

ORDINANCE NO. _____

**AN ORDINANCE CREATING ORDINANCE NO. _____
REGARDING VACANT COMMERCIAL STRUCTURE REGISTRATION**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BLYTHEVILLE, ARKANSAS:**

Ordinance No. _____ is hereby created:

Section 1 - Title.

This chapter of the Code of Ordinances of the City of Blytheville is hereby designated and shall be known and referred to as the Vacant Commercial Structure Registration Ordinance.

Section 2 - Purpose.

The purpose of this chapter is to protect the public health, safety and welfare of the citizens of Blytheville, Arkansas, by requiring the registration of all vacant commercial structures, the submission of a vacant commercial structure plan of action and the payment of an annual registration fee in order for the City to monitor, inspect and record the condition of vacant commercial structures. The provisions in this chapter are cumulative of all city ordinances and its goal is to ensure that a vacant commercial property owner puts commercial property to its best and highest use.

Section 3 - Applicability and administration.

- (a) The requirements of this chapter shall be applicable to each owner of a commercial structure that has been vacant for more than ninety (90) days except as to a commercial structure that is owned by a federal, state, or local governmental entity.
- (b) The Mayor or his/her/their designee is authorized to administer and enforce the provisions of this ordinance.
- (c) The Mayor or his/her/their designee shall have the authority to render interpretations of this ordinance and to adopt policies and procedures in order to clarify the application of its provisions. The Mayor or his/her/their designee, at his/her/their sole discretion, may also enter into an agreement with a registered commercial property owner to obtain compliance with this ordinance by a specific date.

Section 4 - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lawful activity means that for which the structure was built or intended to be used for.

Notice of determination means the written notice by the Mayor or his/her/their designee 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 it.

Occupied means where one (1) or more persons actually conduct a lawful business or reside in all or any part of the structure as the licensed business-occupant, or as the legal or equitable owner or occupant/tenant on a permanent, non-transient basis, or any combination of the same.

Owner means any person, agent, firm or corporation, bank, mortgagee, etc. having a legal or equitable interest in the property; owner or owners recorded in the official public records of real property, owner or owners recorded in the records of Mississippi County; 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.

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 city manager or his/her designee, each year the structure is vacant. The registration fee is applied to the costs incurred by the city manager or his/her designee in the enforcement of this ordinance and for services that are required such as the inspection of the vacant structure.

Registration form means the form provided by the Mayor or his/her/their designee, for an owner to register a vacant structure with the City of Blytheville.

Reinspection fee means the fee as established by the city council resolution which may be assessed for each reinspection when such violation was not corrected after initial inspection.

Structure refers to anything that is constructed or built to house a business, provide support, shelter, enclosure or partial enclosure of people.

Commercial property refers to any real estate/property that is zoned for commercial use, any property that is used (or has been used) for business activities, real estate/property that is used to generate a profit as well as large residential rental properties.

Vacant means all lawful activity has ceased, or reasonably appears to have ceased in the structure, for ninety (90) days.

Vacant structure plan of action form means that form provided by the Mayor or his/her/their designee for an owner to provide an action plan for returning the structure to its best and highest use.

Section 5 - Registration.

- (a) The vacant commercial structure property owner shall have ninety (90) days in which to register with the Code Enforcement from the date written notice from the City is issued to the property owner. Written notice shall be issued to the owner of the vacant commercial structure by means of personal service or by first class mail to the property owner's last known address according to the records of the Mississippi County Assessor's Office or the records of the City of Blytheville, or by posting on the vacant commercial structure. Thereafter, the owner of the vacant commercial structure shall annually register that vacant commercial structure by completing and filing with the Mayor or his/her/their designee the registration form, completing and filing with the city the vacant structure plan of action form and remitting to the city the registration fee in the amount as established by city council resolution each year until such structure becomes occupied or the ownership is transferred.
- (b) Upon the issuance of notice by the city to register a vacant commercial property, and prior to the issuance of a certificate of registration for any vacant commercial building, the owner shall register with the Mayor or his/her/their designee and provide the following information:
 - (1) The address and legal description of the property.
 - (2) The current name, physical address, mailing address, telephone number and email information for any owner(s) with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
 - (3) The contact information for a local manager of the properties and/or improvements located on said property, as applicable.
 - (4) Proof of liability insurance, no less than one hundred thousand dollars (\$100,000.00) for the property. If insurance cannot be obtained, a surety bond for the value of the property as valued by Mississippi County.
 - (5) A written comprehensive plan of action detailing a timeline for correcting violations, rehabilitation, and maintenance while vacant, and future use(s) of the structure. Said plan of action must be updated every six (6) months.
 - (6) A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.
 - (7) Written notice to the city, including a copy of the deed, of a change in:
 - a. Ownership of the property.

- b. Contact information for the owner or the designated manager. Written notice must be provided to the city no later than thirty (30) days after said changes have occurred.
- c. Continued annual registration of the property by the vacant structure commercial property owner until said structure is deemed occupied and in compliance with all relevant code requirements by the city.

Section 6 - Registration fees.

Vacant commercial structure property owners shall tender an initial registration and inspection fee of five hundred dollars (\$500.00) for each vacant commercial structure. Subsequent annual registration renewal fees shall be five hundred dollars (\$500.00) for the first and second renewal, seven hundred fifty dollars (\$750.00) for the third and fourth renewal and one thousand dollars (\$1,000.00) for the fifth and any further renewal and the aforementioned fees shall be due on a year to date basis from the date of the initial registration. A late fee of fifty dollars (\$50.00) will be due upon registration if the property owner did not register the vacant commercial structure within the allotted ninety (90) days or failed to renew their annual registration on time.

Section 7 - Property manager or agent.

- (a) Vacant commercial structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the city. The property manager shall serve as agent for the property owner for purposes of accepting legal service; however, the vacant property owner remains personally liable in criminal prosecutions for code violations.
- (b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe.

Section 8 - Standard of care for vacant property.

The standard of care, subject to approval by the Mayor or his/her/their designee, shall include, but is not limited to:

- (a) *Window, skylight and door.* Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with appropriately sized doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and

secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the city manager or his/her designee.

- (b) *Structure.* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
- (c) *Exterior walls.* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface-coated where necessary to prevent deterioration.
- (d) *Roof and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, and operational.
- (e) *Interior and exterior areas.* The property must be kept free of junk, trash, debris and combustible materials.
- (f) *Vegetation and landscaping.* Shall be maintained in good and healthy condition.
- (g) *Premises identification.* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.
- (h) *Overhang extensions and awnings.* Overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
- (i) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.
- (j) *Handrails and guards.* Every exterior handrail and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (k) *Protective treatment.* Exterior surfaces, including but not limited to doors, door and window frames, porches, balconies, decks and fences, shall be maintained in good condition, weather tight and in such condition so as to prevent the entry of

rodents and other pests. All exposed surfaces subject to rust or corrosion, other than decay-resistant woods or surfaces designed for stabilization by oxidation, shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight.

- (l) *Repairs.* All repairs shall be subject to approval by the city. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.
- (m) *Premises identification.* The structure shall have the address numbers placed in a position to be plainly legible and visible from the street or road fronting the structure. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of one-half (½) inch (12.7 mm). All vacant structures shall display a vacant building identification placard unless waived by the Building Inspector, Mayor or his/her/their designee.
- (n) *Decorative features.* All cornices, belt courses, corvels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (o) *Chimneys and towers.* All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (p) *Basement hatchways and windows.* Every basement hatchway shall be maintained to prevent the entrance of rodents, birds, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.
- (Q) *Violation.* Failure to maintain the vacant commercial property to the standard of care specified by the city is a violation of this article.

Section 9 - Fee waivers.

All fee waivers must be applied for on an annual basis, and are subject to approval by the Mayor or his/her/their designee. A fee waiver is valid for no more than twelve (12) months, and may be issued for a shorter period of time.

- (a) Property which has been devastated by a catastrophe such as fire or flood: the owner has thirty (30) days to register from the date of the disaster but may be

exempt from the fees. This exemption is for the duration of one (1) year from the date of the catastrophe; thereafter all applicable fees are due.

- (b) A property owner who is indigent must register and is otherwise subject to this article but may be exempt from the fees.
- (c) Representatives of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this article, but may be exempt from the registration fees. If representatives of the property owner cannot be identified and provisions of this article are required to be carried out by the city to protect the property, then the city reserves the right to make corrections and charge the cost to the owner(s) by filing appropriate liens with the county clerk.
- (d) Where the owner of the property has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy, the owner must register the property and is otherwise subject to this article but may be exempt from the registration fees.
- (e) Where the structure 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, the owner must register the property and is otherwise subject to this article but may be exempt from the registration fees.
- (f) Where the structure is under a contract for sale or lease for less than twelve (12) months, the owner must register the property and is otherwise subject to this article but may be exempt from the registration fees.
- (g) Where the vacant commercial structure is owned by an economic development corporation, the owner must register the property and is otherwise subject to this article but may be exempt from the registration fees.

Section 10 - Jurisdiction, enforcement and penalties.

- (a) Written notice of violation will precede the issuance of a citation, in which the vacant commercial property owner will be given a reasonable length of time, as determined by the Mayor or his/her/their designee, to remedy the violation. Written notice shall be by personal service or by first class mail to the property owner's last known address according to the records of the Mississippi County Assessor's Office or the records of the City of Blytheville, or by posting on the vacant commercial structure
- (b) Failure to register with the city after written notice to the vacant commercial structure property owner, as is hereinafter specified, is a violation of this article.
- (c) Any person, firm, or corporation found guilty of violating any of the provisions of this

article shall be deemed guilty of a Class C misdemeanor and each offense is punishable by a fine not to exceed five hundred dollars (\$500.00) and each day that the violation continues shall constitute a separate offense. Administrative, civil, and criminal enforcement are alternative remedies which may be sought independently of each other.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

APPROVED:

MELISA LOGAN, MAYOR

ATTEST:

MELODY LAWSON, CLERK/TREASURER