

ORDINANCE REQUIRING THE REGISTRATION OF VACANT BUILDINGS IN THE CITY OF LAURENS

WHEREAS, the City in order to protect the general health, safety and welfare of its citizens deems it appropriate to enact a Vacant Building Registration Ordinance; and

WHEREAS, said Ordinance establishes a program for identification and registration of vacant buildings; and

WHEREAS, said Ordinance shall specify the responsibilities of the owners of vacant buildings/structures; and

WHEREAS, said Ordinance shall provide for administration, enforcement, and penalties in reference to same; and

WHEREAS, the City executes this ordinance pursuant to South Carolina Code Ann. §5-7-260(6).

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the City of Laurens, South Carolina: the City's Building and Zoning Regulations, Chapter 12 is supplemented as follows:

Section 1. The following Article, **ARTICLE VIII - VACANT BUILDING REGISTRATION**, is added to Chapter 12 of the Code of Ordinances for the City of Laurens as follows:

Sec. 12-220 Definitions

Unless otherwise stated, the following terms shall, for the purpose of this Article have the meanings shown in this Section. Where terms are not defined by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

Agent means an individual and/or entity for the purpose of accepting legal service.

Certificate of Insurance means a memorandum copy, complete or abbreviated, of an insurance contract with a current effective date and issued by a domestic insurer who is duly licensed by the South Carolina Director of the Department of Insurance or his designee.

Citation/ code enforcement official means the City's Building Inspector, or his/her designee or an official so designated by the Planning and Development Department.

City means City of Laurens, South Carolina.

City Administrator means the head of the administrative branch of the City and includes his or her designee.

City Board of Appeals means the City of Laurens Board of Zoning Appeals.

Code violation means violation of any code adopted and/or enforced by the city, which may include but not be limited to the City of Laurens Code of Ordinances or the International Property Maintenance Code.

Courtesy registration means notification by mail, phone, fax, or email to the Planning and Development Department notifying them of an extended vacancy of 120 days or more of a primary residence for work, vacation, military, or a medical reason.

Department means the Planning and Development Department, a division of the Building and Zoning Department.

Government Entity means an agency of the City, State or Federal Government.

Non-residential structure means any building designed for occupancy for office, commercial, industrial, three or more residential units, or a combination thereof.

Off duty police officer means a police officer employed by the City; a certified Laurens County Deputy Sheriff; or a certified South Carolina Highway Patrolman.

Owner means any person, firm, or corporation having legal title to the property as recorded in the Office of Clerk of Court for Laurens County, South Carolina.

Private security detail means an entity that has, for its primary purpose, the providing of security forces for the benefit of its customer(s) and is licensed by SLED and bonded by an insurance company with a certificate of insurance.

Property means a lot, plot, premises, or parcel of land, including the buildings or structures and all improvements thereon.

Registration means the registration/listing of vacant buildings as provided in this Article.

Residential structure means a building designed for occupancy as a single-family or multi-family dwelling.

Responsible local representative means a person designated by the property owner as the agent responsible for operating such property in compliance with the Ordinances adopted by the City and this designated individual has his/her place of residence or business within 45 miles of the municipal limits of City.

Responsible party means any owner, occupant, agent, manager, operator, and/or management company of a building, dwelling, structure and/or lot.

Secure means a building or portion of a building that is closed or locked for entry by normal means other than boarding.

Security services means either a law enforcement security detail or a private security detail.

Unoccupied means a building that is not being used for legal occupancy and/or other legal uses.

Unsecured means a building or portion of a building which is open to entry/access by unauthorized persons without the use of tools or ladders.

Vacant building means any structure built for occupancy of residential, commercial, or industrial uses that is unoccupied.

Vacant building categorical classifications for vacant buildings, to include a portion of a building are as follows:

- (1) Category I: No current code violations as to the structure(s) and/or the premises.
 - a. The building is secure, not boarded.
 - b. The building is structurally sound with no code violations.
 - c. The property is maintained to minimal code by the owner or responsible party.
- (2) Category II: Minimal code violations.
 - a. The building is boarded and secure.
 - b. The building is structurally sound with minor code violations.
 - c. The property and/or structure is not regularly maintained.
- (3) Category III: Severe code violations.
 - a. The building is boarded or needs to be boarded.
 - b. Structural deficiencies are evident.
 - c. History of criminal activity at the address.
 - d. Structure is unfit for occupancy.
 - e. The property and/or building is not maintained.

Section 12-221 Registration of vacant buildings.

- (1) Except as provided in Sub-Section (2) below, all vacant buildings shall be registered with the Department within 120 days of becoming vacant as defined above. Registration is valid for 12 months and must be renewed annually from the date the building became vacant.
- (2) Exemptions from registration:
 - a. Residential structures that are used as residential rentals and have active residential rental permits in accordance with Section 278, Article 10, Chapter 12.
 - b. Office, industrial, and/or general commercial use buildings actively for sale or lease with a licensed real estate broker or managed by a licensed property management company.
 - c. Structures that have multiple units in which at least one unit is occupied.
 - d. Accessory structures not designed for occupancy; and/or
 - e. Buildings that serve as a primary residence in which the owner is away for an extended period of time for work, vacation, military, or medical reasons. Building and property must be maintained to minimum code. Requires a

courtesy registration.

- (3) If the building is vacant at the expiration of any registration period, the owner shall re-register such building and pay the annual registration and inspection fees.
- (4) The owner registering a vacant building shall supply the following information on an authorized form provided by the Department:
 - a. Name, address, and telephone number of the owner;
 - b. Name, address, and telephone number of the responsible party, if other than the owner;
 - c. Name, address, and telephone number of any local agent or representative of the owner, required if the owner's residence or business address is more than 45 miles from the municipal limits of the City;
 - d. Laurens County Tax Map parcel identification number;
 - e. The common address of the building; and
 - f. Vacant building plan in accordance with Section 12-222 of the within Article.
- (5) Following the registration of a vacant building, the code enforcement official shall conduct an inspection of the property and premises to determine any code violations and to verify the vacant building's category with a written report to the owner citing the building's condition and the assigned vacant building's category.
- (6) All vacant buildings must remain secure and/or boarded in accordance with Section 12-251 et seq. Article IX Chapter 12.
- (7) Upon request by the code official, the owner shall post "No Trespass" placards on the property. Employment of a security force for a specified number of hours each day as required by the police chief or his/her designee based on property's history of code and/or criminal violations.
- (8) Vacant building owners must designate an agent if the owner's place of residence or business is more than 45 miles from the municipal limits of the City. The agent shall act on behalf of the owner for the purposes of accepting legal service; however, owner remains personally liable for code violations to include criminal prosecutions. The owner and/or agent must be reasonably available to the Department by means of telephone, text and/or email.

Section 12-222 Establishment of a vacant building plan.

- (1) When a building is registered as required by Section 12-221 of this Article, the owner shall submit, or caused to be submitted, a vacant building plan on a form provided by the Department for approval. The plan shall contain the following:
 - a. A plan to make the building ready for occupancy with sufficient detail regarding the proposed repair and/or rehabilitation of the building to enable the code enforcement official to determine the adequacy of such plan;
 - b. A written consent by the owner allowing the code enforcement official and/or his designee to enter and inspect the building before the period in which the vacant building plan is in effect;
 - c. For buildings, dwellings, or structures that are identified as being a public nuisance, then the vacant building plan shall contain a provision and/or plan of action to remedy such public nuisance;
 - d. If available, a layout of the building; and

- e. A plan of action to secure, monitor, and maintain the building and premises/building in conformity with this Article, and other applicable City Ordinances
- (2) Buildings that are subject to an approved vacant building plan obligates the grantee of such property to the terms of a vacant building plan. The grantee may apply to the Department to be relieved from the requirements of a vacant building plan.

Section 12-223 Vacant building fees.

- (1) Annual registration fees are based on the use and the number of years that a building has been vacant. All fees are due at the time of registration or renewal.
- (2) Fees for non-residential building/structures are as follows:
 - a. Initial registration \$ 0.00
 - b. First annual renewal 25% of the total property tax;
 - c. Second annual renewal 50% of the total property tax;
 - d. Third annual renewal 75% of the total property tax;
 - e. Each year thereafter is 100% of the total property tax;
- (3) Fees for residential building/structures are as follows:
 - a. Initial registration \$ 0.00
 - b. First annual renewal 25% of the total property tax;
 - c. Second annual renewal 50% of the total property tax;
 - d. Third annual renewal 75% of the total property tax;
 - e. Each year thereafter is 100% of the total property tax;
- (4) An annual compliance inspection fee of \$60.00 is required on all non-exempted vacant buildings. The fee shall be paid at the time of registration.
- (5) Upon determination that a vacant building has not been registered in accordance with this Section additional penalties may apply in addition to the annual registration fees in accordance with Section 12-224, below.
- (6) After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to Section 12-225, below, all unpaid registration fees shall constitute a lien on the subject property and the City may commence a civil action to collect such unpaid fees and/or foreclose its lien.
- (7) Exemptions from annual registration fees shall be granted for the following situations upon notification in writing to the Department:
 - a. Residential and commercial buildings that are actively being marketed for sale or rent (up to one year, longer if an appeal has been perfected) must be maintained according to code while on the market.
 - b. Buildings that are actively being renovated with repairs being performed in accordance with all building codes and necessary permits and/or approvals (up to one year, longer if an appeal has been perfected).
 - c. Structures damaged by a fire or weather may be exempt for up to one year.
 - d. Documented hardships, defined as those which impact the ability to pay the annual registration fee when considered in light of a number of factors, as decided by the City Administrator on a case by case basis.
 - e. Buildings owned by a government entity or a successor-in-interest to a governmental entity provided the vacancy began during the government entity's

ownership.

- f. Buildings that have been ordered by the City to be demolished and removed, with the owner's consent to demolish (a lien shall attach to such buildings for the demolition costs).
- (8) Exemptions from annual registration fees that are not defined in this Section may be granted on a case-by-case basis as determined by the Department.

Section 12-224 Enforcement and penalties

- (1) Upon determination that a vacant building owner has failed to register or update information in accordance with this Article, an administrative penalty of \$500 plus any unpaid accrued registration fees as may be required to come into compliance as set forth in Section 12-223. This penalty will be assessed in addition to the registration fee if not in compliance within 30 days after written notice.
- (2) An owner who fails to submit a vacant building plan or comply with a vacant building plan which has been provided and approved by the Department under this Article is subject to the administrative penalty as outlined in Section 12-224.
- (3) The enforcement and penalties shall begin to be assessed effective January 1, 2023.

Section 12-225 Appeals

- (1) Any owner aggrieved by a final decision rendered by the code enforcement official and/or Department may appeal the decision to the City's Board of Appeals by filing a written request stating the reason(s) for the appeal within thirty (30) days after service of the written decision.
- (2) An appeal shall be held by the City's Board of Appeals within sixty (60) days after receipt of the notice of appeal. Owner shall be provided not less than ten (10) days prior written notice of such hearing specifying date, place and time. Notice shall be served personally or by certified mail. At such hearing, all parties shall have the right to be represented by counsel to present testimony and evidence and to cross-examine witnesses. The proceeding shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure as from time to time prescribed by the City's Board of Appeals shall govern the hearing. The decision of the City's Board of Appeals shall be final unless appealed to the Court of Common Pleas within ten (10) days after service of written decision upon owner.

Section 12-226 - Section 12-250 Reserved.

Section 2. The following Article, **ARTICLE IX - BOARDED-UP BUILDINGS**, is added to Chapter 12 of the Code of Ordinances for the City of Laurens as follows:

Section 12-251 Definitions.

Unless otherwise stated, the definitions as set forth in Section 12-220 Article VIII Chapter 12

shall apply for the purpose of this Article. Where terms are not defined by said Section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 12-252 Covering of window and door openings of buildings.

Notwithstanding any other provision of this Article, it shall be unlawful for any person to cover the window or door openings of any building with any material other than window or door materials conforming with the International Building or Residential Code without first obtaining a boarded building permit from the code enforcement official and/or the Department.

Section 12-253 Inventory of improperly boarded buildings; notification of owners.

- (1) The code enforcement official and/or the Department shall maintain an inventory of all buildings upon which one or more window or door openings are covered with non-conforming materials e.g., plywood sheathing, OSB board, polycarbonate. This inventory shall be known as the "Boarded-up Building Inventory."
- (2) Not less than every 60 days following the enactment of this Article, the code enforcement official and/or the Department shall update the "Boarded-up Building Inventory," and shall cause notice of this Article and the owner's obligation to comply with the same to be mailed by first-class certified mail, return receipt requested, to all owners whose building is added to said inventory.

Section 12-254 Permit required for covering of window and door openings.

Except as provided in subsection (3) below it shall be unlawful for the owner or any person to cover the window or door openings of a building so as to secure the building without first obtaining a permit to do so from the Department.

- (1) Standard 90-day boarded building permit. The permit fee shall be \$50.00 for residential buildings and \$100.00 for mixed-use and/or commercial buildings. The permit shall authorize the owner to cover the window or door openings of a building with at least one-half-inch wood sheathing cut to fit the openings and to be secured to the window or door frames.
 - a. All sheathing shall be painted so as to match either the dominant color of the exterior of the building or the color of the trim of the building, if any.
 - b. Where applicable, the building must be registered in accordance with Section 12- 221, Article VIII, Chapter 12 (Vacant building registration).
 - c. Permits issued pursuant to this Section shall be valid for no more than 90 days. Upon issuance of a permit, the code enforcement official shall list the property on the "Boarded-up Building Inventory."
 - d. At the expiration of the standard 90-day boarded building permit, the owner may apply for an extended one-year boarded building permit in accordance with this section if additional time is needed.
- (2) Extended one-year boarded building permit. The permit fee shall be \$50.00 for residential buildings and \$100.00 for mixed-use and/or commercial buildings. The

permit shall authorize the owner to cover the window or door openings of a building with an approved non-color polycarbonate installed in accordance with the manufacturer's instructions.

- a. Where applicable, the building must be registered in accordance with Section 12- 221, Article IX, Chapter 12 (Vacant building registration).
 - b. Permits issued pursuant to this Section shall be valid for one year and renewed annually in accordance with this Section. Upon issuance of a permit, the Code Enforcement Official shall list the building on the "Boarded-up Building Inventory."
- (3) Temporary exemption:
- a. In the event a building and/or structure is damaged to the extent that immediate security is deemed necessary, then in such event a permit shall be issued by the code enforcement official and/or the Department as soon as practicable, but not later than three (3) days from the event causing the damage.

Section 12-255 Notification of violation.

- (1) The Department shall, on the expiration of the boarded building permit, give the owner notice of violation of this Article. Such notice shall state that the owner must within ten days of the notice, remove the non-conforming materials from the window or door openings and replace the same with door or window installations that conform with the International Building Code.
- (2) Any person failing to comply with the provisions of this Article shall be deemed guilty of a misdemeanor punishable as prescribed by Section 12-224, Article VIII, Chapter 12. Every day of noncompliance shall constitute a separate violation. The requirement to cover window and door openings as provided under the provisions of this Article does not stay the enforcement of same or the compliance with any orders or notices set forth in this Article unless the owner timely affects an appeal in accordance with Section 12-225, Article VIII, Chapter 12.

Section 12-256 Appeals

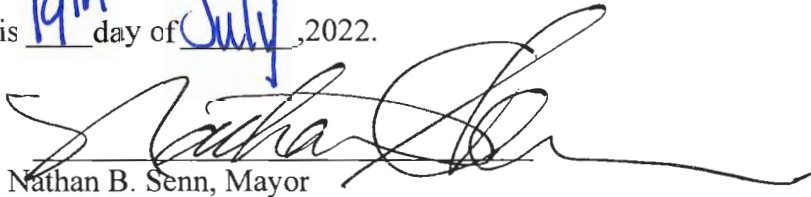
The provisions for an appeal as set forth in Section 12-225, Article VIII, Chapter 12 apply to appeals under the within Article.

Sections 12-257- 12-275. Reserved.

Section 3: This ordinance shall become effective upon adoption by the Council of the City of Laurens.

BE IT SO ORDAINED.

Done in Council duly assembled this 19th day of July, 2022.


Nathan B. Senn, Mayor

ATTEST:


Leslie Mattison, City Clerk

DATE OF FIRST READING:

July 19, 2022

DATE OF SECOND READING:

August 16, 2022

APPROVED AS TO FORM:

July 19, 2022

Virginia Merck-Dupont, City Attorney