

CITY OF CHICKASAW
ORDINANCE NO. 2022-06

**AN ORDINANCE REQUIRING ALL VACANT BUILDINGS BE REGISTERED IN A CITY
MAINTAINED DATABASE**

WHEREAS, the City Council of the City of Chickasaw has an interest in promoting and maintaining the health, safety, welfare, and convenience of the residents of the City of Chickasaw; and

WHEREAS, the City Council recognizes that long standing vacant residences and buildings can create blighted conditions that negatively impact environmental and economic values; and

WHEREAS, it is the City's intent to prevent nuisance-related and blighted conditions; and

WHEREAS, the City finds it in the interest of public health, safety, and welfare to require the information of vacant building owners and/or creditors be included in a City maintained registered database.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Chickasaw the following:

Section 1. Definitions

- (1) ***Agent*** means an individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.
- (2) ***Commercial or industrial building*** means a building, structure, facility, or complex, or part thereof, located within the corporate limits of the City of Chickasaw that is used, or designed to be used, for any private manufacturing, industrial, or commercial business purposes whether or not legally zoned for such use. A multi-family residential property with more than four (4) dwelling units shall be a commercial or industrial building.
- (3) ***Creditor*** means a federal or state-chartered bank, savings bank, savings and loan association, credit union, mortgagee, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers;
- (4) ***Owner*** means any person, heirs at law, executors, administrators, co-partnership, association, corporations, fiduciary, or other legal entity having a legal or equitable title or any interest in any real property.
- (5) ***Residential property*** means real property located within the corporate limits of the City of Chickasaw with one (1) to four (4) dwelling units.
- (6) ***Vacant*** means a commercial or industrial building or residential property with no legal resident or tenant. Evidence of vacancy includes 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 include but are not limited to overgrown

or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.

Section 2. Registration.

- (1) Upon knowledge of a commercial or industrial building or residential property being vacant, the owner and/or creditor shall within fifteen (15) days register the property as a vacant property with the building and safety division of the City of Chickasaw.
- (2) Upon initiating the legal process to foreclose real property, but no later than upon filing a complaint of foreclosure upon executing a deed in lieu of foreclosure on a commercial or industrial building or residential property registration as prescribed in subsection (1), above, has not yet been completed, the creditor shall within seven (7) days register the property as a property in foreclosure with the building and safety division of the City of Chickasaw
- (3) Registration shall include the address of the property, the name and contact information of the agent for the creditor, if applicable, the name and contact information for a property preservation company or property manager, if applicable, along with any additional information deemed necessary by the Public Safety Director or his/her designee, in his capacity as director of the building and safety division.
- (4) A creditor is required to update the registration form with all pertinent information when (a) a commercial or industrial building or residential property becomes vacant at any time after submission of the registration required by subsection (2), above, (b) a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure at any time after submission of the registration required by subsection (2), above, (c) a creditor acquires title to the property at sheriff/foreclosure sale, or (d) any previously provided information (i.e. name or contact information of agent or property preservation vendor) changes.
- (5) The city may utilize a third-party to administer the program and cause or direct all relevant information to be submitted to the third-party administrator.

Section 3. Maintenance.

- (1) The owner or creditor of a vacant commercial or industrial building or residential property is required to conduct regular inspections, at the minimum once a month, to ensure property is compliant with all City building, housing, and property maintenance codes.
- (2) For all properties registered pursuant to section 2, if the city determines the property is in violation of any ordinance regulating a nuisance, the city may notify the owner or creditor of the violation by providing notice of the violation by electronic mail, and/or certified mail, return receipt requested to the person(s) identified on the submitted registration form.
- (3) The city may require the owner to correct the violation and may require creditor to correct the violation to the extent consistent with the terms of the mortgage or other rights and interests in the property.
- (4) A notice of violation shall include a description of the conditions that give rise to the violation and shall provide a period of not less than seven (7) days to remedy the

violation from the owner's or creditor's receipt of the notice. The building and safety division may require expedited maintenance actions in certain emergency situations, such as vandalism, unsecured entranceways, and criminal activity, etc.

Section 4. Enforcement

- (1) The owner's or creditor's failure to remedy the violation within the period required by the notice of violation shall be an offense against the City of Chickasaw and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per offense, per location. The Public Safety Director or his/her designee with APOSTC certification may issue a citation to the owner or creditor for violations of the provisions of this section. If the offense or property remains in disrepair for more than 24 months after being found guilty of the initial citation, an additional citation resulting in a fine of not more than seven hundred and fifty dollars (\$750) may be issued.
- (2) Any owner or creditor that fails to register commercial or industrial building or residential property shall be subject to a civil fine of one hundred dollars (\$100.00) per offense, per location, payable to the city for each day of delinquency. If the offense or property remains vacant or unregistered for more than 24 months after being found guilty of the initial citation, an additional citation resulting in a fine of not more than five hundred dollars (\$500) may be issued.

Section 5. Administrative Fees.

- (1) Any owner or creditor of a commercial or industrial building required to be registered by this article shall pay to the City a registration fee in the amount of four hundred dollars (\$400.00) per year
- (2) Any owner or creditor of a residential property required to be registered by this article shall pay to the city a registration fee in the amount of two hundred dollars (\$200.00) per year.
- (3) The registration of a commercial or industrial building or residential property shall pay to the city a registration shall be valid for one (1) year from the date of registration. The owner or creditor shall renew the registration annually so long as the property meets the criteria requiring registration fee
- (4) The city may contract with a third-party administrator to assess, charge, and collect all registration and renewal fees due and payable pursuant to this article. In such event, the owner or creditor shall pay the registration and renewal fees directly to the contracted third-party administrator.
- (5) For properties registered under Section 2, the owner or creditor is not required to renew the registration when, before the expiration on one (1) year from the date of registration or renewal, the property is legally re-occupied, or the property is transferred to an unaffiliated third-party.
- (6) For properties registered under Section 2, the creditor is not required to renew the registration when, before the expiration of one (1) year from the date of registration or renewal, the foreclosure action is dismissed, or the property is transferred to an unaffiliated

third party. If the foreclosure action is dismissed however the property remains vacant, the annual renewal is still required.

- (7) The creditor is not required to renew the registration when, before the expiration of one (1) year from the date of registration or renewal, the creditor releases the lien and removes the creditor's interest in the property.

Section 6. De-registration.

When any registered property that transfers to an unaffiliated third party, or the foreclosure action is dismissed, and the property is occupied, or is legally re-occupied and not subject to a foreclosure action, or the registering creditor releases the lien, the owner or creditor shall de-register the property using the forms and instructions provided by the city or its third-party administrator.

Section 7. Exemptions.

- (1) The Public Safety Director or his/her designee may exempt a property from the registration and fee requirements of this article in the following instances:
 - (a) The property is habitable wherein all building systems are in sound working order which is evidenced by the issuance of a certificate of occupancy, and the building and grounds are maintained in good order, and the building is being actively marketed for sale or rental and actively maintained. Evidence of property being marketed for sale or rent could include but not limited to, retaining a licensed real estate agent or broker to list the property for sale or rent, taking out advertisements in various media forms such as, newspapers and online services, and need to be provided to the designated municipal official. The building and safety division may request additional information, for example any available photos, price, and agent information.
 - (b) An owner submits plans to the building and safety division demonstrating that the property will be rehabilitated and restored to productive use and occupancy within twelve (12) months following the initial property registration along with a certified letter from a licensed contractor or architect stating that the property is capable of being rehabilitated and restored to productive use and occupancy within the twelve (12) months following the initial property registration, provided, the property is actively maintained in the interim. The building and safety division may request additional information, for example any available photos, plot plan, layout plan, etc.
 - (c) The owner certifies to the building and safety division that the vacancy is a result of damage from a natural disaster in the past six (6) months and the owner is actively seeking insurance proceeds or Federal/State assistance to rehabilitate the property. The owner is required to update the building and safety division monthly until property is rehabilitated.
 - (d) The owner certifies the vacancy is a result of a fire in the past thirty (30) days and the owner is actively seeking insurance proceeds to rehabilitate the property. The owner is required to update the building and safety division monthly until property is rehabilitated.
 - (e) The owner certifies to the designated municipal official that the vacancy is not an abandonment and is utilized as a vacation home, or conversely the property is vacant

while the owner resides at a vacation home and the subject property is actively maintained.

(f) The owner is on active duty with any branch of the U.S. Armed Services.

(2) In determining whether to grant a request for exemption, the Public Safety Director or his/her designee shall consider the following:

- (a) The applicant's prior record as it pertains to the city's housing, building, fire, and property maintenance code violations.
- (b) The amount of vacant property that the applicant currently has within the city and the length of time that the property for which the exemption is sought has been vacant.
- (c) The proximity of the vacant property to a school or other properties that require additional safety considerations.

SECTION 8. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.


SECTION 9. Repealer.

Any ordinance(s), parts of ordinance(s), or resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as and only to the extent to which they conflict.

SECTION 10. Effective Date.

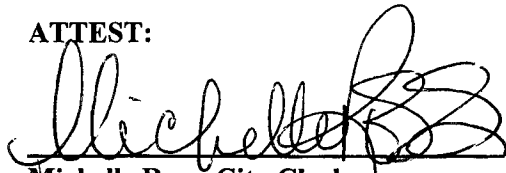
This Ordinance shall be in full force and effect from and after the date of its approval by the City Council of Chickasaw and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW
THIS 13 DAY OF Sept, 2022.



Barry Broadhead, Mayor

ATTEST:



Michelle Ross, City Clerk