

AMENDED

CITY COUNCIL OVERSIGHT COMMITTEE MEETING

**CONFERENCE ROOM – MUNICIPAL BUILDING
201 WEST GRAY**

WEDNESDAY, DECEMBER 11, 2013

5:30 P.M.

- 1. DISCUSSION OF CITY CODE PROVISIONS RELATIVE TO VACANT/ABANDONED PROPERTIES.**
-
- 3. MISCELLANEOUS DISCUSSION.**



office memorandum

Date: December 6, 2013

To: City Council Oversight Committee

From: Susan Connors, Director of Planning and Community Development *SC*
Leah Messner, Assistant City Attorney *LM*

Subject: Vacant/Abandoned Property Registration Ordinances

BACKGROUND:

Several Councilmembers have expressed interest in more information and discussion on ordinances requiring registration of vacant properties that have been adopted in both Oklahoma City and Tulsa. The following memo provides copies of those ordinances; information regarding an estimated inventory of vacant properties in Norman; current ordinances in Norman that address issues with vacant properties; and a discussion of the potential considerations of adopting a vacant property registration ordinance for Norman.

DISCUSSION:

Tulsa Ordinance

The City of Tulsa adopted their ordinance on July 27, 2010. The Tulsa ordinance was adopted to establish a program for identifying and registering neglected vacant building and residential structures; to set forth responsibilities for owners of such properties; and to speed the rehabilitation or demolition of neglected vacant buildings and residential structures.

According to the Tulsa ordinance, the owner of a neglected vacant building or residential structure shall register with the City of Tulsa no later than thirty days after a neglected vacant building or residential structure qualifies as such under the ordinance. The ordinance defines a neglected vacant building or residential structure as: a building, regardless of the use, square footage, or the presence of more than one living unit, a portion of which is unoccupied or unsecured; unoccupied and secured by other than normal means; unoccupied and unsafe as defined by City of Tulsa Code Enforcement; and/or unoccupied and a City of Tulsa Code Enforcement Officer has issued an order to correct code enforcement violations. All property owned by the federal government, the state, or any subdivision of the state is exempt. Also, property that has suffered fire or extreme weather damage is exempt for a period of ninety days after the fire or extreme weather event.

The registration is required to include: description of the premises; names, addresses, and telephone numbers of the owner(s); names and addresses of any lien holders; name, address, and telephone number of a natural, local person who is authorized to act for the owner in cases of emergency; proof of insurance; and a neglected vacant building or residential structure plan. Along with these items, the property owner must pay a \$50.00

registration fee annually. If the property owner intends for the property to remain vacant, the property owner must also pay a \$500.00 annual fee if the property has received a notice of code violation any time in the previous twenty-four months. That fee must be paid annually until the property is demolished or rehabilitated and occupied.

The neglected vacant building or residential structure plan must include one of three proposals for the property: demolition plan; plan for securing and maintaining the building in accordance with City of Tulsa standards; or rehabilitation plans and a timeline for re-occupancy. After the plan is approved, the City of Tulsa files a notice of the plan in the County Clerk's records with the deed to the property. If a property owner fails to comply with the plan, the City of Tulsa may make repairs to the property to keep it in compliance with City code and bill the owner for those repairs; revoke the plan; and fine the owner.

In addition the registration requirements discussed above, the property owner must continue to maintain the property according to City of Tulsa standards. This includes, but is not limited to: preventing leaks; keeping outside stairs in safe condition; painting; repairing broken windows; mowing the lawn; preventing garbage from accumulating on the property; maintaining structural integrity; and maintaining the property free of insects or vermin. If a property owner fails to comply with any of the conditions of the ordinance, that person may be subject to a fine of up to \$1,000.00 and/or up to sixty days in jail.

Oklahoma City Ordinance

The City of Oklahoma City adopted their ordinance on December 3, 2013. The Oklahoma City ordinance was adopted to create a registration and assessment program for vacant or abandoned buildings in order to ensure that buildings are promptly rehabilitated, reoccupied, or demolished as appropriate.

According to the Oklahoma City ordinance, each owner of a vacant residential or commercial building must submit an application to the City of Oklahoma City to obtain a certificate of registration within thirty days after the building becomes vacant. A vacant building is defined in the ordinance as one that has been declared unsecured or dilapidated under the terms of Title 11 of the State Statutes; that has had no water or electric service for more than sixty days; and/or that is subject to a foreclosure action. The application shall include the address of the vacant building; contact information for the person responsible for building maintenance; and a plan and timeline for occupancy or disposition of the building. Along with the application, the owner must pay a \$285.00 fee. The annual renewal fee for the certificate is \$190.00

After the property is registered, the City of Oklahoma City may conduct visual inspections of the exterior of the building to determine if any code violations exist. If there are violations, the City of Oklahoma City may take steps to ensure the building comes into compliance according to their code requirements. The inspections may occur up to once per month. The property owner is responsible for the cost of each visual inspection. The fee for a visual inspection is \$190.00.

Inventory of Vacant Properties in Norman

The Planning and Community Development Department has a list of vacant, primarily residential properties, that they maintain. The Code Enforcement Officers add to the list as new vacant structures are identified. The list is primarily residential because the vacant commercial properties remain secured and thus do not come to the attention of the Code Enforcement as frequently because, when properly secured, a vacant property is less likely to be in violation of City codes. A chart of vacant properties, sorted by Ward, is included below:

WARD	NUMBER OF VACANT PROPERTIES
1	4
2	8
3	7
4	29
5	9
6	24
7	2
8	7

Current City of Norman Ordinances

The City of Norman currently has several ordinances that might impact vacant structures. First, Chapter 10, Section 10-203 regulates health nuisances. Under this section, Code Enforcement Officers may require property owners to remove any source of filth, condition conducive to the breeding of vermin or insects, or any other condition adversely affecting the public health. Property owners of all structures, whether occupied or not, are required to comply with this section.

Second, under the same section, Code Enforcement Officers may require the boarding and securing of abandoned and/or dilapidated structures. This may include the closing, boarding, or locking of any and all exterior openings so as to prevent entry into the structure. Ultimately, under Chapter 2, Section 202, if a vacant property is found to be unsecured more than three times within a twelve month period or remains secured but vacant for more than thirty-six months, the Planning and Community Development Department can take a resolution to Council asking Council to consider demolition of the structure.

Third, owners of vacant properties must comply with all City ordinances regulating code enforcement and property maintenance issues such as: mowing of weeds, exterior maintenance, structural integrity, and zoning standards.

Potential Considerations of Vacant Property Registration Ordinance

After a review of the ordinances adopted by Tulsa and Oklahoma City, along with consideration of the City of Norman ordinances currently in place, Staff believes that are several potential considerations with adoption of an ordinance requiring registration of vacant properties. First, it would enable the City to maintain a more complete inventory of vacant properties with contact information for property owners and possibly property managers. Second, it would be an additional tool for Code Enforcement Officers to use to require property owners to maintain or demolish properties that are negatively impacting their surrounding neighborhoods.

However, the City of Oklahoma City has proposed the addition of several new Staff positions to manage the registration process, and the City of Tulsa Director of Community and Economic Development advises that their ordinance targets only vacant properties that have already been declared a nuisance, rather than all vacant properties, because of staffing issues. Both Oklahoma City and Tulsa are able to operate their vacant property registration because of the fees involved with registration of these properties. Therefore, another area that needs careful consideration if such an ordinance were to be adopted would be the imposition of a new fee.

CONCLUSION:

Staff submits the above information and attachments for the Oversight Committee's consideration and discussion at their December 11, 2013 meeting. Staff will be available to answer questions at that time.

Reviewed By: Steve Lewis, City Manager
Jeff Bryant, City Attorney



Attachments: City of Tulsa Ordinance
City of Oklahoma City Ordinance

(Published in the Tulsa Daily Commerce
& Legal News,

July 27, 2010.)

ORDINANCE NO. 22269

AN ORDINANCE CREATING A NEW TITLE 24-A, TULSA REVISED ORDINANCES, ENTITLED "NEGLECTED VACANT BUILDINGS REGISTRY AND MAINTENANCE"; PROVIDING DEFINITIONS; ESTABLISHING A PROCEDURE FOR REGISTERING AND INSPECTION OF A NEGLECTED VACANT BUILDING; PROVIDING FOR A NEGLECTED VACANT BUILDING/RESIDENTIAL STRUCTURE PLAN TO BE SUBMITTED BY THE OWNER; PROVIDING REGISTRATION FEES; REQUIRING THE POSTING OF CERTAIN BONDS AND PUBLIC LIABILITY INSURANCE; REQUIRING MAINTENANCE OF NEGLECTED VACANT BUILDINGS; PROVIDING FOR EXEMPTIONS AND ANNUAL REPORTS; PROVIDING PENALTIES FOR CERTAIN VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 24-A, Neglected Vacant Buildings Registry and Maintenance, Tulsa Revised Ordinances, be and the same is hereby created to read as follows:

"TITLE 24-A

**NEGLECTED VACANT BUILDINGS
REGISTRY & MAINTENANCE**

CHAPTER 1. FINDINGS AND PURPOSE
**CHAPTER 2. REGISTRATION AND INSPECTION OF VACANT
BUILDING**

CHAPTER ONE

FINDINGS & PURPOSE

Section 100. Findings and Purpose.
Section 101. Definitions.

SECTION 100. FINDINGS AND PURPOSE

It is the finding of the City of Tulsa that neglected vacant buildings and residential structures are unsightly, unsafe, and have a negative effect on the community. If left unoccupied and unmonitored, these buildings and residential structures will fall into a state of disrepair, become a haven for criminal activity, and create a blight on the area. The purpose of this title is to protect the health, safety, morals and welfare of the citizens of Tulsa by establishing a program for identifying and registering neglected vacant buildings and residential structures, to set forth the responsibilities of owners of such properties, and to speed the rehabilitation or demolition of neglected vacant buildings and residential structures.

SECTION 101. DEFINITIONS

Unless otherwise expressly stated, the following terms will, for the purpose of this Ordinance, have the meanings indicated in this section:

A. **Emergency** means that the condition of a building, structure, or any part thereof is an imminent, immediate, and substantial danger to the health or safety of occupants, emergency responders, and/or the general public. Such conditions include but are not limited to fire hazards; failing or dilapidated buildings, structures, or any part thereof; loss of significant water, heat, or ventilation; or lack of sanitary conditions.

B. **Enforcement Officer** means any duly authorized City of Tulsa employee of the Working in Neighborhoods Department, the Tulsa Fire Department/Fire Marshal's Office, or the Tulsa Police Department.

C. **Owner** means the person, persons, or entity shown to be the owner or owners of record as listed by the current year's tax rolls of the Tulsa County Treasurer; those identified as the owner or owners on a vacant buildings and residential structures registration form; a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, or lessee; or other person, firm, or corporation in control of the premises. Any such person or entity will have joint and several obligations for compliance with the provisions of this title.

D. **Secured by Other Than Normal Means** shall mean that condition when a building or residential structure is secured by means other than those used in the design and approved plans for the building.

E. **Unoccupied** means that condition when a building or residential structure or a portion thereof lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings or residential structures ordered vacated by an Enforcement Officer. In determining whether a building or residential structure is unoccupied, the Enforcement Officer may consider these factors, among others:

1. whether lawful residential or business activity has ceased;
2. the percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units and their proximity to each other;

3. the building or residential structure is substantially devoid of contents or the fixtures or personal property located in the building or residential structure are of a minimal value;

4. the building or residential structure lacks utility services;

5. the building or residential structure is the subject of a foreclosure action;

6. duration of vacancy; and/or

7. the presence or reoccurrence of code violations.

F. **Unsecured** means that condition when a building or residential structure or portion of a building or residential structure is open to entry by unauthorized persons without the use of tools or ladders.

G. **Neglected Vacant Building/Residential Structure** means a building, regardless of the use, the square footage or the presence of more than one living unit, a portion of a building, residential structure, or a structure which is any one or more of the following:

1. Unoccupied and unsecured;

2. Unoccupied and secured by other than normal means;

3. Unoccupied and an unsafe building or residential structure with suspected code violations as determined by an Enforcement Officer;

4. Unoccupied and an Enforcement Officer has issued an order to correct code violations;

Exemptions: For the purposes of this title, only the following properties are exempt:

a. All properties owned by the federal government, the state of Oklahoma, and all political subdivisions thereof.

b. All secondary residential structures, i.e., garage apartments, etc., located on or contiguous to property with an occupied principle residence, as long as they do not violate Title 24 TRO, are secured and meet all applicable code requirements, are exempt from both the Fifty Dollars (\$50.00) annual registration fee and the Five Hundred Dollar (\$500.00) annual vacant building/structures fee.

CHAPTER 2

REGISTRATION AND INSPECTION OF NEGLECTED VACANT BUILDING

- Section 200. Neglected Vacant Building and Residential Structure Registration and Plan.
- Section 201. Neglected Vacant Building and Residential Structure Registration Fees.
- Section 202. Insurance.
- Section 203. Maintenance.
- Section 204. Exemption.
- Section 205. Inspections.
- Section 206. Annual Reports.
- Section 207. Penalty.

SECTION 200. NEGLECTED VACANT BUILDING AND RESIDENTIAL STRUCTURE REGISTRATION AND PLAN

A. The owner of a neglected vacant building or residential structure shall register with the Working in Neighborhoods/Neighborhood Inspector's Office no later than thirty (30) days after any building or residential structure becomes a "neglected vacant building/residential structure," as defined herein, or not later than thirty (30) days after the date of mailing by an *Enforcement Officer of notice of the requirement to register*. An Enforcement Officer may identify neglected vacant buildings or residential structures through his/her routine inspection process as well as through notification by residents, neighborhood associations, community groups, and others that a building or residential structure may be eligible for inclusion on the registry. Notice may be sent by first class mail to the owner at the address shown by the current year's tax rolls in the Tulsa County Treasurer's Office. At the time of mailing of the notice to the owner, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. Notice will be deemed received by the owner or any other addressee, as the case may be, upon personal delivery or three days after the date the notice is placed in United States mail with proper postage. The City of Tulsa may also post notices on the subject property. However, the City's failure to post notices will not constitute a defense to any enforcement proceeding or collection of fines.

B. If the owner fails to register the subject property within thirty (30) days following the date of mailing of the notice required in A above, the City may prepare and file in the office of the County Clerk of the county wherein the property is located a notice describing the property, the reason it is deemed a neglected vacant structure in accordance with this title and placing the owner and his or her successors on notice of the requirement to comply with this title.

C. The registration will be submitted on forms provided by the Working in Neighborhoods Department or Tulsa Fire Department's Fire Marshal's Office and will include the following information:

1. A description of the premises, *i.e.*, square footage, number of stories, age of the building, and most recent use of the building or residential structure;

2. The names, addresses, and telephone numbers of the owner or owners. If the owner is a corporation, limited liability company, or partnership, the address for each director, manager, member, or partner, as the case may be. The address must include a street address; a post office box is not acceptable;

3. The names and addresses of all known lien holders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable;

4. A name, address, and telephone number of an authorized, responsible natural person (not a corporation, partnership, or limited liability company) who is authorized to act for the owner and is a local resident who can be reached at all times during business and non-business hours in case of an emergency. The address must include a street address; a post office box is not acceptable;

5. A neglected vacant building or residential structure plan as described in Subsection 200.D hereof; and

6. Insurance verifications per Section 202 hereof:

D. The owner will submit a neglected vacant building/residential structure plan which must meet the approval of the Working in Neighborhoods/Neighborhood Inspector's Office. The Working in Neighborhoods/Neighborhood Inspector's Office may consult with the Tulsa Fire Department/Fire Marshal's Office, and/or the Development Services Department, as the case may be, to determine the appropriate plan. The plan, at a minimum, must include one of the following three proposals for the property:

1. If the building or residential structure is to be demolished, a demolition plan indicating the proposed time frame for demolition;

2. If the building or residential structure is to remain unoccupied, a plan for the securing of the building in accordance with standards approved by the Working in Neighborhoods/Neighborhood Inspectors, along with the procedure that will be used to maintain the property as code compliant, and a statement of the reason(s) why the building or residential structure should be left unoccupied; or

3. If the building or residential structure is to be returned to appropriate occupancy or use, rehabilitation plans for the building or residential structure. The rehabilitation plans will not exceed three hundred sixty-five (365) days from the date of submission and will include progress benchmarks at least every four (4) months, unless the Working in Neighborhoods/Neighborhood Inspector's Office grants an extension. Any repairs, improvements, or alterations to the property must comply with any applicable zoning, housing,

historic preservation, and all applicable building codes. The building must be secured in accordance with the requirements of this title during the rehabilitation.

4. Should the owner elect option 2 (structure to remain unoccupied) or 3 (structure to be rehabilitated) then, in addition to the written plan the owner must (1) submit the insurance as described in Section 202 hereafter or (2) deposit with the City to be held in escrow, an amount of cash sufficient to cover the costs of demolition of the subject structure in the event the owner fails to perform as promised in the plan.

E. If the plan is approved, a written Notice prepared by the City's Working in Neighborhoods Department will be recorded in the office of the Tulsa County Clerk containing information regarding the registration of the subject property pursuant to this title and the plan selected by the owners.

F. If the plan is approved, the owner will comply with all applicable laws and codes. The owner will notify the Working in Neighborhoods/Neighborhood Inspector's Office of any changes in the plan at least thirty (30) days prior to the change. If the plan or timetable for the vacant building/residential structure is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.

G. The owner and any subsequent owner will keep the building secured and safe and the building and grounds properly maintained as provided hereafter.

H. Failure of the owner or any subsequent owner to maintain the building or residential structure and premises as required herein will be grounds for the City to do any or all of the following:

1. cause the building or residential structure to comply with this title and bill the costs of same to the owner as provided hereafter in Section 203, - *Maintenance of Property*;
2. revoke the rehabilitation plans; and
3. subject the owner to fees and penalties as provided herein.

I. The owner will notify the Working in Neighborhoods/Neighborhood Inspector's Office of any transfer of ownership a minimum of fifteen (15) days prior to the transfer. Before taking title, the new owner must agree in writing to comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted in writing to and approved by the Working in Neighborhoods/Neighborhood Inspector's Office.

**SECTION 201. NEGLECTED VACANT BUILDING AND RESIDENTIAL
STRUCTURE REGISTRATION FEES**

A. The owner of a neglected vacant building or residential structure will pay a registration fee of Fifty Dollars (\$50.00) per year for each such structure he/she owns. The Fifty

Dollars (\$50.00) registration fee is due and payable upon registration no later than thirty (30) days after any building or structure becomes a "neglected vacant building or residential structure," as defined herein, or no later than thirty (30) days after being notified by an Enforcement Officer of the requirement to register.

B. If the building or structure is to remain unoccupied pursuant to paragraph 200.D.2, above, then the owner will also pay an annual neglected vacant building or residential structure fee of Five Hundred Dollar (\$500.00) for each such building or structure that has received a notice of code violation within the previous twenty-four (24) months until the building is properly demolished or rehabilitated for lawful occupancy. The Five Hundred Dollar (\$500.00) annual neglected vacant building or residential structure fee is due and payable together with the Fifty Dollars (\$50.00) registration fee and on each anniversary thereafter until the building or residential structure is demolished or rehabilitated for lawful occupancy.

C. If the building or structure is to be returned to a permitted use pursuant to paragraph 200.D.3, above, the rehabilitation plan will not exceed three hundred sixty-five (365) days and will include progress benchmarks at least every four (4) months, unless the Enforcement Officer grants an extension. If the rehabilitation has not been completed in accordance with the plan, then the owner will pay an annual neglected vacant building or residential structure fee of Five Hundred Dollars (\$500.00) until the building or residential structure is properly demolished or rehabilitated for lawful occupancy. The Five Hundred Dollar (\$500.00) annual neglected vacant building or residential fee is payable either on each anniversary of the payment of the Fifty Dollars (\$50.00) registration fee in Subsection A, above, or no later than fifteen (15) days after being notified by an Enforcement Officer that the owner has failed to meet a required benchmark, whichever date is earlier, and on each anniversary thereafter until the building or residential structure is demolished or rehabilitated for lawful occupancy.

D. If the owner of a neglected vacant building or residential structure fails to register and pay the fees in a timely manner, then the owner will be subject to the penalty set forth in Section 207.

E. All required fees and other charges noted herein shall be paid by the owner prior to any transfer of an ownership interest in any neglected vacant building or residential structure. The owner shall give a purchaser written notice that the building or residential structure in question is a neglected vacant building or residential structure required to be registered under this section.

F. The neglected vacant building or residential structure registration fees and annual vacant building or residential structure fees as set forth herein are to be delivered, by mail or in person, to the Finance/Treasury Office, City Hall, 175 E. 2nd Street, Tulsa, Oklahoma 74103. A late fee of one and one-half percent (1 ½ %) per month or any part thereof will be assessed on any invoice which is unpaid after thirty (30) days from the date of the demand for payment of an invoice. A Thirty-five Dollar (\$35.00) processing fee will be charged for each check returned by the bank due to insufficient funds or other reason. A replacement payment must be made in

cash, money order, or bank or certified check and must include the Thirty-five Dollar (\$35.00) fee and any applicable late fees.

SECTION 202. INSURANCE

A. As required in Section 200 (D) (4), the owner shall procure and keep in full force and effect at all times during the registration term, commercial general liability insurance coverage (including, but not limited to, premises/operations and personal injury) or like coverage, protecting the City of Tulsa against any and all claims for damages to persons or property as a result of, or arising out of, the registrant's operation, maintenance, or use of the vacant building, with minimum combined bodily injury (including death) and property damage limits of not less than Three Hundred Thousand Dollars (\$300,000).

B. The insurance policy must be written by an insurance company authorized to do business in Oklahoma, acceptable to the City and issued in a standard form approved by the Oklahoma Department of Insurance. All provisions of the policy must be acceptable to the City and must name the City and its officers and employees as additional insureds and provide for thirty (30) days' prior written notice to the City of cancellation, non-renewal, or material change to the insurance policy.

C. An owner shall provide to the Working in Neighborhoods Department an updated certificate of insurance for the neglected vacant building or structure every six (6) months that the building is required to be registered under this title.

SECTION 203. MAINTENANCE

A. The owner of any neglected vacant building or residential structure shall take such steps and perform such acts as may be required of him or her from time to time to ensure that the building and its grounds remain safe and secure and do not present a hazard to the adjoining property or the public. Owners will be responsible for maintaining their buildings and structures so that they comply with all applicable building codes and do not deteriorate into nuisances as defined in Title 24 TRO.

B. The owner will protect and maintain the exterior of the building or residential structure as follows:

1. Exterior walls, including foundations, will be maintained so that water does not penetrate into basements, cellars, or other interior areas. All exterior walls and foundations must be free of holes and crevices;

2. Exterior doors, windows, skylights, and similar openings will be maintained weather tight;

3. Exterior stairs, porches, entrance platforms, fire escapes, and the railings thereon shall be maintained in a safe and sound condition;

4. Roofs shall be maintained in weather tight condition;
 5. Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative;
 6. The coverings for windows and doors with glass may not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, secured by normal means;
 7. The coverings for broken doors and cracked or broken windows may consist of replacement glass, plexiglass, boards, plywood, or similar materials finished and maintained in compliance with applicable building codes, Title 24 TRO, and Title 55 TRO. The materials will be designed and of such color so as to blend in with the finish of the building;
 8. The premises shall be kept free of insects and vermin and will be treated if necessary;
 9. Any excavation, swimming pools, or other attractive nuisance must be filled in or properly closed in compliance with applicable building codes, Title 24 TRO, and Title 55 TRO; and
 10. All combustible items must be removed and swept clean from the premises within the first thirty (30) days of registration.
- C. In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:
1. The coverings for broken doors and cracked or broken windows may consist of replacement glass, plexiglass, boards, plywood, or similar materials finished and maintained in compliance with applicable codes, Title 24 TRO, and Title 55 TRO. The material shall be designed and of such color so as to blend in with the finish of the buildings.
 2. All exterior signs, awnings, and lighting systems, if not removed, shall be maintained in a non-deteriorated and safe condition.
- D. The owner will protect and maintain the interior of the building as follows:
1. Structural members will be maintained to resist and prevent deterioration;
 2. Unheated attics, spaces below flat roofs, and crawl spaces will be ventilated to minimize deterioration; and
 3. Ceilings, walls, floors, and stairways will be maintained in a non-deteriorated and safe condition.

- E. The owner will maintain the premises as follows:
1. The owner will not permit garbage and refuse to accumulate;
 2. The owner will maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than twelve inches (12"), and clean and free of physical hazards, and rodent harborage and infestation as required by Title 24 TRO;
 3. Buildings and structures will be maintained free of insects, vermin, and rodent harborage and infestation;
 4. Refrigerators and similar equipment with locking mechanisms will not be discarded, abandoned, or stored at the premises;
 5. Junked vehicles as defined in Title 24 TRO and other illegal equipment or materials will not be stored at the premises;
 6. Chimneys, smokestacks, flues, gas vents, smoke pipes, and connectors will be maintained structurally safe and smoke tight;
 7. If the building or residential structure is to be demolished or remain vacant, then, within ten (10) days of registering the building/residential structure as a vacant building or residential structure, all fuel gas, water, and utilities must be disconnected at the mains and the water pipes drained. If the building or residential structure is going to be rehabilitated, then the building or residential structure must be heated to avoid freezing pipes, fuel gas pipe systems must be maintained gastight, safe, and in working condition, and water pipes must be maintained to avoid leaks and/or breakage;
 8. Fuel tanks will be maintained so as not to be a hazard or will be disconnected in a manner consistent with the International Fire Code;
 9. The domestic water supply system of the building will be connected to an approved source, will not be subject to contamination, and will not be connected to unsafe water supplies, or the system will be disconnected at the main and completely drained;
 10. Storm water drainage systems will be maintained so as to function properly and be kept free from obstructions, leaks, and defects. Sewage systems will be similarly maintained or will be sealed so as to prevent accumulation of sewage gases in buildings;
 11. Electrical fixings, devices, wiring, and systems will be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service will be discontinued; and
 12. Elevators, dumbwaiters, and escalators will be maintained or taken out of service in accordance with applicable provisions of the building code.

F. Whenever the owner of a neglected vacant building or residential structure fails to comply with a notice from an Enforcement Officer to take steps and perform acts as are required of him or her to ensure that a building or residential structure and its adjoining yards remain safe and secure and do not present a hazard to adjoining property, the City may, pursuant to an emergency, enter into the building or residential structure and the property and take steps and perform acts to render the building or residential structure and its adjoining yards safe, secure, and free from hazards to adjoining property and the public. These acts will include but not be limited to removal of dangerous conditions; properly replacing or boarding up windows and doors; shutting off utilities; capping plumbing to prevent leakage of water or sewer gas; or removing flammable or otherwise hazardous material or debris; and mowing. A bill for the expenses incurred above will be presented to the owners of the building or residential structure consistent with the provisions outlined in this title.

SECTION 204. EXEMPTION

A building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event, if the property owner submits a request for exemption in writing to the Working in Neighborhoods/Neighborhood Inspector's Office. This request must include the following information supplied by the owner:

1. A description of the premises;
2. The reason for an exemption;
3. The names and addresses of the owner or owners. A post office box is not acceptable; and
4. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

SECTION 205. INSPECTIONS

By registering a neglected vacant building, an owner may consent to an Enforcement Officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this title. Upon the request of the Enforcement Officer, an owner may provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, will diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer or his or her designee in order to enable such inspection, and the Enforcement Officer will be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without a warrant being obtained. In the case of an emergency, as defined herein, a warrantless entry/search is permitted.

SECTION 206. ANNUAL REPORTS

Once a year, the Working in Neighborhoods Department will send to the Mayor and to the City Council a list of all registered neglected vacant buildings and residential structures in the City, as well as a list of all previously registered neglected vacant buildings and residential structures which are no longer subject to the provisions of this title.

SECTION 207. PENALTY

Any person violating any provisions of this title, including but not limited to failure to register, or providing false information to the Enforcement Officer, will be subject to the following penalties:

A. Such person will be subject to a fine of up to, but not more than, One Thousand Dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.

B. The term "person" as used in this section will include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of the building or residential structure or part thereof.

C. Each day of violation will be deemed to constitute a separate offense."

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its adoption, approval, and publication.

ADOPTED by the Council: JUL 15 2010
Date
[Signature]
Chairman of the Council

ADOPTED as an emergency measure: JUL 15 2010
Date
[Signature]
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

Dewey F. Bartlett Jr., Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: 7/19/10
Date



at 4:00 PM

[Signature]
Mayor

ATTEST:
[Signature]
City Clerk

APPROVED:
[Signature]
City Attorney

SECTION 2. A new Article IX of Chapter 35 of the Oklahoma City Municipal Code, 2010, is created to read as follows:

CHAPTER 35

NUISANCES

ARTICLE IX. VACANT AND ABANDONED BUILDINGS

§ 35-261. Legislative Findings and Declarations.

(a) The Council finds, determines and declares that buildings which remain vacant or abandoned and unoccupied for any appreciable period of time become a harborage for rodents, an invitation for illegal occupancy and for illegal activities, as well as a fire hazard, and that unkempt grounds surrounding these properties invite dumping and rubbish thereon; and that such buildings become dilapidated, contribute to commercial and residential blight, depress market values of surrounding properties, require additional government services, endanger the public safety and health, and generally remain detrimental to the public good.

(b) The Council further finds, determines and declares that a registration and assessment program for vacant or abandoned buildings is necessary in order to protect the health, safety, morals and welfare of the citizens of the City, to preserve and enhance livability, preserve property values of surrounding buildings, and to ensure that buildings are promptly rehabilitated, reoccupied or demolished, as appropriate.

§ 35-262. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure designed for residential or commercial occupancy as shown by the records of the county assessor.

Director means the Director of the Development Services Department.

Owner means the person, persons, or entity shown to be the owner or owners of record as listed by the current year's tax rolls in the office of the county treasurer; those identified as the owner or owners on a vacant or abandoned building registration form; a mortgagee in possession, a mortgagor in possession, an assignee of rents, receiver, executor, administrator, or trustee; or other person, firm or corporation in control of the

premises. Any such person or entity will have joint and several obligations for compliance with the provisions of this article.

Premises means a lot, plot, tract or parcel of land including the buildings and structures thereon.

Structure means that which is built or constructed.

Vacant building means any building or portion thereof that, regardless of its structural condition, is not currently occupied and to which any one of the following conditions apply:

- (a) the building has been declared unsecured or dilapidated pursuant to the provisions of 11 O.S. §22-112.1 or 11 O.S. §22-112, and remains in such condition;
- (b) the water or electric service to the building has been shut off for more than sixty (60) days; or
- (c) the building is the subject of a foreclosure action.

"Not currently occupied" for multi-tenant buildings, either residential or commercial, means the building is more unoccupied than occupied by: (1) comparison of the percentage of unoccupied square footage to the overall square footage or (2) comparison of the number of unoccupied units to the total number of units. Shared or common spaces or areas are not to be included in the comparison.

§ 35-263. Registration Requirements and Procedures.

(a) Each owner of a vacant residential building as defined in this article is required to submit an application to the Director to obtain a Certificate of Registration within 30 days after the building has become vacant as provided in Section 35-262 of this article.

(b) Each owner of a vacant commercial building as defined in this article is required to submit an application to the Director to obtain a Certificate of Registration within twelve months after the building has become vacant as provided in Section 35-262 of this article.

(c) The application for Certificate of Registration shall be on a form prescribed by the Director, and shall include the address of the vacant building, identification of and contact information for the applicant, identification of and contact information for the person or persons responsible for maintenance of the building and the property on which it stands, and a plan and timeline for occupancy or disposition of the building.

(d) The applicant shall pay at the time of application a fee for consideration of the application and for issuance of the Certificate of Registration. The fee shall be in the amount set forth in Chapter 60 of this Code. The initial fee shall include the first visual assessment performed on the subject building. Costs for additional visual assessments authorized in this article shall be in the amount set forth in Chapter 60 of this Code.

(e) A separate Certificate of Registration shall be required for each vacant building on any property, and shall be valid for one year from the date of issuance. The Certificate of Registration shall be signed by the Director or designee and shall bear the corporate seal of the City.

(f) No Certificate of Registration may be assigned or transferred.

(g) Notwithstanding any other provision of this article, no vacancy registration is required for a building newly built until six months after the issuance of a certificate of occupancy for that building.

(h) Notwithstanding any other provision of this article, no vacancy registration is required for a building that is being rehabilitated until six months after the issuance of the building permit for that building.

(i) It shall be an affirmative defense to any prosecution under this section that the vacant building is for sale and is being actively marketed; provided, however, that notwithstanding any attempts to sell the building, the owner of such building is required to submit an application to the Director to obtain a Certificate of Registration no later than six months after the building has become vacant as provided in Section 35-262 of this article.

(j) It shall be an affirmative defense to any prosecution under this section that the building is the owner's primary residence and that the vacancy is only temporary. This defense is intended to account for situations including but not limited to those in which the owner is travelling, deployed in the military, or temporarily living in a rehabilitation or medical facility.

(k) This section shall not apply to any mortgagee or agent of a mortgagee who is exempt from local regulation under the federal Housing and Economic Recovery Act of 2008, codified at 12 U.S.C. § 4511 *et seq.*

§ 35-264. Assessment of Vacant Buildings.

(a) The Director or his designee shall conduct a visual assessment of the exterior premises of a vacant building to determine whether any condition exists on the premises of the vacant building that constitutes a violation of this Code or of State law or that poses or may pose a hazard to the public health, safety, or welfare. Following any such assessment, the Director or designee shall take such further action as permitted by law.

(b) After the initial visual assessment, the Director or his designee may conduct up to one visual assessment per month for so long as the building remains vacant or remains registered as vacant. The owner shall be responsible for payment of the cost of each such additional visual assessment.

§ 35-265. Violations and penalties.

It is a violation to fail to register a vacant building as required by this article. It is a violation to fail to pay registration fees or visual assessment costs as required by this article.

Any person who shall violate any provision of this article shall be guilty of a Class "a" offense. For any fourth or subsequent offense, and upon proof of prior conviction, said person shall be guilty of a Class "b" offense. Each day that a violation continues shall be deemed a separate offense.

SECTION 3. A new Article VI of Chapter 60 of the Oklahoma City Municipal Code, 2010, is created to read as follows:

CHAPTER 60

FEES

ARTICLE VI. VACANT AND ABANDONED BUILDINGS

§60-35-20. Registration and assessment fees for vacant and abandoned buildings.

initial registration plus one visual assessment fee per building.....	\$285.00
subsequent annual registration plus one visual assessment fee per building.....	\$190.00
subsequent monthly visual assessment fee per building	\$190.00

INTRODUCED AND CONSIDERED in open meeting of the Council of the City of Oklahoma City this _____ day of _____, 2013.

PASSED by the Council and **SIGNED** by the Mayor of the City of Oklahoma City this

_____ day of _____, 2013.

ATTEST: (Seal)

CITY CLERK

MAYOR

REVIEWED for form and legality.



Assistant Municipal Counselor