

Ordinance No. 6122

AN ORDINANCE ADOPTING SECTION 8.16.090 OF THE RAPID CITY MUNICIPAL CODE REQUIRING REGISTRATION OF VACANT RESIDENTIAL PROPERTIES

WHEREAS, poorly-maintained vacant residential properties constitute a public nuisance in the City of Rapid City; and

WHEREAS, properties undergoing foreclosure are often owned by out-of-state entities with little interest in maintaining these properties; and

WHEREAS, enforcing municipal code violations by out-of-state property owners is cumbersome and time-consuming; and

WHEREAS, requiring property owners to provide a South Dakota individual or business entity responsible for property maintenance would allow the City to its ordinances in the same manner as it does against resident property owners; and

WHEREAS, the City believes it is in the best interests and general welfare of its citizens to adopt this provision requiring registration of vacant residential properties.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 8.16.090 of the Rapid City Municipal Code is hereby adopted as follows:

§ 8.16.090. Vacant and foreclosed property.

A. Within ten (10) business days of filing a foreclosure action on residential property that is vacant at the time of filing, the mortgagee shall submit a vacant/foreclosed property registration form for the property to the City's Finance Office.

A mortgagee is not required to submit the vacant/foreclosed property registration form if the residential property is not vacant on the date of the filing of a foreclosure action on the property. However, if the residential property becomes vacant at any point during the foreclosure process, or while the mortgagee is the property owner, the mortgagee shall submit a vacant/foreclosed property registration form regarding the property to the City's Finance Office within ten (10) business days of the vacancy.

The vacant/foreclosed property registration form shall contain the following information:

- (1) Description of the residential property, including, but not limited to, the street address and parcel identification number;
- (2) The name, street address, and telephone number of a natural person, 18 years of age or older, or a business entity registered with the South Dakota Secretary of State designated by the mortgagee as an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of the mortgagee in connection with enforcement of the Rapid City Municipal

Code, and this person or entity must maintain an office in South Dakota or must actually reside in South Dakota; and

(3) Any other information the Finance Officer, or his or her designee, deems necessary.

The mortgagee shall notify the City's Finance Office within ten (10) business days of any change of information on the foreclosed property registration form. The vacant/foreclosed property registration form shall be maintained with accurate information until the property is transferred to a bona fide owner-occupant, or an unaffiliated third party. Any new owner, other than a bona fide owner-occupant, shall also be required to comply with the requirements of this section until the property is no longer vacant. The mortgagee shall notify the Finance Office in writing when the property is transferred to a bona fide owner-occupant or an unaffiliated third party, or the property is reoccupied, so the property may be promptly removed from the registry. Proof of sale shall be required in order to remove a mortgagee from a previously filed property registration form.

B. The mortgagee shall pay an initial registration fee of \$50 upon submission of the vacant/foreclosed property registration form. If the property remains vacant, the mortgagee shall pay an annual renewal fee of \$50 per year.

C. During the period that the property is registered, the mortgagee shall have the obligations set forth in this section.

1. Vacant/foreclosed property shall be maintained free of all outward appearances of foreclosure and vacancy during the registration period including:

(a) No signs or placards on the exterior of the building or in the windows indicating that the property is vacant or foreclosed, unless otherwise required by federal or state law;

(b) The premises shall be maintained free of debris and litter;

(c) The premises shall remain secure and locked. Broken windows and doors which are visible from the right-of-way may be covered with plywood or similar boarding material;

(d) Handbills, circulars, and advertisements shall be removed from porches and yards in a timely manner; and

(e) Standing water on the premises, including but not limited to standing water in swimming pools, shall be eliminated.

2. The maintenance requirements and penalties in this chapter related to vacant/foreclosed residential properties are in addition to, and shall not be considered in conflict with, any and all other property maintenance requirements of the Rapid City Municipal Code.

3. In the event the mortgagee fails to comply with the provisions of this subsection, or any other property maintenance requirement of the Rapid City Municipal Code, the City shall issue a written warning to the mortgagee or his designated entity, and such person shall have three (3) days to correct the violation. If the violation is not corrected within three (3) days, the City shall have the authority to abate the violation in accordance with § 8.16.030.

D. Any violation of this section shall be subject to the general penalty contained in § 1.12.010.