VACANT BUILDING REGISTRATION ORDINANCE

DISCLAIMER

NO MUNICIPALITY SHOULD ADOPT THIS VERSION WITHOUT CONSULTING WITH ITS SOLICITOR

THIS IS SAMPLE ORDINANCE. IT HAS NOT BEEN APPROVED BY ANY ORGANIZATION.

§ __-1. Legislative intent; scope.

The (insert name of municipality) finds that the proliferation of vacant and abandoned buildings, structures and dwellings in (insert name of municipality), hereinafter "Municipality" causes a deterioration of communities and areas within the Municipality and has a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures and dwellings. Furthermore, the Municipality finds that vacant and abandoned buildings, structures and dwellings have caused a serious threat to the safety and welfare of the residents of the Municipality and have eroded the quality of life of all who live and work in the community. Abandoned and vacant buildings, structures and dwellings are places of infestation of rodents, vermin, insects, wild animals and other health-threatening creatures and diseases, provide shelter to criminals and vagrants who use such places to evade the police and to conduct illicit activities, and are an attractive nuisance to children and adults alike.

§ __-2. Definitions.

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

BOARDED BUILDING(S) AND STRUCTURE(S) — A building(s) or structure(s) with a sheet(s) of plywood, wood or similar material(s) in front or in place of one or more exterior doors, other than a storm door, or of one or more windows.

OCCUPIED BUILDING(S) OR STRUCTURE(S) — Any building(s) or structure(s) wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner(s)/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Municipal business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

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OWNER(S) — Any person, partnership, limited-liability company, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

VACANT BUILDING(S) OR STRUCTURE(S) — A building(s) or structure(s) where no person or persons actually currently conduct a business, or reside or live in any part of the building or structure as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, nontransient basis.

§ __-3. Annual registration of vacant buildings; registration fees.

A. Vacant building registration and fees.

(1) Any owner of any building which has been vacant for more than 120 consecutive days shall file with the Municipality a vacant building registration. Said registration shall be in a form prescribed by the Municipality which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, in accordance with Subsection A(1)(a) through (g) below, and any other information deemed necessary by the Municipality. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. The registration fee(s), as required herein, shall be billed annually by the Municipality and shall be paid by January 1 of each year. For purposes of this section, the following shall also be applicable:

(a) If the owner is a corporation, the names and addresses of one officer and director of the corporation shall be provided;

(b) If the owner is a limited-liability company, the name and address of the managing member shall be provided;

(c) If the owner is an estate, the name and business address of the executor or administrator of the estate shall be provided;

(d) If the owner is a trust, the name and address of a trustee, or grantor shall be provided;

(e) If the owner is a partnership, the names and addresses of all partners with an interest of 10% or greater shall be provided;

(f) If the owner is any other form of unincorporated association, the names and addresses of a principal with an interest of 10% or greater shall be provided;

(g) If the owner is an individual person, the name and address of that individual person shall be provided.

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(2) Local agent.

(a) If none of the persons listed in Subsection A(1)(a) through (g) above are within the County of Bucks, the registration statement also shall provide the name and address of a person, or responsible business property manager, who resides within the County and who is authorized to accept service of process on behalf of the owners.

(b) The registration statement shall designate a responsible, local party or agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare.

B. Fee.

(1) The owner(s) of the vacant property(ies) shall be responsible to register and pay the annual nonrefundable registration fee. Thereafter, said fee shall be billed by the Municipality annually.

(2) One vacant building registration may be filed to include all vacant buildings situated upon a single property of an owner so registering. The fee shall apply to the property upon which the buildings are situated. A separate fee need not be paid for each building upon a single property.

C. Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the (insert title of person hearing appeal) , upon filing an appeal in writing to the Municipality no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing proof that the building is occupied.

D. Waiver of registration fee. A waiver of the registration fee for up to 180 days may be granted by the (insert title of municipal official) upon application of the owner to the Municipality within 30 calendar days from the date of the bill for the registration fee, or if denied , upon appeal to (insert title of municipal official) , 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; and demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or

(2) Demonstrates he/she is actively attempting to sell or lease the property during the vacancy period; and

(3) Is current on all registration fees and all other financial obligations and/or debts owed to the Town which are associated with the vacant property.

E. Two-year waiver. Upon application by the owner and satisfaction of Subsection D above, the (insert title of municipal official) may grant a one-time, two-year waiver of the registration fee, or if denied by the said official, upon appeal to the (insert title of municipal official who will hear the appeal) , if the owner meets the criteria for nonprofit organizations.

F. Delinquent registration fees as a lien.

(1) After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Municipality.

(2) Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Municipality within 30 days of the occurrence of such changes and advise the Municipality in writing of those changes.

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(3) Exceptions. This section shall not apply to any building owned by the United States, the state, the county, nor to any of their respective agencies or political subdivisions.

§ __-4. Duty of Municipality to maintain and notify.

The Municipality shall notify the local police, fire and ambulance of all locations on the registry.

§ __-5. Penalties for offenses.

Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this chapter, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than $1,000 nor more than $15,000 for each failure to register, or for each failure to pay a required vacant building registration fee.

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