

ORDINANCE NO.: 2019-009

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations, Article VI to add Vacant Building Registration

BE IT ORDAINED by the Mayor and Council this 15th day of October, 2019, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations, Article VI, Reserved and Article VII, Boarded-Up Buildings are amended to read as follows:

ARTICLE VI. VACANT BUILDING REGISTRATION

Sec. 5-291. Declaration of policy.

The purpose of this chapter is to protect the public health, safety and welfare by enactment of this ordinance which:

- (1) Establishes a program for identification and registration of vacant buildings;
- (2) Determines the responsibilities of owners of vacant buildings and structures; and
- (3) Provides for administration, enforcement and penalties.

Sec. 5-292. 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 Columbia.

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 Columbia 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.

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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.

Sec. 5-293. Registration of vacant buildings.

(a) 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 5-292. Registration is valid for 12 months and must be renewed annually from date the building became vacant.

(b) Exemptions from registration:

- (1) Residential structures that are used as residential rentals and have active residential rental permits in accordance with Section 5-326;
- (2) 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.
- (3) Structures that have multiple units in which at least one unit is occupied;
- (4) Accessory structures not designed for occupancy; and/or
- (5) 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.

(c) 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.

(d) The owner registering a vacant building shall supply the following information on an authorized form provided by the Code Enforcement Division:

- (1) Name, address, and telephone number of the owner;
 - (2) Name, address and telephone number of any responsible party, if applicable;
 - (3) 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;
 - (4) Tax parcel identification number of the premise on which the building is situated;
 - (5) The common address of the building;
- and
- (6) Vacant building plan in accordance with section 5-294.

(e) 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.

(1) 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.

(f) All vacant buildings must remain secure and/or boarded in accordance with Article VII, Boarded-Up Buildings.

(g) 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.

(h) 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.

Sec. 5-294. Establishment of vacant building plan.

(a) 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:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) If available, a layout of the structure; and
- (5) A plan of action to secure, monitor and maintain the building and premises thereof in conformance with this chapter.

(b) 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.

Sec. 5-295. Vacant building fees.

(a) Annual registration fees are based on the use and the number of years that a building has been vacant (after the effective date of this ordinance). All fees are due at the time of registration or renewal.

(1) Fees for Non-residential structures are as follows:

- a. Initial registration \$ 0.00
- b. First annual renewal \$ 100.00
- c. Second annual renewal \$ 500.00
- d. Third annual renewal \$1,000.00
- e. Each year thereafter is \$1,000.00.

(2) Fees for Residential structures are as follows:

- a. Initial registration \$ 0.00
- b. First annual renewal \$ 50.00
- c. Second annual renewal \$ 250.00

- d. Third annual renewal \$ 500.00
- e. Each year thereafter is \$ 500.00

(b) 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.

(c) 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 5-296.

(d) *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 5-297, 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.

(e) 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 twelve months;
- (7) Buildings owned by the Government or a successor-in-interest to the Government, provided the vacancy began during the Government ownership; and/or
- (8) 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.

(f) Exemptions from annual registration fees not defined in this section may be to the Property Maintenance Board of Appeals for consideration.

Sec. 5-296. Enforcement and Penalties.

(a) Upon determination that a vacant building owner has failed to register or update information in accordance with this section, an administrative penalty of five hundred dollars \$500.00 in addition to the registration fee will be assessed if not in compliance within 30 days after notice.

(b) 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 five hundred dollars (\$500.00).

Sec. 5-297. 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.

Sec. 5-299. Reserved.

ARTICLE VII. BOARDED-UP BUILDINGS

Sec. 5-300. Covering of window and door openings of buildings.

Notwithstanding any other provision of this Code, 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.

Sec. 5-301. Inventory of improperly boarded buildings; notification of owners.

(a) The housing official 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."

Sec. 5-302. Permit required for covering of window and door openings.

(a) Except as provided in subsection (c) below it shall be unlawful for 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 housing official.

(a) Standard 90 day boarded building permit. The permit fee shall be \$50.00 for residential buildings and \$100.00 for mixed-use and 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.

(1) 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.

(2) Where applicable, the building must be registered in accordance with Sec 5-293, Vacant Building Registration.

(3) Permits issued pursuant to this section shall be valid for no more than 90 days. Upon issuance of a permit, the housing official shall list the property on the "Boarded-up Building Inventory."

(4) At the expiration of the standard 90 day boarded building permit, the owner of the boarded building may apply for an extended 1 year boarded building permit in accordance with subsection (b) if additional time is needed.

(b) Extended 1 year boarded building permit. The permit fee shall be \$50.00 for residential buildings and \$100.00 for mixed-use and 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 manufacturer's instructions.

(1) Where applicable, the building must be registered in accordance with Sec 5-293, Vacant Building Registration.

(2) Permits issued pursuant to this section shall be valid for 1 year. They can be renewed annually in accordance with this section. Upon issuance of a permit, the housing official shall list the property on the "Boarded-up Building Inventory."

(c) Temporary exemption:

(1) In the event a structure is damaged and requires securing immediately. Permit shall be obtained within 3 days.

Sec. 5-303. Notification of violation.

(a) The housing official 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

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the non-conforming materials from the window or door openings and replace the same with door or window installations which conform with the International Building Code.

(b) Any person failing to comply with the provisions of this article shall be deemed guilty of a misdemeanor punishable as prescribed by section 1-5 of this Code. Every day of noncompliance shall constitute a separate violation. The covering of window and door openings as provided under the provisions of this article does not stay enforcement of, or compliance with, any orders or notices by the housing or building code official or relieve any person from complying with all other applicable local and state laws affecting structures and premises.

The ordinance shall become effective and enforceable for any structure in the City of Columbia after October 1, 2019.

Requested by:

City Manager



Mayor

Approved by:

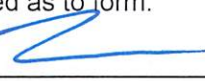
City Manager



City Manager

Approved as to form:

City Attorney



City Attorney

ATTEST:

City Clerk



City Clerk

Public Hearing: 6/4/2019 and 10/15/2019

Introduced: 6/4/2019

Final Reading: 10/15/2019