

## CHAPTER 7: VACANT COMMERCIAL PROPERTY REGISTRATION

**§7.01 Intent and Scope** It is the purpose and intent of the Spring Hope Town Board of Commissioners, through the adoption of this Chapter, to establish a vacant property registration ordinance as a mechanism to preserve the historic integrity of Spring Hope'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 Chapter shall apply to all properties in the CB, GB, LI, and HI Business districts of the Town of Spring Hope.

**§7.02 Definitions** For the purposes of this Chapter, certain words and phrases used in this Chapter are defined as follows:

**"Days"** means consecutive calendar days.

**"Evidence of Vacancy"** means any aesthetic 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 disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds, or shutters, the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, passersby, delivery agents, 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 Spring Hope, Nash County, Spring Hope Police Department, Spring Hope Volunteer Fire Department, Nash 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 Manager, County Building Inspector, Town Police Chief, County Fire Marshall, and Fire Chief or their designated representatives.

**"Historic District"** means the state-designated Spring Hope Historic District, as listed  
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in the National Register of Historic Places and/or defined in the ordinances establishing the Spring Hope Historic District Commission.

**“Local”** means located within forty (40) road 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 Spring Hope corporate limits and its 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 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.

### **§7.03 Registration Required**

Any vacant commercial property located within the Town’s CB, GB, LI and HI districts must be registered by the Owner with the Town Manager, 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.

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  
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time period set forth in Section 3(a) of this Chapter unless Owner can provide clear and convincing evidence to the Town Manager, within such time period, that the Property is not Vacant.

The Registration shall contain:

- the name of the Owner (corporation or individual), the direct street/office mailing address of the Owner and P.O. Box if applicable, a direct contact name and phone number,
- the name, address and telephone number of any local property management company hired by the Owner to meet the Maintenance requirements of this Chapter if Owner's principal residence is not Local.
- Any changes in the information required within this Section shall be reported to the Town within thirty (30) days of such changes.
- Registration must be renewed annually.
- Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this Chapter as long as they remain Vacant.
- Once the Property is no longer Vacant or is sold, the owner must provide written proof of occupancy or sale to the Town Manager.

### **§7.04 Fees**

(A) The fee for registering a Vacant Property shall be established annually, beginning on July 1 of the calendar year. Fees will not be prorated or refunded.

(B) Registration fee may be waived by the Town Board if Owner can demonstrate with clear and convincing evidence, e.g. executed lease (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.

### **§7.05 Maintenance Requirements**

Properties subject to this Chapter shall be kept in compliance with the following maintenance 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.

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(D) The window(s) and door(s) of building(s)/structure(s) of the property shall be intact and operable and shall be maintained in a way that does not provide Evidence of Vacancy.

(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 Property shall be maintained so as to exhibit no Evidence of Vacancy.

(G) The storefronts and facades of buildings shall be maintained in a way that does not provide Evidence of Vacancy.

(H) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

### **§7.06 Security Requirements.**

Vacant properties subject to this Chapter 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 at street level shall not be boarded up.

### **§7.07 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 Chapter, set forth in Sections 5 and 6, and any other applicable laws.

(B) The Property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain along with the name and 24- hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed in the interior of a window facing the street to the front of the Property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the Property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the

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posting in a location that is visible from the street to the front of the Property but not readily accessible to vandals. The exterior posting must be constructed of and printed with weather resistant materials.

(C) 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.

(D) Owner may appeal this requirement to the Town Board of Commissioners which may excuse Owner from compliance if Owner can present the ability to meet the requirements of this Chapter without hiring a local property management company.

### **§7.08           Inspections.**

The Town shall have the authority and the duty to inspect properties subject to this Chapter 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 Chapter is enforced.

### **§7.09           Enforcement; Violations; and Penalties.**

(A) It shall be unlawful for any Owner to be in violation of any of the provisions of this Chapter.

(B) Any person who violates a provision of this Chapter 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 Chapter.

(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 Manager 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 Board of Commissioners and 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:

It shall be unlawful for any owner to be in violation of any of the provisions of this

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subchapter. Any person who violates a provision of this subchapter 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 subject to a civil penalty in the amount of \$100 per day with each day constituting a separate and distinct offense.

### **§7.10 Appeals.**

Any person aggrieved by any of the requirements of this Chapter may present a written appeal to the Board of Adjustment.

### **§7.11 Severability.**

Should any provision, section, paragraph, sentence or word of this Chapter 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 chapter shall remain in full force and effect.

### **§7.12 Preemption.**

Except as specifically preempted by the *exercise of police powers*, this ordinance authorized as to *repair, closing, and demolition of nonresidential buildings or structures* or town ordinances promulgated pursuant to NCGS. §160A-439, et. seq., this Chapter shall apply to all Vacant Properties in the CB, GB, LI, and HI zoning districts in the Town of Spring Hope.