

Sponsor: Councilman DeFeo  
First Reading: 07/16/12  
Second Reading: 08/06/12  
Third Reading: 08/20/12  
Ord. No.: 009-12

**AN ORDINANCE TO AMEND CHAPTER 18 (“BUILDING AND BUILDING REGULATIONS”), ARTICLE XX (“ANNUAL REGISTRATION OF VACANT BUILDINGS AND REGISTRATION FEES”) TO SPECIFY THE USE OF FEES AND PENALTIES COLLECTED PURSUANT TO THIS ARTICLE**

WHEREAS, Article XX (“Annual Registration of Vacant Buildings and Registration Fees”) of Chapter 18 of the Town Code provides for the payment of vacant building registration fees and for the payment of penalties for violations of Article XX;

WHEREAS, the owners of vacant and dangerous buildings are required by the Town Code to perform certain actions regarding the maintenance and security of their property;

WHEREAS, property owners sometimes fail to maintain their properties in a safe and secure condition in violation of the Town Code, resulting in the need for the Town to advance the funds for the remedial actions and then take legal action to recover the expenditures from the property owners;

WHEREAS, the Town Council seeks to deposit fees and fines generated through Article XX into a designated account from which the Town can advance funds (which it will later seek to recover from the property owner) for the repair or demolition of vacant and dangerous buildings when property owners fail to perform the remedial actions themselves;

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 18, Article XX, Section 18-1557 (“Definitions and applicability; registration statement and fees”) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Section 18-1557 by inserting after subsection (m) a new subsection (n) as follows:

(n) All vacant building registration fees paid to the Town pursuant to subsection (c) of this Article and all penalties paid to the Town pursuant to subsection (j) of this Article shall be held in an account separate and apart from the general revenues of the Town for use by the Town to bring properties into the compliance with the Town Code whenever a property owner fails to perform the required remedial actions after having been duly notified by the Town. The Town shall make reasonable efforts to exhaust all available legal remedies to recover from the property owner any expenditure of funds made from this account. All funds recovered from such actions shall be deposited back into the special account until the amount exceeds \$50,000.00. Any amounts in excess of \$50,000.00 in the account may be transferred to the general fund by majority vote of the Town Council.

SYNOPSIS

This ordinance amends Chapter 18, Article XX, Section 18-1557 (“Definitions and applicability; registration statement and fees”) by requiring vacant building registration fees and penalties to be deposited into a specific account for use by the Town to bring vacant and abandoned properties into compliance with the Town Code when the property owner fails to do so after proper notice from the Town. The Town shall use reasonable efforts to pursue all available legal remedies in order to recover from the property owner any expended funds, and all amounts so recovered shall be deposited back into the account. Any amounts in the designated account in excess of \$50,000.00 may, by majority vote of council, be transferred to the general fund.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna /Clayton Sun Times” on \_\_\_\_\_, 2012 and posted at the Town Hall on \_\_\_\_\_, 2012.

So Certifies:

\_\_\_\_\_  
Town Clerk

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This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2012 and posted at the Town Hall on \_\_\_\_\_, 2012.

So Certifies:

\_\_\_\_\_  
Town Manager