

Article III. Vacant Buildings and Blighted Properties

Sec. 6-11. Declaration of policy

Sec. 6-12. Definitions

Sec. 6-13. Prohibition against creating or maintaining blighted properties

Sec. 6-14. Prohibited lease provisions

Sec. 6-15. Enforcement

Sec. 6-16. Penalty

Sec. 6-11. Declaration Of Policy.

(A) The board of commissioners finds that there exists within the town a large number of real properties containing vacant buildings that are poorly maintained.

(B) It is further found that these poorly maintained vacant buildings are a major cause and source of blight in residential and nonresidential areas.

(C) It is further found that the existence of vacant and blighted buildings adversely affects the economic well-being of the town, and is inimical to the health, safety and welfare of town citizens, thereby constituting a nuisance dangerous or prejudicial to the public health or public safety.

(D) It is further found that many vacant and blighted buildings can be rehabilitated and used to provide decent, safe facilities for the use(s) in which the buildings were originally constructed, and their rehabilitation and reuse would eliminate, remedy and prevent the adverse conditions described.

(E) It is further found that the abatement of vacant and blighted buildings is a benefit to the health, safety and welfare of the citizens of the town.

Sec. 6-12. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLIGHTED PROPERTY. Any vacant building, or any vacant portion of a building that is a separate unit, where it has been determined by the town that the building is neglected or otherwise poorly maintained. The following factors may be considered in determining whether a building is poorly maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floors; siding that is seriously damaged or missing; faulty or damaged foundation or other structural components; or the exterior of the building fails to meet the standards set forth below.

(1) The exterior and all areas exposed to public view shall be kept free from deterioration and shall be in good state of repair. The surrounding property shall be maintained so that the building and property reflect a reasonable level of maintenance in keeping with the standards of the community and does not constitute a blighting factor for town citizens.

(2) The maintenance of the building exterior and property shall include, without limitation, the following.

(a) All building surfaces shall be maintained free of broken glass, crumbling stone or brick, peeling paint or other finish material utilized to prevent deterioration of materials susceptible to decay, graffiti or other conditions that reflect overall deterioration or inadequate maintenance.

(b) The maintenance and appearance of the grounds and yards of premises shall be such that they reflect the level of upkeep of surrounding properties. This shall include, but not be limited to, dead or severely overgrown trees and shrubs, overgrown grass, dilapidated or abandoned materials or equipment, deteriorating sidewalks, parking areas and other site improvements.

VACANT BUILDING. Any building, or a portion thereof, that is without a resident or occupant or that has not been put to a lawful use for a period of 60 days or longer.

Sec. 6-13. Prohibition Against Creating Or Maintaining Blighted Properties.

Any owner of real property in the town shall not cause or allow blighted properties to be created, nor shall any owner allow the continued existence of blighted properties.

Penalty, see Sec. 6-16.

Sec. 6-14. Prohibited Lease Provisions.

(A) Any lease provision contained in any lease or other instrument, entered after the effective date of this chapter, that prevents or seeks to prevent a landlord from immediately terminating the lease when the tenant has vacated the leased premises, is hereby declared to be against public policy and null and void, irrespective of the tenant's willingness to continue to pay monthly rent following vacation of the premises.

(B) Any lease provision contained in any lease or other instrument, entered after the effective date of this chapter, that prevents, seeks to prevent or limits a landlord from leasing the premises to any other person or entity after termination of the tenant's tenancy, is hereby declared to be against public policy and null and void.

Penalty, see Sec. 6-16.

Sec. 6-15. Enforcement.

(A) (1) The code enforcement officer, or his or her designee, shall perform periodic inspections, subject to board of commissioners' directions, for vacant buildings within the town's planning jurisdiction that may constitute a violation of this chapter.

(2) In exercising this power and upon presentation of proper credentials, a code enforcement officer shall have a right to enter on any premises at all reasonable hours for the purposes of inspection.

(B) When a code enforcement officer finds a blighted property in violation of this chapter, it shall be his or her duty to issue and cause to be served upon the property owner a complaint, stating the conditions present that have resulted in this action, and containing a notice that a hearing will be held before the code enforcement officer in the Town Hall, not less than ten days nor more than 30 days after serving the complaint.

(1) Complaints shall be served upon owners either personally or by certified mail, return receipt requested.

(2) The failure of the property owner to accept or claim a complaint sent by certified mail shall not prevent further action under this section, but will be presumed to have been received three days after the complaint is deposited in the United States mail.

(3) The hearing shall provide the owner a right to file an answer to the complaint, and to appear in person to give testimony, at the place and time fixed in the complaint.

(C) If, after the notice and hearing, the code enforcement officer determines that a vacant building constitutes a blighted property in violation of this chapter, he or she shall state his or her findings in a written notice of violation.

(1) The notice shall be served upon owners either personally or by certified mail, return receipt requested, and contain a written order to cause the property to be repaired, improved or demolished as necessary to abate the violation within a specified time period, not to exceed 60 days.

(2) The failure of the property owner to accept or claim a notice of violation sent by certified mail shall not prevent further action under this section, but will be presumed to have been received three days after the notice is deposited in the United States mail.

(D) Any owner who is aggrieved with a code enforcement officer's decision may file an appeal to the board of commissioners, by giving notice of appeal in writing to the code enforcement officer and to the Town Clerk within ten days following the issuance of the notice of violation.

(1) The board of commissioners shall hear and render a decision in an appeal within a reasonable time period.

(2) The board of commissioners may affirm, modify and affirm, or revoke the order.

(E) It shall be unlawful for the owner of any building to fail, neglect, or refuse to repair, improve or demolish blighted properties upon order of the town official duly made and served, as herein provided, within the time period specified in the notice of violation.

Penalty, see Sec. 6-16.

Sec. 6-16. Penalty.

(A) Any act constituting a violation of this chapter shall subject the offender to a civil penalty in the amount of \$100.

(B) Each day that the violation continues shall constitute separate violation of this chapter.

(C) If the offender fails to pay the penalty, the penalty, along with court costs and attorney's fees incurred by the town, may be recovered by the town in a civil action in the nature of a debt.

(D) (1) This chapter may also be enforced by any civil action instituted by the town to prevent, restrain, correct or abate a violation of this chapter.

(2) If the action is taken by the town, the town shall be entitled to recover all expenses incurred, including court costs and attorney's fees.