

Sec. 34-202. - Registration of abandoned real property.

- (a) Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property, upon default by the mortgagor. The mortgagee shall, within ten days of the inspection, register the property with the division of code enforcement, or its designee, on forms provided by the city, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his or her designee monthly until:
 - (1) The mortgagor or other party remedies the default. If it is found to be vacant or shows evidence of vacancy, the mortgagee shall, within ten days of that inspection, update the property registration to a vacancy status on forms provided by the city.
- (c) The registration pursuant to this section shall contain the name, direct mailing address, a direct contact name and telephone number, facsimile numbers and e-mail addresses for the mortgagee, the servicer, and the property management company, as well as the folio or tax identification number for the abandoned real property. The contact phone number of the property management company responsible for the security and maintenance of the property shall be a 24-hour contact number. If the mortgagee has a general counsel's office or legal department, the direct contact name, telephone number, facsimile number, mailing address and email address of a representative from the general counsel's office or legal department shall be provided as well. The city may provide service of code enforcement notices to the mailing addresses provided in the registration.
- (d) A nonrefundable annual registration fee in the amount established in section 1-8, shall accompany the registration form. In the event the abandoned real property is vacant, and in addition to the annual fee, an additional nonrefundable annual fee in the amount established in section 1-8 shall be paid to account for the city's additional costs in monitoring the property under this article.
- (e) This article shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (f) Properties subject to this article shall remain under the annual registration requirement, and the inspection, security and maintenance requirements of this article, as long as they remain vacant or in default.
- (g) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten days of the change.
- (h) Failure of the mortgagee or owner to properly register or to modify the registration from time to time to reflect a change of circumstances as required by this article is a violation of

the article and shall be subject to enforcement.

- (i) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the city may take the necessary action to ensure compliance and place a special assessment lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- (j) In registering an abandoned real property as vacant, the form will indicate that submission grants the city police department the authority to issue trespass warnings to individuals who cannot demonstrate written authorization to be on the property. The mortgagee or owner can opt out of or revoke the police department's authority to issue a trespass warning by notifying the police department on the registration form or in writing, directed to the chief of police.
- (k) In addition to the mortgagee, the owner also has a duty to ensure compliance with the provisions of this article.
- (l) The owner of abandoned real property that is not in default of a mortgage and that is required to register because the property is blighted property or the city has cited the property for a violation of the applicable codes shall register the property within ten days of the property becoming abandoned real property or blighted property as defined by this article. The owner shall register the property as provided in this section, except that the owner need only provide the contact information for the owner and any property management company. The abandoned real property described in this subsection shall remain under the annual registration, inspection, security and maintenance requirements of this article during the registration period. The owner shall renew the registration and the property shall remain subject to the requirements of this article for each additional year in which the property constitutes blighted property or if the city cites the property for a violation of the applicable codes at any time during the annual registration period.

(Code 2006, § 34-165; Ord. No. 2011-07, § 2(34-65), 6-7-2011; Ord. No. 2014-04, § 2, 3-11-2014; Ord. No. 2018-20, § 2, 6-12-2018)

Sec. 34-203. - Maintenance requirements.

- (a) Properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the

applicable codes.

- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf or sod designed specifically for residential installation. Acceptable maintenance of yards or landscape shall not include weeds, gravel, broken concrete or asphalt, or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings and dead vegetation.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable codes. If a pool is not kept full of water and filtered with a functioning pump, it must be covered to prevent the accumulation of water and the breeding of mosquitoes.
- (g) Failure of the mortgagee or owner to properly maintain the property may result in a violation of the applicable codes and issuance of a citation or notice of violation/notice of hearing in accordance with chapter 101. Pursuant to a finding and determination by the city's code enforcement board, hearing officer/special magistrate or a court of competent jurisdiction, the city may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable codes.

(Code 2006, § 34-166; Ord. No. 2011-07, § 2(34-66), 6-7-2011; Ord. No. 2018-20, § 2, 6-12-2018)