

CHAPTER 155: VACANT PROPERTIES

Sec. 155.01 - Purpose.

Purpose and intent. It is the intent of this subchapter is to help protect the health, safety and welfare of the citizens to prevent blight, protect property values and neighborhood integrity, to avoid the creation and maintenance of nuisances and to ensure the safe and sanitary maintenance of dwellings and commercial and industrial buildings. Due to economic conditions, mortgage foreclosures, and bankruptcies, homes, buildings and properties have become vacant and unsupervised. This has caused properties to become nuisances, decrease private investment and to invite unwanted activity. Such unwanted activities have included an increase in instances of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, vermin activity, foul odors, and façade decay at vacant properties. These vacant properties have a negative impact on surrounding properties and causes deterioration in neighborhoods and commercial areas. The city also needs to be able to contact owners for utility shutoff, fire safety and police reasons.

(Ord. 19-005, passed 4-22-19)

Sec. 155.02 - Definitions.

The following terms shall apply to this chapter as written unless context indicates or requires different meaning:

EVIDENCE OF VACANCY. Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but shall not be limited to, overgrown and/or dead vegetation; unshoveled snow from sidewalks; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; boarded-up windows; abandoned vehicles, auto parts or materials; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation or occupancy; statements by neighbors, passersby, delivery agents or utility agents, including city employees, that the property is vacant.

OWNER. The person or legal entity who has legal title and/or the right to possess, use, transfer or convey property, i.e., the owner or successor to title by foreclosure, sheriff's sale or by court order.

VACANT PROPERTY. A lot, property, building, or structure that is not legally or currently occupied. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, tending to personal matters or business, or property that is not intended by the owner to be left vacant.

(Ord. 19-005, passed 4-22-19)

Sec. 155.03 - Scope.

The provisions of this chapter shall apply to all existing vacant land and structures including, but not limited to, residential, commercial and industrial structures. This article does not relieve any person from compliance with all other city ordinances, the state building code, and all other laws, rules and regulations.

(Ord. 19-005, passed 4-22-19)

Sec. 155.04 - Registry of Vacant Properties.

- (A) *Creation of registry.* There is hereby created in the City of Garden City a registry of vacant properties and structures.
- (B) *Vacant properties to be registered annually.* Owners of real property are required to register all vacant properties within 60 days of the vacancy and to reregister the properties annually thereafter. Structures that are vacant at the time of the enactment of this ordinance must register within 60 days.

(Ord. 19-005, passed 4-22-19)