

## Article 4-17

### VACANT AND ABANDONED COMMERCIAL STRUCTURES

#### Sections:

<b>4-1701</b>	<b>Findings.</b>
<b>4-1702</b>	<b>Definitions.</b>
<b>4-1703</b>	<b>Registration.</b>
<b>4-1704</b>	<b>Registration Information.</b>
<b>4-1705</b>	<b>Registration and Administrative Fee.</b>
<b>4-1706</b>	<b>Recovery of Fees.</b>
<b>4-1707</b>	<b>Securing Structures.</b>
<b>4-1708</b>	<b>Right of Entry; Re- inspections.</b>
<b>4-1709</b>	<b>Reuse and Occupancy.</b>
<b>4-1710</b>	<b>Penalty.</b>

#### **4-1701 Findings.**

The Governing Body of the City of Rock Springs finds that the presence of vacant and abandoned commercial structures creates an element of neighborhood blight. It is recognized that blight lowers property values, leads to deteriorating housing conditions, undermines the quality of life, affects the public health, safety, and general welfare, and can also result in human injury and criminal activities.

#### **4-1702 Definitions.**

- (a) As used in this chapter:
- (i) "Vacant and/or abandoned commercial structure" means any building, which has been used or was intended for use as a commercial structure, in whole or in part, including an accessory building, and which has become or has been vacant and/or abandoned for a period of at least one hundred eighty (180) consecutive days and which also meets at least one of the following conditions:
1. Is open to casual entry or trespass;
  2. Is fire damaged to an extent which prohibits safe human

occupancy;

3. Is the site of loitering or vagrancy;

4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more apparent violations of the applicable ordinances of the City of Rock Springs or state law;

5. Has been cited for being in violation of city ordinances;

6. Has been secured or boarded up for at least ninety (90) days;

7. Has no metered utilities connected or in use;

8. Is under a condemnation notice or legal order to vacate;

9. Is structurally unsound; or

10. Is a potential hazard or danger to persons.

(ii) "Accessory building" means a subordinate structure on the same premises as the main commercial structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is a vacant and/or abandoned commercial structure or not, such as, but not limited to, a garage, barn, or storage shed or structure.

(iii) "Owner" means any person with a legal or equitable ownership interest in the property.

(iv) "Secured" means a building which has all points of entry into the structure either:

1. Closed by use of windows and doors which are in proper working order, intact, without holes or broken elements, and are locked; or

2. Are secured by exterior grade plywood in accordance with this chapter.

(Ord. No. 2021-19; 1/4/22)

#### **4-1703 Registration.**

The owner of any property containing one or more vacant and/or abandoned commercial

structures shall register said property with the Urban Renewal Agency of the City of Rock Springs and pay an annual administration fee. The owner of any such property has a duty to register the property regardless of whether the owner has received any prior notice from the City. Registration of property containing a vacant and/or abandoned commercial structure does not preclude the City from taking appropriate action to secure a structure, to repair or abate dangerous, hazardous, or unlawful conditions, or to eliminate imminent hazards to public health and safety. Registration of property containing a vacant and/or abandoned commercial structure does not relieve the owner of the duty to comply with applicable building codes adopted pursuant to the ordinances of the City of Rock Springs.

**4-1704 Registration Information.**

(a) The owner of each property containing one or more vacant and/or abandoned commercial structures shall register the property with the Urban Renewal Agency of the City of Rock Springs and provide the following information on a Vacant and/or Abandoned Commercial Structure Registration Form:

- (i) The address of the property containing one or more vacant and/or abandoned commercial structures;
- (ii) The legal name(s) and mailing address of each owner of the property;
- (iii) The telephone number of each owner, including cell phone and mobile phone numbers;
- (iv) The name, address, and telephone number of any agent or representative appointed by the owner(s) with respect to the property as well as the name and address of the person to whom any notice shall be sent;
- (v) The reason the owner is maintaining a vacant and/or abandoned commercial structure on the property;

(vi) The estimated length of time any vacant and/or abandoned commercial structure is expected to remain vacant or abandoned; and ;

(vii) A description of plans for restoration, reuse or removal of any structure on the property with an accompanying work schedule.

(b) An owner shall file an amended registration form within seven (7) days of any change in the registration information required by this section.

**4-1705 Registration and Administrative Fee.**

(a) An owner of a property containing one or more vacant and/or abandoned commercial structures, as defined in Section 4-1702 of this chapter, shall pay an annual vacant and/or abandoned commercial structure registration fee in the amount of Five Hundred Dollars (\$500.00) and an annual administrative fee in the amount of Two Hundred Fifty Dollars (\$250.00). Fees paid pursuant to this section shall be used to defray the expenses incurred by the Urban Renewal Agency and the City of Rock Springs to monitor and enforce applicable any applicable ordinances.

(b) The first annual administrative fee for a property shall be paid on or before the first day of the month following the date upon which the property is determined to contain a vacant and/or abandoned commercial structure, as defined in Section 4-1702 of this chapter. Subsequent annual administrative fees shall be due on the first business day after the expiration of one(1) year from the date the previous annual administrative fee was paid, provided however, that no subsequent annual administrative fee shall be due if the property no longer contains any vacant and/or abandoned commercial structure.

(c) The failure to register a vacant and/or abandoned commercial structure, as defined in Section 4-1702 of this

chapter, or to pay an annual administrative fee, when the same shall become due, shall subject the property owner to the penalties set forth in accordance with Section 4-1710 of this chapter. Any owner of a property containing a vacant and/or abandoned commercial structure who fails to make timely payment of the required annual administration fee set forth herein, within thirty (30) days after it becomes due and owing, shall be subject to a late fee in the amount of Ten Dollars (\$10.00) per month.

(Ord. No. 2021-19; 1/4/22)

**4-1706 Recovery of Fees.**

If all or part of the fees required by this chapter are not paid or are overdue, the Urban Renewal Agency of the City of Rock Springs may recover such sums by any lawful means available.

**4-1707 Securing Structures.**

(a) A request by the URA to secure a vacant and/or abandoned commercial property shall be complied with by the owner within seventy-two (72) hours. If securing of the structure has not been completed or does not comply with applicable city ordinances and related building codes, the City shall secure the structure and the owner shall be responsible for costs incurred.

(b) Plywood boarding, or its equivalent, shall be placed over all points of entry on a vacant and/or abandoned commercial structure such that all exterior openings suitable for animal or human entry are secured as follows:

(i) All first story and ground accessible points of entry shall be secured by use of exterior grade plywood or its equivalent, cut to the size of the opening and secured by the use of appropriate fasteners; and

(ii) Entry points above the first story or not accessible from ground level, shall be secured by use of exterior grade plywood or its equivalent cut to

the size of the opening and secured by the use of appropriate fasteners.

**4-1708 Right of Entry; Re-inspections.**

If the owner has failed to secure a property and it has been secured by the City, the City may enter or re-enter the structure to conduct necessary inspections to insure compliance with the requirements of this chapter and to determine if there are any emergency or hazardous conditions.

**4-1709 Reuse and Occupancy.**

No owner shall perform, or cause to be performed any work, to reconstruct, repair, remodel, or otherwise improve any vacant and/or abandoned commercial structure, without having obtained building permits as required by the ordinances of the City of Rock Springs. No vacant and/or abandoned commercial structure shall be re-occupied until the required building permits have been obtained, said structure has been inspected, and a certificate of occupancy is issued by the chief building official.

**4-1710 Penalty.**

In addition to any other penalty provided for in this section, this chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this chapter.

(Ord. No. 2013-10, 6/4/13)