

**CITY OF HARRINGTON
ORDINANCE NO. 14-05**

**AN ORDINANCE AMENDING CHAPTER 108, VACANT BUILDINGS, OF THE
CODE OF THE CITY OF HARRINGTON TO UPDATE REQUIREMENTS**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
HARRINGTON IN COUNCIL MET:

Section 1. That § 108-1 shall be amended by deleting the existing title and substituting in lieu thereof the following:

§ 108-1. Purpose; applicability.

Section 2. That § 108-1 B shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

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. A vacant building is defined as a building, structure or 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 and/or is no longer connected to utilities or maintained according to the property maintenance code.

Section 3. That § 108-1 shall be amended by deleting § 108-1 C.

Section 4. That § 108-2 A (2) shall be amended by deleting the term "Building Inspector" and substituting in lieu thereof the term "Code Enforcement Officer."

Section 5. That § 108-2 A (2) (b) shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

(b) Registration fee.

[1] The registration administrative fee shall be paid at the time of registration. If the Code Enforcement Officer registers the building as vacant, the fee shall be due not later than 30 days after the building is registered as vacant. The registration fee includes the inspection for the first year.

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

Section 6. That Chapter 108 shall be amended by deleting § 108-3 and renumbering the remaining sections in the chapter.

Section 7. That § 108-4 A shall be amended by deleting the term “Building Inspector” and substituting in lieu thereof the term “Code Enforcement Officer.”

Section 8. That § 108-4 B shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- 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 as deemed necessary by the Code Enforcement Officer and charged an inspection fee as stated in Chapter 180, Municipal Fees, for as long as it is vacant.

Section 9. That § 108-4 C shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- C. The vacant building shall be secured.

Section 10. That § 108-4 shall be amended by adding the following subsections:

- E. 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 50 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 50 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 50 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 Officer, within 30 days.
- F. Any owner of a vacant building residing more than 50 miles from the City limits of the City shall be required to have a licensed property manager residing or having an office located within 50 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 50 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 Officer, within 30 days.

Section 11. That § 108-5 A shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- A. If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this chapter. The owner shall be assessed a fine as set forth in Chapter 180, Municipal Fees, for each month the property remains vacant and unregistered.

Section 12. That § 108-5 B shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- B. Any fines imposed pursuant to this article which remain unpaid shall be placed by the City as specified in the municipal lien docket as a lien against the property on which the violation occurred, and the City Solicitor shall be directed to enforce the lien or to collect the charges imposed by the City by any other means he may deem desirable and most advantageous.

Section 13. That § 108-5 D shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- D. All fees and fines 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.

Section 14. That § 108-6 shall be amended by deleting the existing section and substituting in lieu thereof the following:

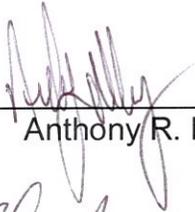
§ 108-5. Appeals.

An appeal of the Code Enforcement Officer'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.

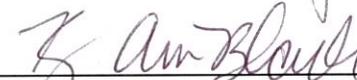
Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.



Anthony R. Moyer, Mayor

Attest: 

Kelly Blanchies, Clerk of Council

Date of Adoption: June 16, 2014

SYNOPSIS

This Ordinance amends Chapter 108 to delete definitions, charge the Code Enforcement Officer with inspections, change the annual registration to one time registration, delete exemptions, require a designated person to have charge of the vacant building, and adding a fine for violating the chapter.

First Reading: June 2, 2014

Public Hearing: June 16, 2014

Second Reading: June 16, 2014