

# **ATTACHMENT B**

## **CHAPTER 39, ARTICLE IV** **DRAFT VACANT PROPERTY REGISTRY ORDINANCE**

### **39-49. ADMINISTRATION AND ENFORCEMENT**

THIS ARTICLE WILL BE ADMINISTERED AND ENFORCED PURSUANT TO CHAPTER 39, ARTICLE III OF THE PHOENIX CITY CODE.

### **39-50. PROPERTIES REQUIRED TO BE REGISTERED**

- A. AN OWNER SHALL REGISTER THE FOLLOWING PROPERTIES ON THE VACANT PROPERTY REGISTRY IF THE PROPERTIES ARE VACANT FOR THIRTY OR MORE DAYS:
  - 1. NON-RESIDENTIAL BUILDINGS;
  - 2. RESIDENTIAL PROPERTIES WITH 50 OR MORE DWELLING UNITS THAT ARE 100% UNOCCUPIED BY THE OWNER OR LEGAL OCCUPANT; OR,
  - 3. UNIMPROVED LAND THAT IS 10,000 OR MORE SQUARE FEET IN SIZE.
- B. FAILURE BY AN OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS A VIOLATION OF THIS ARTICLE.

### **39-51. VACANT PROPERTY REGISTRY INFORMATION**

- A. THE OWNER OF A VACANT PROPERTY SHALL REGISTER THE VACANT PROPERTY WITH THE VACANT PROPERTY REGISTRY ESTABLISHED BY THE PHOENIX NEIGHBORHOOD SERVICES DEPARTMENT.
- B. THE OWNER OF A VACANT PROPERTY SHALL PROVIDE THE FOLLOWING INFORMATION IN THE VACANT PROPERTY REGISTRY:
  - 1. THE STREET ADDRESS AND MARICOPA COUNTY ASSESSOR'S PARCEL NUMBER FOR THE VACANT PROPERTY;
  - 2. IF THE VACANT PROPERTY IS OWNED BY A PERSON, THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE VACANT PROPERTY OWNER;
  - 3. IF THE VACANT PROPERTY IS OWNED BY AN ENTITY OTHER THAN A PERSON, THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER FOR THE CURRENT STATUTORY AGENT AND THE FOLLOWING INFORMATION AS APPLICABLE:
    - a. FOR A CORPORATION, A CORPORATE OFFICER;
    - b. FOR A PARTNERSHIP, A GENERAL PARTNER;
    - c. FOR A LIMITED LIABILITY COMPANY, THE MANAGING OR ADMINISTRATIVE MEMBER;
    - d. FOR A LIMITED PARTNERSHIP, A GENERAL PARTNER;
    - e. FOR A TRUST, A TRUSTEE;
    - f. FOR A REAL ESTATE INVESTMENT TRUST, A GENERAL PARTNER OR AN OFFICER; OR,

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- g. FOR ANY OTHER ENTITY, A PERSON WITH THE AUTHORITY TO ACT ON BEHALF OF THE ENTITY.
- 4. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER FOR THE AGENT DESIGNATED BY THE OWNER ACCORDING TO SECTION 39-52.
- 5. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF ANY ENTITY OR PERSON RESPONSIBLE FOR MANAGING OR MAINTAINING THE VACANT PROPERTY.
- 6. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF AN EMERGENCY CONTACT FOR THE VACANT PROPERTY.

#### **39-52. OWNER'S RESPONSIBILITIES; DESIGNATION OF AGENT**

- A. AN OWNER OF A REGISTERED PROPERTY SHALL:
  - 1. ACT AS A POINT OF CONTACT FOR CITY OFFICIALS, INCLUDING POLICE OFFICERS, FIREFIGHTERS, AND CODE ENFORCEMENT OFFICERS; AND,
  - 2. BE AT THE VACANT PROPERTY, OR BE AVAILABLE BY PHONE OR TEXT, WITHIN 30 MINUTES AFTER RECEIVING A REQUEST FROM POLICE OFFICERS, FIREFIGHTERS, OR CODE ENFORCEMENT OFFICERS.
- B. IF AN OWNER OF A REGISTERED PROPERTY LIVES IN THIS STATE THE OWNER MAY APPOINT A DESIGNEE OR AGENT THAT WILL ABIDE BY THE OBLIGATIONS AND RESPONSIBILITIES OF THIS SECTION.
- C. IF AN OWNER OF A REGISTERED PROPERTY LIVES OUTSIDE THIS STATE OR IS AN IN-STATE CORPORATE ENTITY IT SHALL DESIGNATE A LOCAL AGENT THAT LIVES IN THIS STATE. THE OWNER SHALL REQUIRE THE LOCAL AGENT TO ABIDE BY THE OBLIGATIONS AND RESPONSIBILITIES OF THIS SECTION.
- D. FAILURE BY AN OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS A VIOLATION OF THIS ARTICLE.

#### **39-53. OBLIGATION TO KEEP REGISTRY INFORMATION CURRENT; ANNUAL VERIFICATION REQUIREMENT**

- A. AN OWNER OF A REGISTERED PROPERTY SHALL UPDATE ANY INFORMATION REQUIRED BY THIS ARTICLE WITHIN TEN DAYS OF ANY CHANGE TO THAT INFORMATION.
- B. AN OWNER OF A REGISTERED PROPERTY SHALL VERIFY THE INFORMATION IN THE VACANT PROPERTY REGISTRY EVERY TWELVE MONTHS FROM EITHER:
  - 1. THE DATE OF THEIR INITIAL REGISTRATION IF NO CHANGES OR UPDATES HAVE BEEN MADE WITHIN THE LAST TWELVE MONTHS;  
OR,

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- 2. THE DATE OF THE MOST RECENT CHANGE OR UPDATE MADE TO THE INFORMATION IN THE VACANT PROPERTY REGISTRY.
- C. FAILURE BY AN OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS A VIOLATION OF THIS ARTICLE.

#### **39-54. REMOVAL OF VACANT PROPERTY FROM VACANT PROPERTY REGISTRY**

TO REMOVE A REGISTERED PROPERTY FROM THE VACANT PROPERTY REGISTRY, THE OWNER OF A REGISTERED PROPERTY MUST REQUEST DEACTIVATION FROM THE VACANT PROPERTY REGISTRY AND ATTEST THAT THE PROPERTY IS NO LONGER VACANT ACCORDING TO THIS ARTICLE.

#### **39-55. PENALTIES**

- A. THE REMEDIES HEREIN ARE CUMULATIVE, AND THE CITY MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.
- B. NOTWITHSTANDING SECTION 39-16, THE PENALTIES FOR VIOLATIONS OF THIS SECTION ARE AS FOLLOWS:
  - 1. ANY OWNER WHO CAUSES, PERMITS, FACILITATES, OR AIDS OR ABETS ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE IS SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN FIVE HUNDRED DOLLARS. ANY OWNER WHO COMMITS A SECOND VIOLATION OF THIS ARTICLE WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF A PRIOR VIOLATION OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS. ANY OWNER WHO COMMITS A THIRD OR SUBSEQUENT VIOLATION OF THIS ARTICLE WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF A VIOLATION OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN ONE THOUSAND DOLLARS.
  - 2. THE THIRTY-SIX-MONTH PERIOD PROVISION OF SUBSECTION B(1) OF THIS SECTION SHALL BE CALCULATED BY THE DATES THE VIOLATIONS WERE COMMITTED.
- C. EACH DAY ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR THE FAILURE TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE EXISTS SHALL CONSTITUTE A SEPARATE VIOLATION OR OFFENSE.