

ORDINANCE NO. _____

Town Commissioners
Town of Halifax, North Carolina

Date:

AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF HALIFAX, NORTH CAROLINA
AMENDING THE
TOWN CODE, *ZONING ORDINANCE*
OF THE
TOWN OF HALIFAX, NORTH CAROLINA
TO ADD A NEW ARTICLE VII; *VACANT PROPERTY REGISTRY AND MAINTENANCE
REQUIREMENTS*

The Town Commissioners of the Town of Halifax, North Carolina, doth ordain:

1. That Chapter 27; *Zoning* of the Code of Ordinances, Town of Halifax, North Carolina is amended by adding a new Article VII; *Vacant Property Registry and Maintenance Requirements*. This new Section is to read as follows:

Article VII Vacant Property Registry and
Maintenance Requirements

Section

- 7-1 Intent and Scope
- 7-2 Definitions
- 7-3 Registration
- 7-4 Fees
- 7-5 Maintenance Requirements
- 7-6 Security Requirements
- 7-7 Requirement to Hire Local Property Management Company
for Out-of-Area Owners
- 7-8 Inspections
- 7-9 Enforcement; Violations; and Penalties
- 7-10 Appeals
- 7-11 Severability
- 7-12 Preemption

§7-1 Intent and Scope It is the purpose and intent of the Halifax Town Board, through the adoption of this *Article VII Vacant Property Registry and Maintenance Requirements*, to establish a vacant property registration and maintenance ordinance as a mechanism to preserve the historic integrity of Halifax's Historic District and to protect the Town's commercial districts from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties. Additionally the Town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The Town finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Article shall apply to all properties in the CBD Central Business District, O & I Office and Institutional and NC Neighborhood Business District of the Town of Halifax.

§7-2 Definitions For the purposes of this Article, certain words and phrases used in this Article are defined as follows:

"Days" means consecutive calendar days.

"Evidence of Vacancy" means any aesthetic or structural condition that on its own or combined with other conditions present would lead a reasonable person to believe that the Property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or, accumulation of trash, junk or debris, statements by neighbors, government employees that the Property is vacant.

"Government Agency" means any public body having authority over the Property and residents of the Town, including but not limited to the Town of Halifax, Halifax County, Halifax Fire and Rescue Incorporated, and Halifax County Sheriff's Office

"Government Official" means any public official representing a public body which has authority over the Property and residents of the Town, including but not limited to the Town Clerk, County Building Inspector, Code Enforcement Officer, County Fire Marshall, Fire Chief and Mayor.

"Local" means located within forty (40) roads or driving miles distance of the subject Property.

“Non-residential Property” means any real property used or intended to be used for anything other than residential property as defined herein.

“Out of Area” means located in excess of forty (40) road or driving miles distance away from the subject Property.

“Owner” means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property. No trustee in any Deed of Trust shall be considered an owner.

“Owner of Record” is the person or entity listed on recorded deed, probated will or heir by intestacy.

“Property” means any unimproved or improved real property or portion thereof, situated in the Town and includes the buildings or structures located on the Property regardless of condition.

“Residential Property” means a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, multiple dwellings, mobile homes, house trailers, boarding and lodging houses, apartment houses, and apartment hotels.

“Town” means the Town of Halifax corporate limits and it’s Extra Territorial Jurisdiction.

“Utilities” means water, sewer, telephone, natural and propane gas, and electricity services.

“Vacant” means a Property that has not been legally occupied or utilized for thirty days. Legally occupied means occupancy by the owner or any business or individual whose presence therein is with the consent of the owner.

§7-3 Registration Required

(A) Any vacant commercial property located within the Town’s CBD Central Business District, O & I Office and Institutional and NC Neighborhood Business District must be registered by the Owner with the Town Clerk, either (1) of the Owner of a Vacant Property’s own accord before receiving a Notice of Registration Requirement, or (2) within 30 days of receiving a Notice of Registration Requirement from the Town.

- (B) The Town will send a Notice of Registration Requirement to the Owner of Record of Properties that exhibit Evidence of Vacancy. Owner shall register Property within the time period set forth in Section 7-3(A) of this Article unless Owner can provide clear and convincing evidence to the Town Clerk, within such time period, that the Property is not Vacant.
- (C) The Registration shall contain:
- (1) The name of the Owner (corporation or individual),
 - (2) The direct street/office mailing address of the Owner and P.O. Box if applicable,
 - (3) A direct contact name and phone number,
 - (4) The name, address and telephone number of any local property management company hired by the Owner to meet the Maintenance requirements of this Article if Owner's principal residence is not local.
- (D) Any changes in the information in (C) (1) - (C) (4) of this Section shall be reported to the Town within thirty (30) days of such changes.
- (E) Registration must be renewed annually.
- (F) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this Article as long as they remain Vacant.
- (G) Once the Property is no longer Vacant or is sold, the owner must provide written proof of occupancy or sale to the Town Clerk.

§7-4 Fees

- (A) The fee for registering a Vacant Property shall be \$15 annually, beginning on July 1. Fees will not be prorated.
- (B) Registration fee may be waived by the Town Council if Owner can demonstrate with clear and convincing evidence (1) that the Property has been sold, or (2) that the Property will be occupied within 30 days from the date of Notice of Registration Requirement.

§7-5 Maintenance Requirements

Properties subject to this Article shall be maintained so as to exhibit no evidence of vacancy and to meet the following requirements:

- (A) The exteriors of building(s)/structure(s) on the Property shall be painted and maintained in a way that does not exhibit any Evidence of Vacancy.
- (B) The yard(s) of the Property shall be maintained in a way that does not provide Evidence of Vacancy.
- (C) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide Evidence of Vacancy.
- (D) The window(s) and door(s) of building(s)/structure(s) of the property at ground level shall be intact and operable and shall be maintained in a way that does not provide Evidence of Vacancy and shall not be boarded up.
- (E) Instances of rotting of building(s)/structure(s) located on the Property or portion thereof shall be corrected in order to eliminate Evidence of Vacancy so that no visible rotting, with the exterior painted and kept in good aesthetic condition.
- (F) The storefronts and facades of buildings shall be maintained in a way that does not provide Evidence of Vacancy.
- (G) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

§7-6 Security Requirements.

Vacant properties subject to this Article shall comply with the following security requirements.

- (A) The Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walk-through, sliding, and garage), gates, pet doors, and any other such opening of such size that it may allow a child to access the interior of the Property or structure(s).
- (B) Broken windows shall be replaced and/or re-glazed; windows and doors at street level shall not be boarded up.

§7-7 Requirement to Hire Local Property Management Company for Out-of-Area Owners.

- (A) If the Property Owner's principal residence is not local, then a Local property management company shall be contracted to fulfill the maintenance and security requirements of this Article, set forth in Sections 7-5 and 7-6, fulfill the registration required set forth in Section 7-3 and any other applicable laws.
- (B) The requirement set forth in part (A) of this section may be waived by the Town Board for owners who (1) reliably demonstrate an ability to maintain the property and (2) have not received any citations for maintenance violations in the previous quarter.

§7-8 Inspections.

The Town shall have the authority and the duty to inspect properties subject to this Article for compliance and to issue citations for any violations. The Town shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this Article is enforced.

2

§7-9 Enforcement; Violations; and Penalties.

- (A) It shall be unlawful for any Owner to be in violation of any of the provisions of this Article.
- (B) Any person who violates a provision of this Article or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in this Article.
- (C) The imposition of one penalty for any violation shall not excuse the violation, or authorize its continuance.
- (D) All such persons shall be required to submit an acceptable plan of action to the Town Clerk within 10 business days of notification. This plan of action must include, but is not limited to, a description of the work to be done, by whom and a specific schedule. Plans shall be reviewed by the Town Board and execution of the plan or physical work is to commence within 15 days of Board approval. When not otherwise specified, failure to meet any stated condition within 10 days of required action shall constitute a separate offense.
- (E) Penalties for failure to comply:
- (1) Initial Registration. Failure to initially register with the Town within the time frame required is punishable by a civil penalty of \$50.
 - (2) Changes to Registration. Failure to report changes to registration information within time frame required is punishable by a civil penalty of \$50.
 - (3) Annual Registration. Failure to register annually is punishable by a civil penalty of \$50.
 - (4) Maintenance and Security Requirements. Failure to meet the maintenance and security requirements is punishable by a civil penalty of \$500.
 - (5) Failure to submit plan. Failure to submit plan of corrective action is a violation punishable by a civil penalty of \$50.

- (6) Failure to implement plan. Failure to implement plan within 15 days of approval or complete it in a timely manner is a violation punishable by a civil penalty of \$500.

§7-10 Appeals.

Any person aggrieved by any of the requirements of this Article may present an appeal in writing to the Town Board.

§7-11 Severability.

Should any provision, section, paragraph, sentence or word of this Article be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Article shall remain in full force and effect.

§7-12 Preemption.

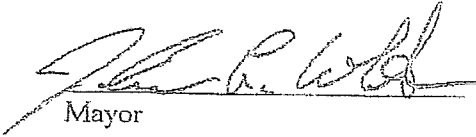
Except as specifically preempted by N.C.N.C.G.S. §160A-441, et. seq. 160A-439 or town ordinances promulgated pursuant to N.C.N.C.G.S. §160A-439, et. seq., this Article shall apply to all Vacant Properties in CBD Central Business District, O & I Office and Institutional District and NC Neighborhood Business District in the Town of Halifax.

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

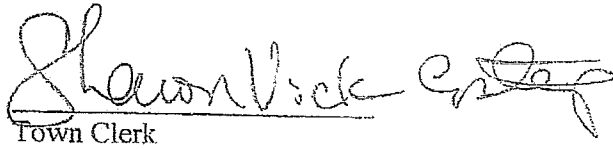
3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Halifax, North Carolina, and shall be in full force and effect from and after its adoption.

This Ordinance adopted this 6 day of January 2014


Mayor

ATTEST:


Town Clerk

(SEAL)

APPROVED AS TO FORM:

Town Attorney