Date

This ordinance is declared necessary for the public health, safety and welfare of the people of the City of Highland Park and shall be considered effective fifteen (15) days after publication as required by law.

YEAS: 4 Clyburn, Patrick, Bates, Armstrong

NAYS: 1 Jackson

ABSENT: 0

Ordinance declared adopted on this 19th day of January, 20 21.

ATTEST:

Cidia Wicker-Brown

Deputy City Clerk, ~~City Clerk~~ ~~XXXX~~