

Ordinances Governing
VACANT STRUCTURE REGISTRATION
in the
CITY OF ARLINGTON
TEXAS

Adopted by Ordinance No. 08-053
(July 1, 2008)

(Chapter Designator: VACANT STRUCTURE REGISTRATION)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
08-053	07/01/08	Adopt new "Vacant Structure Registration" Chapter of the Code of the City of Arlington.

TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS

Section 1.01 Title
Section 1.02 Purpose
Section 1.03 Applicability

ARTICLE II DEFINITIONS

Section 2.01 Definitions

ARTICLE III REGISTRATION

Section 3.01 Registration
Section 3.02 Vacant Structure Determination
Section 3.03 Fees
Section 3.04 Exceptions

ARTICLE IV ENFORCEMENT AND PENALTY

ARTICLE I**GENERAL PROVISIONS****Section 1.01 Title**

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the Vacant Structure Registration Chapter of the City Code of Ordinances.

Section 1.02 Purpose

The purpose of this chapter is to protect the public health, safety and welfare of Arlington citizens by requiring the registration of all vacant structures, the submission of a vacant structure maintenance plan and the payment of an annual registration fee in order to monitor, inspect and record the condition of vacant structures. Further, this chapter serves to preserve property and reduce fire safety hazards and unlawful, temporary occupancy by transients. The provisions in this chapter are cumulative of all City ordinances.

Section 1.03 Applicability

The requirements of this chapter shall be applicable to each owner of a structure that has been vacant for more than 180 days except as to a structure that is owned by a federal, state, or local governmental entity.

(Adopt Ord 08-053, 7/1/08)

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

"City" means the City of Arlington, Texas.

"Director" means the Director of the Community Services Department or designee or the City Manager designated Department Directors or designees charged with the enforcement of this chapter.

"Notice of Determination" means the written notice by the Director to an owner that the structure is a vacant structure, a statement of the factual basis for the determination, and the obligations of the owner of the structure to register.

"Occupied" means where one or more persons actually conduct a lawful business or resides in all or any part of the structure as the licensed business-occupant, or as the legal or equitable owner or occupant or tenant on a permanent, non-transient basis, or any combination of the same.

"Owner" means any person, agent, firm or corporation, whether one or more, having a legal or equitable interest in the property; owner or owners recorded in the Official Public Records of Real Property in Tarrant County, specifically in the Tarrant County Clerk's Office; owner or owners recorded in the records of Tarrant Appraisal District; or any person, agent, firm or corporation otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. There is a rebuttable presumption that the Tarrant Appraisal District's records identify the owner of the property and the owner's address.

"Person" means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.

VACANT STRUCTURE REGISTRATION
2.01

"Registration Fee" means the non-refundable annual fee as established by City Council resolution that an owner of a vacant structure is required to remit to the Director each year the structure is vacant. The registration fee is to cover the cost of the vacant structure program including the cost of the City registering and inspecting the vacant structure.

"Registration Form" means that form provided by the Director for an owner to register a vacant structure with the City.

"Reinspection Fee" means the fee as established by City Council resolution which may be assessed for each reinspection when such violation was not corrected after inspection.

"Structure" means any building or structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animal, chattel or moveable property of any kind.

"Vacant" means no person(s) actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the structure as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, non-transient basis.

"Vacant Structure Maintenance Plan Form" means that form provided by the Director for an owner to provide a vacant structure maintenance plan to the City.

(Adopt Ord 08-053, 7/1/08)

ARTICLE III**REGISTRATION****Section 3.01 Registration**

- A. The owner of a vacant structure shall register that structure by completing and filing with the Director a registration form, completing and filing with the Director a vacant structure maintenance plan form, and remitting to the Director the registration fee in the amount as established by City Council resolution within 180 days from the time that the structure becomes a vacant structure in accordance with this chapter. Thereafter, the owner of the vacant structure shall annually register that vacant structure by completing and filing with the Director the registration form, completing and filing with the Director the vacant structure maintenance plan form and remitting to the Director the registration fee in the amount as established by City Council resolution on or before October 31st of every year until such structure becomes occupied or the ownership is transferred.
- B. Upon payment of the full amount due of the annual registration fee to the Director by an owner of a vacant structure, the requirement for remittance of the annual registration fee as described above has been satisfied.
- C. The Director shall provide the registration form that the owner shall complete and file with the Director. The registration form shall include the street address of each vacant structure, the names and address of each owner and any other information deemed necessary for vacant structure identification by the Director.
- D. The Director shall provide a vacant structure maintenance plan form that the owner shall complete and file with the Director.
- E. If the status of any registration information changes including ownership information or the structure becomes occupied, the owner shall contact the Director in writing within 30 days to report such changes.
- F. Any new owner of a vacant structure shall update the registration of that vacant structure by completing and

filing with the Director a registration form; completing and filing with the Director a vacant structure maintenance plan form, and remitting to the Director the current annual registration fee for that vacant structure, if it had not been previously paid; and, thereafter, annually registering as described above for an owner.

Section 3.02 Vacant Structure Determination

- A. If the Director has reason to believe that a structure has been vacant for at least 180 days and it is unregistered, the Director shall evaluate the structure and make a determination as to whether the structure is vacant within the meaning of this chapter. If the Director finds the structure is vacant, the Director shall state that determination in writing and the factual basis for the determination. The Notice of Determination shall be based on the definitions and standards in this chapter. The Director shall give written Notice of Determination by either mailing such notice to the owner at the owner's address as recorded in the Tarrant Appraisal District records or by mailing, personal delivery, or verified facsimile transmission to an owner. If such notice is addressed and mailed through the United States Postal Service to the owner at the owner's address as recorded in the Tarrant Appraisal District records and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected and the noticed is considered delivered.
- B. The Notice of Determination shall identify the structure; street address or legal description of the property; state the factual basis for the determination; and, the obligations of an owner to register the structure as set forth in this chapter.

Section 3.03 Fees

- A. A registration fee and reinspection fee is hereby authorized to be charged to the ownership of all vacant structures. The fees shall be used to cover the cost of administration of the vacant structure registration program and inspections. The registration and reinspection fees shall be established by City Council resolution.

- B. The registration fee shall be paid on an annual basis. The registration fee billing period shall be October through September (billable in October). The registration fee payment shall be due to the Director by October 31st of every year until such structure becomes occupied. Reinspection fees may be billed monthly and payments shall be due to the Director within thirty (30) days from the billing date.
- C. All registration fees are to be expended during the current billing year as may be necessary to cover the City's direct and indirect cost for administering the registration and inspections required by this chapter. Should there be an unexpended balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the City, together with the unexpended balance will be sufficient to pay the expenses of carrying out the provisions of this chapter.
- D. All fees shall be applied to the year in which they were billed.

Section 3.04 Exceptions

Upon an owner's written request to the Director for an exception to the registration fee requirement and a finding by the Director that a vacant structure qualifies as described below, the following shall be exceptions from the registration fee requirements of this chapter:

1. a vacant structure that has a City building permit in issued status for remodel/repair;
2. a vacant structure that is being actively marketed for sale or lease for less than twelve (12) months by a licensed real estate broker or an owner who is regularly advertising the property; or
3. a vacant structure that is under a contract for sale or lease for less than twelve (12) months.

The Director shall issue such finding in writing and mail such written finding by either mailing such notice to the owner at the owner's address as recorded in the Tarrant Appraisal District records or by mailing, personal delivery, or verified facsimile transmission to an owner.

(Adopt Ord 08-053, 7/1/08)

ARTICLE IV

ENFORCEMENT AND PENALTY

- A. The Director shall enforce the terms and conditions of this chapter when violations occur.
- B. It is an offense to:
 - 1. fail to provide information required by this chapter;
 - 2. provide false information on the registration form or vacant maintenance structure plan form; or
 - 3. fail to perform an act required by this chapter.
- C. Each offense is punishable by a fine not to exceed Five Hundred Dollars (\$500) and each day that the violation continues shall be a separate offense.

(Adopt Ord 08-053, 7/1/08)