

## CHAPTER 48. PROPERTY MAINTENANCE STANDARDS

### Article III. Vacant Building Registration Program.

#### **Section 48-70. Purpose.**

The purpose of this article is to protect the public health, safety and welfare by establishing a program for identification and registration of vacant buildings and determining the responsibilities of owners of such structures.

#### **Section 48-71. Definitions.**

The definitions contained in Article I of this chapter apply herein. In addition, the following definitions shall apply in interpretation and enforcement of this Article.

Dangerous Structure means a structure that is potentially hazardous to persons or property, including, but not limited to: (a) a structure that is in danger of partial or complete collapse; (b) a structure with any exterior parts that are loose or in danger of falling; or (c) a structure with any parts, such as floors, porches, railings, ramps, balconies or roofs, that are accessible and that are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.

Secured by other than normal means refers to a building secured by means other than those used in the design of the building.

Unoccupied means a building, which is not being used for a legal occupancy.

Unsecured means a building or portion of a building that is open to entry by unauthorized persons without the use of tools.

Vacant building means a building or portion of a building that is:

- (a) Unoccupied and unsecured for five (5) days or more;
- (b) Unoccupied and secured by other than normal means for thirty (30) days or more;
- (c) Unoccupied and a dangerous structure;
- (d) Unoccupied and posted for no occupancy or unfit for human habitation;
- (e) Unoccupied and has a City code violations existing for thirty days or more; or
- (f) Condemned and illegally occupied;
- (g) Vacant building does not mean any building being constructed pursuant to a valid building permit issued pursuant to City building code regulations; or a vacant building that has no City code violations, is not posted for no occupancy or unfit for human habitation and is secured by normal means.

#### **Section 48-72. Vacant Building Registration.**

- (a) The owner of a vacant building shall register such structure with the City's property maintenance coordinator not later than thirty (30) days after said building becomes a vacant building, as defined in this article.
- (b) The registration shall be submitted on forms provided by the City. The completed form shall include the following:
  - 1. A description of the premises.
  - 2. The names and addresses of the owner or owners.
  - 3. The names and addresses of all lien known lien holders.

4. The period of time the building is expected to remain vacant.
  5. A plan and timetable for returning the building to appropriate occupancy and/or making the structure compliant with all City ordinances or for demolition of the building. The plan must be approved by the City Building Official or Property Maintenance Coordinator and shall require completion of the plan within a reasonable period of time not to exceed three hundred sixty five (365) days. Such plan shall include all conditions that are to be corrected, the estimated value of the project(s) required to complete the plan and a plan for continued care and upkeep of the property consistent with this chapter.
  6. Other information deemed necessary by the City to process the registration.
- (c) The owner shall comply with all applicable laws and codes and shall notify the City's property maintenance coordinator of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, such revisions must meet the approval of the City.
- (d) The owner and any subsequent owners shall keep the vacant building secured and safe and the building and grounds maintained until the rehabilitation or demolition has been completed. Residential vacant buildings shall not be used for storage.
- (e) Failure of the owner or any subsequent owner to maintain the vacant building and premises such that abatement by the City is required shall be grounds for revocation of the approved plan and the owner shall be subject to any applicable penalties provided by law.
- (f) Any new owner(s) shall register or re-register the vacant building with the City's property maintenance coordinator within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted to and meet the approval of the City.

**Section 48-73. Vacant Building Registration Fees.**

- (a) The owner(s) of a vacant building shall pay an annual registration fee as established by the City Council. This fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and the costs of the City in monitoring the vacant building site.
- (b) The first annual registration fee shall be paid no later than thirty (30) days after the building becomes vacant. Subsequent annual registration fees shall be due on the anniversary date of initial vacancy.
- (c) The registration fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

**Section 48-74. Posting of Registration.**

- (a) Proof of registration must be posted in public view within ten (10) days after receipt of the registration.
- (b) Failure to post proof of registration as provided in this section shall be considered a separate violation of this article.

**Section 48-75. Inspections.**

A vacant building owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with

the provisions of this chapter.

**Section 48-76. Hardship.**

In cases of hardship, any person aggrieved by the requirements of this Article may apply to the City Council for waiver of all or a portion of the applicable restrictions. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions of this Article and finds the waiver will not unduly affect the integrity of the purposes for which this Article is enacted.

**Section 48-77. Right to Appeal.**

Any person who believes that an order issued under this Article is based upon erroneous interpretation of this Article, or upon a misstatement or mistake of fact, such person may appeal the order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, and must be accompanied by a filing fee as determined by the City Council and be submitted to the City Manager within ten (10) business days after service of the order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such stay would cause an imminent peril to life, health or property.

**Section 48-78. Penalties.**

Any person violating any provision of this article or providing false information to the City shall be punished as provided in the penalties section of this Chapter.

**Sections 48-79 through 48-99. Reserved.**