



CITY COUNCIL REPORT

DATE: May 26, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Property Maintenance Issues Regarding Vacant Residential Properties

Background:

- In the discussion of the Farmington Abandoned Residential Property Registration Ordinance at a previous City Council meeting there was discussion of the existing tools that we have in the current Troy Property Maintenance Ordinance to address potential issues regarding vacant, possibly foreclosed, residential structures in Troy. One of the examples cited was the instance of standing water in the basement due to the lack of connection to utilities. The following outlines the options for enforcement under such a condition.
- A condition of standing water in the basement could result in a number of violations of the Troy Property Maintenance Code.
 - The property would be in violation of Section PM-303.2 which requires that the measures be taken to prevent the accumulation of stagnant water within a structure.
 - The property would be in violation of Section PM-305.1 which requires that the interior of a structure and equipment shall be maintained in good repair, structurally sound and sanitary condition.
 - If the condition resulted in damage or deterioration of the walls, there would be a violation of Section PM-305.3 which requires all interior surfaces to be maintained in a good, clean and sanitary condition.
 - If the condition resulted in a mosquito problem then there would be a violation of Section PM-307.1 of the Code which requires structures be kept free of insect infestations.
 - If the condition resulted in damage to the mechanical or electrical systems then the property would be in violation of Sections PM-603.1 and PM-605.1 that require mechanical and electrical systems, respectively, be maintained in proper working order.
- In enforcing the provisions of the Property Maintenance Code we have four options to follow for remedies:
 - Issue a notice of violation and give the owner an opportunity in a reasonable time frame to make the corrections.

- Issue a Municipal Civil Infraction ticket and impose a fine for the violation.
 - Do the work ourselves and charge the owner for the work.
 - Have the building declared a Dangerous Building and order its demolition.
- Under each of these options the building could be “posted” as not being fit for occupancy until the violations are corrected and inspections approved.
- Approximately 91% of our property maintenance violations in 2008 were resolved after notifying the owner of the violation and giving them appropriate time to correct the violations.
- Municipal Civil Infractions are subject to the monetary penalties of Chapter 100 of the Troy City Code. We have also found success with the courts in postponing sentencing on a violation to give the responsible party the opportunity to correct the violations prior to the determination of the fine. As well, the judge or magistrate has the authority to issue a court order to correct the violations or be subject to being further found guilty of contempt of court.
- Up to this point in time, the City of Troy has not attempted to go into the home repair business by fixing derelict structures and charging the owners for the repairs. We have, on occasion, cut grass and weeds, removed trash and debris, or boarded up an open structure to eliminate a violation and then invoiced an owner for the expenses.
- The other opportunity for enforcement, if the condition of the structure is of such a nature to qualify, is to declare the structure a dangerous building and order that the building be demolished under the provisions of Chapter 82-B of the City Code. There is a rigorous process of notice, as well as, opportunities for appeal of this determination outlined within the Chapter.