

Mr. Danny Woodward, Mayor Pro Tem
Ms. Sarai Melendez, Councilwoman
Mr. Keith Pace, Councilman
Mr. Tyler Jordan, Councilman

Mr. Danny Edwards, Mayor

Mr. Grant Keehn, Councilman
Mr. David Underwood, Councilman
Mr. Michael Kozlarek, City Attorney
Mr. Timothy B. Burton, City Administrator

Planning Commission Members:

**Chris Grant, Chair; Kelvin Bryant; Gina Orr; Jessie Bunning;
William Tatum**

AGENDA

WALHALLA CITY PLANNING COMMISSION

Oct 3, 2022

5:30 PM

Walhalla City Hall

206 N Church St, Walhalla, SC 29691

CALL TO ORDER & WELCOME

Chris Grant, Chair

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Planning Commission

APPROVAL OF MINUTES

Planning Commission

STAFF REPORT

Brandon Burton, City Administrator

MEMBER COMMENTS

Planning Commission

PUBLIC INPUT (Public Comment is limited to 5 minutes per speaker)

ACTION/DISCUSSION ITEMS (to include Vote and/or Action on matters brought up for discussion, if required)

- 1. Review of proposed ordinance- an ordinance to establish a registration for vacant and abandoned buildings**

ADJOURN

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2022-xx

CITY OF WALHALLA)

**AN ORDINANCE TO ESTABLISH A REGISTRATION FOR VACANT AND
ABANDONED BUILDINGS**

Whereas,

Whereas,

NOW THEREFORE: it is ordained and enacted that: by the Mayor and Council members of the Municipality of Walhalla, in Council assembled, that the following ordinance, shall be as follows:

Section 1-1: Purpose.

(1) Vacant or abandoned properties create and pose significant and costly problems for the City. These properties often become a drain on the City budget and detract from the quality of life of the neighborhood and the City as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public.

(2) A significant obstacle in providing effective and prompt enforcement of the current City codes, as they relate to vacant buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subject of foreclosure actions by lien holders, which take considerable time to resolve.

(3) The purpose of this is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant buildings that have been abandoned. This chapter is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by police, fire, and code enforcement when issues or emergencies develop.

Section 1-2: Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code as adopted by the City of Walhalla.

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 Walhalla Code of Ordinances or the International Property Maintenance Code.

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

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

Owner means any person, firm or corporation having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

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

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

Responsible local representative means a person having his or her place of residence or business office within 45 miles of the vacant building and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the city. For the purposes of this article, the term "agent" shall refer to the responsible local representative.

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

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

Unoccupied means a building which is not being used for a legal occupancy.

Unsecured means a building or portion of a building is open to entry 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 classification standards: A building or portion of a building which is:

- (1) **Category I:** No current code violations on the structure or the premise.
 - 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 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 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 is not maintained.

Abandoned building is any building or structure that is vacant and is under a current notice of default; under a current notice of trustee's sale; pending a Tax Assessor's lien sale; any property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; and any property transferred under a deed in lieu of foreclosure/sale.

- (1) Any building that meets one or more of the conditions cited below.
- a. Doors and windows on the mortgaged premises are continuously boarded up, broken or left unlocked;
 - b. Rubbish, trash or debris has observably accumulated on the mortgaged premises;
 - c. Furnishings and personal property are absent from the mortgaged premises;
 - d. The mortgaged premises are deteriorating so as to constitute a threat to public health or safety;
 - e. A mortgagee has changed the locks on the mortgaged premises and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to, the mortgaged premises;
 - f. Reports of trespassers, vandalism or other illegal acts being committed on the mortgaged premises have been made to local law enforcement authorities;
 - g. A code enforcement officer or other public official has made a determination or finding that the mortgaged premises are abandoned or unfit for occupancy;
 - h. The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the mortgaged premises; and
 - i. Other reasonable indicia of abandonment

Section 1-3: Registration of vacant buildings.

- (1) Except as provided in subsection (b) below, all vacant buildings shall be registered with the code enforcement division within 120 days of becoming vacant as defined in section 1-2. Registration is valid for 12 months and must be renewed annually from date the building became vacant.
- (2) Exemptions from registration:
- a. Residential structures that are used as residential rentals and have active residential rental permits;
 - b. Office, industrial, or general commercial use buildings actively for sale or

- lease with a licensed real estate company 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 reason. 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 code enforcement division:
- a. Name, address, and telephone number of the owner;
 - b. Name, address and telephone number of any responsible party, if applicable;
 - 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 vacant building;
 - d. Tax parcel identification number of the premise on which the building is situated;
 - e. The common address of the building; and
 - f. Vacant building plan in accordance with section 1-4.
- (5) Following the registration of the vacant building, the code enforcement officer shall conduct an inspection of the property and premises to determine any code violations and to verify the vacant building category.
- a. A status report will be provided to the owner of the building with the findings and current condition of the property. It will include any found violations and assign a category to the building.
- (6) All vacant buildings must remain secure and/or boarded in accordance current adopted IPMC.
- (7) Upon request by the code official, the owner shall post "No Trespass" placards on the property. Additional employment of security services for non-residential properties for a specified number of hours every day may be required by the police chief or his/her designee on the basis of the property history of code and/or criminal violations.
- (8) Vacant building owners must designate a responsible local representative ("agent") if their place of residence or business is more than 45 miles from the vacant building. The responsible local representative shall act as agent for the property owner for purposes of accepting legal service; however, the vacant building owner remains personally liable in criminal prosecutions for code violations. The responsible local representative must be available at the number listed at all times in the event of an emergency or catastrophe.

Section 1-4: Establishment of vacant building plan.

- (1) When a building is registered as required by this chapter, the owner shall submit, or caused to be submitted, a vacant building plan on a form provided by the code enforcement division 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 official to determine the adequacy of such plan;
 - b. A letter of written consent by the owner allowing city officials to enter and inspect the property for the period in which the vacant building plan is in effect;
 - c. For buildings, dwellings or structures which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisances;
 - d. If available, a layout of the structure; and
 - e. A plan of action to secure, monitor and maintain the building and premises thereof in conformance with this chapter.
- (2) If the property is subject to a vacant building plan and the plan has been properly approved by the code enforcement division, the transferee is subject to the terms of the vacant building plan. The transferee may apply to the city to be released from the requirements of the vacant building plan.

Section 1-5: Vacant building fees.

- (1) Annual registration fees are based on the use and the number of years that a building has been vacant (after the effective date of the ordinance from which this article derives). All fees are due at the time of registration or renewal.
 - a. Fees for non-residential structures are as follows:
 - Initial registration\$50.00
 - First annual renewal\$100.00
 - Second annual renewal\$500.00
 - Third annual renewal\$1,000.00
 - Each year thereafter is\$1,500.00.
 - b. Fees for Residential structures are as follows:
 - Initial registration\$0.00
 - First annual renewal\$50.00
 - Second annual renewal\$250.00
 - Third annual renewal\$500.00
 - Each year thereafter is\$500.00
 - c. An annual compliance inspection fee of \$50.00 is required on all non-exempted vacant buildings. The fee shall be paid at the time of registration.
 - d. Upon determination of a vacant building that hasn't been registered in accordance with this section additional penalties may apply in addition to the annual registration fees in accordance to section 1-6.
 - e. Delinquent registration fees as a lien. 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 1-7, and the owner fails to

pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect such the unpaid debt.

- f. Exemptions from annual registration fees shall be granted for the following situations upon notification in writing to the code enforcement division, registration is still required:
1. Residential and commercial buildings that are actively being marketed for sale or rent (up to one year, longer by appeal). Must be maintained to minimum code for the duration on the market;
 2. Buildings that are actively being renovated. Repairs and progression must be noticeable by the inspector (up to one year, longer by appeal);
 3. Properties that are in probate and actively being transferred;
 4. Structures damaged by a fire or weather event may be exempt for up to one year;
 5. Financial hardship;
 6. Category I structures that have not had citations within the last 12 months;
 7. Buildings that are structurally deficient that have been ordered by the city to be demolished and removed, in which the owner has provided consent to the city to demolish, and the city has accepted the consent. Liens are to be placed against the property to cover the cost of demolition.
- (2) Exemptions from annual registration fees not defined in this section may be requested to the property maintenance board of appeals for consideration.

Section 1-6: Enforcement and penalties.

- (1) Upon determination that a vacant building owner has failed to register or update information in accordance with this section, an administrative penalty of \$500.00 in addition to the registration fee will be assessed if not in compliance within 30 days after notice.
- (2) Failure by the owner to submit a vacant building plan or comply with a vacant building plan that has been approved by the city under this section is a violation of the Code and may be assessed an administrative penalty of \$500.00.

Section 1-7: Appeal.

Any person aggrieved by the requirements of this section may seek administrative appeal to the property maintenance board of appeals. Any person aggrieved by a final decision issued under this section by the property maintenance board of appeals, may seek relief in any court of competent jurisdiction as provided by the law.

This Ordinance shall be effective immediately upon final reading.

AND IS DONE AND RATIFIED in Council Duly assembled this _____ Day of _____

2022.

(SEAL)

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, City Administrator

Introduced By: _____

First Reading: _____

Public Hearing,
Second Reading
And Adoption: _____