# ORDINANCE 524

## AN ORDINANCE AMENDING ORDINANCE 521 WHICH REQUIRES THE REGISTRATION AND PAYMENT OF FEES FOR VACANT PROPERTIES

**Sponsored by:** **The Mayor and Council**

**First and Second Reading:** **October 14, 2010** **Council Meeting**

**Results**: Passed 6 In Favor - 0 Opposed
1- Absent (6th District Councilman John N. Pasquale Jr.)

**Third and Final Reading:** **November 11, 2010** **Council Meeting**

**Results:**

# ORDINANCE 524

## AN ORDINANCE AMENDING ORDINANCE 521 WHICH REQUIRES THE REGISTRATION AND PAYMENT OF FEES FOR VACANT PROPERTIES

**WHEREAS,** the Mayor and Council believe they must make amendments to Ordinance 521 in order to make it achieve the legislative intent of the Mayor and Council.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:**

That Ordinance 521 be amended as follows.

**1. By deleting section 2 (a) 1, in its entirety and inserting a new section 2 (a) 1, to read as follows.**

**2. Definitions:**

(a) Definitions. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

1. **Boarded:** A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or other durable material covering the space intended for such door or window.

**2. By deleting section 2 (a) 2, in its entirety and inserting a new section 2 (a) 2, to read as follows.**

**2. Definitions:**

(a) Definitions. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

2. **Exterior maintenance and major systems:** The phrase "exterior maintenance and major systems" shall mean the safe, lawful and secure maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, the sidewalk and driveway, of any secondary

building, dwelling or structure, if any.

**3. By Deleting the first sentence in section 3 and inserting a new sentence to read as follows.**

3. Applicability: The requirements of this section shall be applicable to each owner of any building, structure dwelling or apartment that shall have been vacant for more than 45 consecutive days and to each owner of a residential property consisting of one or more vacant dwellings that shall have been vacant for more than 45 consecutive days.

**4. By renumbering the current section 9 to section 10, and by renumbering the current section 10 to section 11 and then by inserting a new section 9 to read as follows.**

9. The owner of any vacant property shall insure that property is inspected at least weekly to ensure that the property is being maintained in a safe, secure and code compliant condition. Should evidence be found that indicates forced entry has been made to a vacant property, the police shall be notified immediately.

**5. By inserting into the new section 11 the following.**

**After the words "**to register a vacant building" insert ", fails to secure and maintain in a safe condition any vacant building "

October 14, 2010
First and Second Reading

November 11, 2010
Third and Final Reading

Deborah A. Norkavage, Mayor

Joann I. Personti, Secretary

Approved as to form:

Town Solicitor

# SYNOPSIS
## ORDINANCE 524

This Ordinance makes certain amendments to Ordinance 521 which imposes registration requirements for vacant properties, with fees corresponding to the duration of the vacancy, along with a right to appeal the imposition of the fees and a one-time waiver of the fee for good cause. These amendments are being made to more clearly define the Mayor and Council's wishes and requiring the owner of a vacant property to keep the property secure.

Fiscal Impact: The fiscal impact of this ordinance is unknown at this time.