Chapter 108. BUILDINGS, VACANT

CHAPTER 108. BUILDINGS, VACANT
§ 108-1. Purpose; applicability; definitions.
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[HISTORY: Adopted by the Mayor and Council of the City of Harrington 6-20-2011 by Ord. No. 11-01. Editor's Note: This ordinance also repealed former Ch. 108, Buildings, Vacant, adopted 10-1-2007 by Ord. No. 07-11. Amendments noted where applicable.]

GENERAL REFERENCES

Addition of assessments to tax bills — See Charter § 12.4.
Building code — See Ch. 102, Art. II.
Property maintenance — See Ch. 305.

§ 108-1. Purpose; applicability; definitions.

A. Purpose. The purpose and intent of this chapter is to establish a registration and identification program of vacant buildings within the City. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The chapter is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the City. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the City, as is the general community character in which these vacant buildings are located.

B. Applicability. The provisions of this chapter shall apply to all matters affecting or relating to vacant buildings. Where, in this Code, different sections of this Code may specify different requirements, the most restrictive shall govern.

C. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

ACTIVEFOR SALE OR LEASE
The building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Harrington; it is being offered for sale or lease at a cost of no more than 25% over market rate as determined by the City; and the building is in reasonable condition for sale or lease, including, but not limited to, no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

CORPORATE OR PARTNERSHIP OWNERS
Any corporation, partnership or artificial entity owning a vacant building shall have a designated member, partner, or employee having charge, care and control of the vacant
building. The designated member, partner or employee shall reside in or have an office located within 25 miles of the City limits of the City, or shall be required to have a licensed property manager residing or having an office located within 25 miles of the City limits of the City, or other designated individual who does not manage any other real estate for a fee, and who resides within 25 miles of the City limits of the City, acting as a property manager. The property manager or other designated individuals shall have charge, care and control of the vacant building and shall provide access to the vacant building for inspection, upon request by the Code Enforcement Inspector, within 30 days.

PROPERTY MANAGER

Any owner of a vacant building residing more than 25 miles from the City limits of the City shall be required to have a licensed property manager residing or having an office located within 25 miles of the City limits of the City, or a family member or other designated individual who does not manage any other real estate for a fee and who resides within 25 miles of the City limits of the City, acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the Code Enforcement Inspector, within 30 days.

VACANT BUILDING

A building, structure, residential structure or a dwelling unit or commercial unit within a building that has been left unoccupied or unattended for three months or more. A building is considered unoccupied or unattended when it is no longer being used for the accustomed and ordinary purpose of the building.

§ 108-2. Registration; fee.

A. Registration of building. There are two ways to register the building as vacant.

(1) The owner shall register with the City not later than 30 days after any building in the City becomes vacant, as defined by § 108-1.

(a) The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any information changes the owner is responsible for informing the City of those changes in a timely manner.

(2) The Building Inspector or his designee shall investigate any property that may be subject to registration. Based upon his findings, the Code Enforcement Inspector may register the property as a vacant building subject to this chapter.

(a) Notice of registration. Within five business days of such registration, the licensing and permitting office shall notify the owners of the registered property by certified mail at their last known address according to the records of the City and Kent County. Within 30 days, the owner shall provide the information required by Subsection A(1) of this section.

(b) Registration fee.

[1] The annual registration administrative fee shall be paid at the time of registration. If the Building Inspector registers the building as vacant, the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then
be due by the last business day of July every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this chapter.

[2] The annual registration administrative fee is provided for in Chapter 180, Fees, Municipal.


A. The following are exempt from the registration: If the building has fire damage, the owner has 90 days following the fire to apply for a permit to start construction or demolition or it will be determined a vacant property.

B. The following properties shall be registered as vacant and are subject to the annual registration administrative fee and annual inspection fee, but they are exempt from the vacant building fee if the property is current with all applicable utility accounts and City fees and the property is in compliance with all City property maintenance and building codes:

(1) The building is actively being offered for sale or lease for a maximum period of three years. After such time this chapter will be in effect. The owner shall have the burden of proving such activity. See definition under § 108-1C.

(2) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.

(3) The property is in probate or the owner has entered a long-term-care facility within six months of the building being vacant.

(4) The property is currently undergoing environmental cleanup or assessment.

(5) The property has an active City review application for development and/or redevelopment.


A. The Building Inspector shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon request of the Building Inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

B. Once a building/structure/unit or residence (hereon after referred to as "building") is registered as a vacant building, the vacant building shall be inspected annually and charged an inspection fee as stated in Chapter 180, Fees, Municipal, for as long as it is considered vacant.

C. The vacant building shall be secured; however, the windows and other entrances shall not be boarded or made opaque.

D. The property owner may apply in writing for utility disconnection rates as stated in Chapter 180, Fees, Municipal and further defined in Chapter 399, Utility Services, Payment for. All registered vacant buildings must have the water meters read quarterly to ensure services are not being provided.
§ 108-5. Violations and penalties.

A. If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this chapter.

B. A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the City, and the same may be turned over to the City Solicitor for collection.

C. The fee will be added to the parcel's tax bill.

D. The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the City.

§ 108-6. Appeals.

A. An appeal of the Code Enforcement Inspector's decision must be made in writing and received by the Clerk of Council within 30 days of the decision. The appeal would be heard by the City Council.

B. An appeal of the twenty-five-percent-over-market rate (from the "actively for sale or lease" definition) can be considered through an appraisal using accepted appraisal standards to determine market rate.