

# Creating and Implementing a Vacant Building Policy

Speaker: Robert Davie, Warrenton Town Administrator



# The Typical Issues

Out-of-town owners, apathetic owners,  
heir property

# How do you know if you have a problem?

Conduct a census of vacant structures

# Inventory of vacant storefronts or buildings

Need to know the extent of the problem

Vacant Commerical Properties

Property Owner	Management Company	Property Address	Mailing Address	City	State	Zip Code
Mark Allen		237 S. Main St. (old Super 10)	210 S. Main St.	Warrenton	NC	27589
Fritz Vaughan		223 S. Main St.	PO Box 153	Norlina	NC	27563
George A and Linda H. Fleming	252-257-1779 o, 252-438-0548 c, 252-257-3229 h	141 S. Main St.	N. Main St.	Warrenton	NC	27589
Alpheus Jones		127 S. Main St.	211 Fairview St.	Warrenton	NC	27589
Leroy West PAID		120 S. Main St.	1433 Hwy 43	Warrenton	NC	27589
Walter Gardner PAID		116 S. Main St.	PO Box 633	Warrenton	NC	27589
Steven Boyd	646-209-0271 m 718-735-5156 h	108 N. Main St.	119 E. 45th St.	Brooklyn	NY	11203
Candies Rudd		107 & 109 N. Main St.	1139 Parktown Rd.	Warrenton	NC	27589
Victor Hunt & Thomas Williams PAID		115 N. Main St.	C/O Victor Hunt PO Box 74	Middleburg	NC	27556
Heirs of P.G. Seamen PAID	P. Watson Seaman, 53 Old Mill Rd, Richmond, VA 23226 804-788-7376 o, 804-614-7538 m	102 College St.	1536 Park Ave.	Richmond	VA	23220
Jim Sondgeroth		112 & 114 W. Market St.	624 Warrenton Embro Rd.	Macon	NC	27551
Warren County PAID		185 E. Macon St.	PO Box 185	Warrenton	NC	27589
Eddie Clayton		209 E. Macon St.	PO Box 476	Warrenton	NC	27589
John Edwards Jr. Heirs PAID		119 W. Franklin St	n Kearney Jr. 270 Ridgeway Warre	Warrenton	NC	27589
Lisa Blackwell		139 S Main St		Warrenton	NC	27590
Marsha West		206 Williams Ct.		Warrenton	NC	27591

# Know the % of overall building inventory

- For example: 11 downtown buildings remain constantly vacant out of a total of 30.
- Vacant for more than a year.
- Data gives you a picture of the problem.
- Data gives you a working list to show elected officials.
- Data gives you a working list for grant purposes.
- Note: NC Commerce Building Reuse Grant requires a building to be vacant for at least 6 months to qualify for grant funds.





# Attack the problem before gets too bad!

Let owners know that a minimum of effort and investment is required on their part. Let the owners know that your town/city is serious.



# Stages of Disrepair

## 1. Building Still Usable but in Need of Repair

- May need exterior, cosmetic repairs.
- May need new electrical or plumbing.
- May need new HVAC systems.
- May need a new roof.



## 2. Building Not Usable

- Don't want to get to this stage.
- Have to rely on condemnation process and municipal funds to acquire property.



# Finding Owners

## Out-of-Town Owners

- Review property tax record:
  - ✓ To determine who is receiving tax bill and paying the taxes
  - ✓ To obtain address and contact information

## Heir Property Owners

- Even if multiple owners, the property tax record should show where the tax bill is going and which of the heirs is paying the taxes each year.



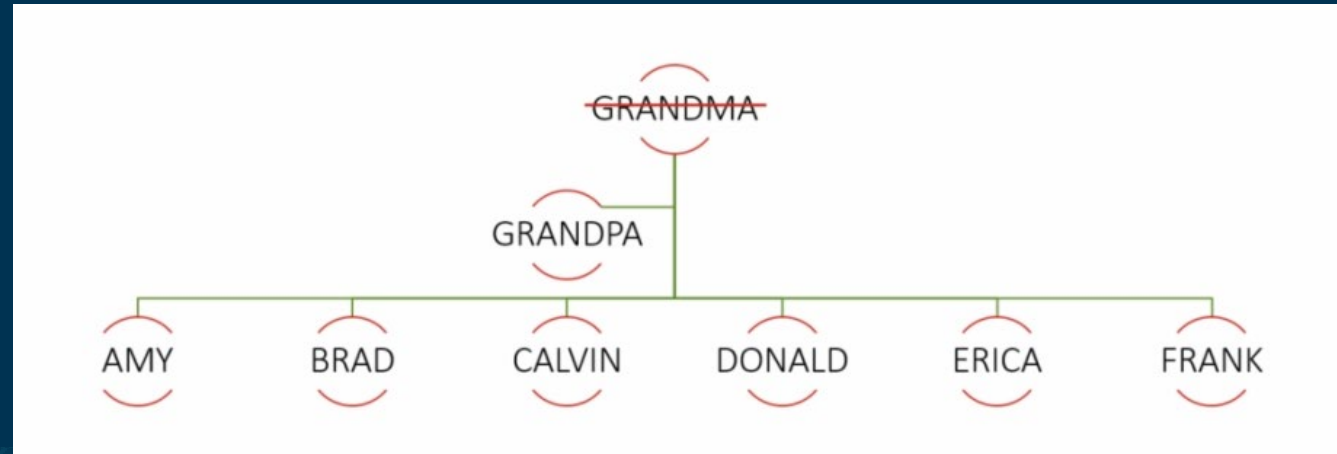
# Heir Property

## Definition

- Heir property is an informal transferring of ownership of land from one person to another or from one generation to another generation. It's informal in such a way that the landowner dies without leaving a last will. Generally, all the heirs of the departed landowner have a say on the property or own the land "in common". It means that whether individual lives on the land or not, pay the taxes or not, or haven't ever set foot on the land, he or she automatically becomes one of the heirs or owners if proven to be an immediate or even a distant relative of the landowner.

## Problems

- While some are willing to pay the taxes and support, other owners aren't willing to share the costs and maintenance associated with the management of the land.



# Warrenton's Vacant Bldg Ordinance

## §155.01 Intent and Scope



- It is the purpose and intent of the Warrenton Town Board of Commissioners, through the adoption of this Chapter, to establish a vacant property registration ordinance as a mechanism to preserve the historic integrity of Warrenton's Historic District and to protect the Town's commercial districts from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties.

- Additionally, the Town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The Town finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Chapter shall apply to all properties in the C-1 and C-2 Business districts of the Town of Warrenton.

# Warrenton's Vacant Bldg Ordinance

## §155.03 Registration Required

- (A) Any vacant commercial property located within the Town's C-1 and C-2 districts must be registered by the Owner with the Town Administrator, either (1) of the Owner of a Vacant Property's own accord before receiving a Notice of Registration Requirement, or (2) within 30 days of receiving a Notice of Registration Requirement from the Town.



# Warrenton's Vacant Bldg Ordinance

## §155.03 Registration Required

- (B) The Town will send a Notice of Registration Requirement to the Owner of Record of Properties that exhibit Evidence of Vacancy. Owner shall register Property within the time period set forth in Section 3(a) of this Chapter unless Owner can provide clear and convincing evidence to the Town Administrator, within such time period, that the Property is not Vacant.



# Warrenton's Vacant Bldg Ordinance

## §155.03 Registration Required

- Any changes in the information in (b)(i)-(b)(iv) of this Section shall be reported to the Town within thirty (30) days of such changes.
- Registration must be renewed annually.
- Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this Chapter as long as they remain Vacant.
- Once the Property is no longer Vacant or is sold, the owner must provide written proof of occupancy or sale to the Town Administrator.



# Simple Single Page Form

## The Registration should contain:

1. The name of the Owner (corporation or individual),
2. The direct street/office mailing address of the Owner and P.O. Box if applicable,
3. A direct contact name and phone number,
4. The name, address and telephone number of any local property management company hired by the Owner to meet the Maintenance requirements of this Chapter if Owner's principal residence is not Local.

*Town of Warrenton*  
NORTH CAROLINA  
P.O. Box 281  
Warrenton, NC 27585-0281  
Weber M. Gardner, Jr. – Mayor (252) 257-1122 Fax (252) 257-9219  
Robert F. Davis, Jr. – Town Administrator www.warrenton.nc.gov

**VACANT PROPERTY REGISTRATION  
AUTHORIZED BY ORDINANCE 155  
APPLICATION FOR REGISTRATION**

City: \_\_\_\_\_ REGISTRATION FEE: \$15

Pursuant to Town of Warrenton Ordinance 155, all vacant properties in the C-1 and C-2 Business Districts must register with the Town and must be maintained in a manner that does not exhibit evidence of vacancy. This registration must be filed within 30 days of receipt of Notification of Registration Requirement or civil penalties will apply.

The following information is required:  
Property location (street address): \_\_\_\_\_  
Property owner (corporation or individual): \_\_\_\_\_  
Applicant (if different from owner): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone (home): \_\_\_\_\_ (business): \_\_\_\_\_ (cell): \_\_\_\_\_

**PROPERTY MANAGEMENT COMPANY:**  
Town Ordinance 155.07 requires that out of area property owners hire a local Property Management Company (PMIC) to maintain the property and provide 24-hour local contact.  
This requirement may be waived by the Town Board for owners who (1) reliably demonstrate an ability to maintain the property and (2) have not received any citations for maintenance violations in the previous calendar year.

Name of PMIC: \_\_\_\_\_  
Name of Principal Contact: \_\_\_\_\_  
Location of PMIC (street address): \_\_\_\_\_  
Mailing Address of PMIC: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ After Hours Phone: \_\_\_\_\_  
Signature of Applicant: \_\_\_\_\_ City: \_\_\_\_\_

**STAFF USE ONLY: Date notice sent: \_\_\_\_\_**  
Date application fee received: \_\_\_\_\_ Received by: \_\_\_\_\_  
Date PMIC information received: \_\_\_\_\_

# Maintenance Requirements

**Properties shall be kept in compliance with the following maintenance requirements:**

- (A) The **exteriors** of building(s)/structure(s) on the Property shall be **painted** and maintained in a way that does not does not exhibit any Evidence of Vacancy.
- (B) The **yard(s)** of the Property shall be maintained in a way that does not provide Evidence of Vacancy.
- (C) The **deck(s) and porch(s)** located on the Property shall be maintained in a way that does not provide Evidence of Vacancy.
- (D) The **window(s) and door(s)** of building(s) shall be **intact and operable** and shall be maintained in a way that does not provide Evidence of Vacancy.
- (E) **Instances of rotting** of building(s)/structure(s) shall be corrected in order to eliminate Evidence of Vacancy so that no visible rotting, with the exterior painted and kept in good aesthetic condition.
- (F) The Property shall be maintained so as to exhibit no Evidence of Vacancy.
- (G) The storefronts and facades of buildings shall be maintained in a way that does not provide Evidence of Vacancy.
- (H) **The interiors, when visible to passersby** through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

# Impact on the Town



Financially  
reasonable for  
owners



Simple  
ordinance. Up  
and running in  
months not  
years



Puts derelict  
owners under a  
microscope



Supported by  
local  
community



Can generate  
creative  
solutions for  
owners



# Impact on the Town

- Vacant Property Ordinance works well when hand in hand with façade grant or streetscape project -- the carrot and stick approach.
- Can stimulate façade improvements and full renovations.
- Locals like seeing improvements in the downtown.

# Warrenton Example

Before



After



# Healthy Community

Result: Happy and Healthy Community



# How to Pitch your Elected Officials or Manager

## Clearly and Simply

- ✓ Your inventory list provides a good idea of scope of problem and scope of work for elected officials and managers.
- ✓ Determine beforehand any costs associated with ordinance adoption.
- ✓ Present a timeline for adoption.
- ✓ Present potential economic benefits.
- ✓ Present both positive and negative impacts on property owners, residents, visitors.
- ✓ Present soft impacts such as; improved esthetics, improved visitor experiences.
- ✓ Documents successes of other communities.



# How to Pitch your Elected Officials or Manager

## Potential Positive and Negative Impacts

- ± Community enthusiasm from seeing progress on seemingly intractable issues.
- ± Complaints from building owners.
- ± Combined with façade designs, with assistance from NC Main Street, may prompt renovations.



**Contact:**

**Robert Davie**

**Town of Warrenton**

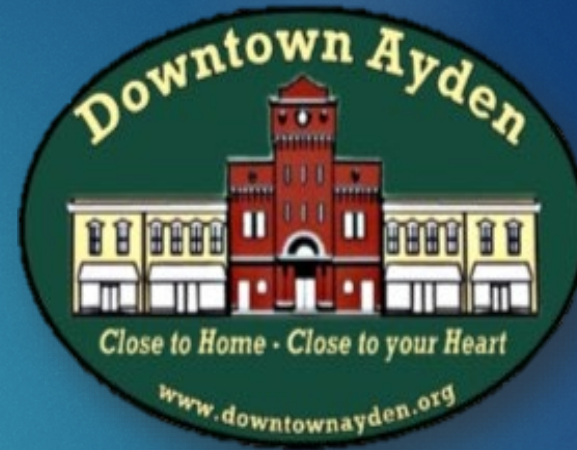
**[townadministrator@warrenton.nc.gov](mailto:townadministrator@warrenton.nc.gov)**

**252-257-1122**

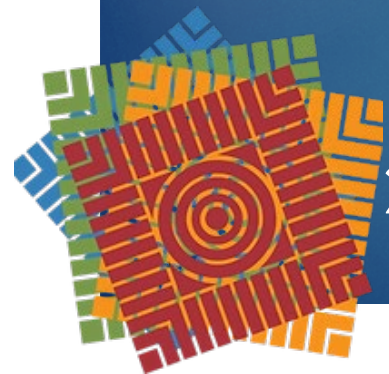


**Thank You**

# Creating and Implementing a Vacant Building Policy



2023 North Carolina Main Street Conference

















# How do we fix this problem?

- In 2013 the Town of Ayden adopted a Non-Residential Maintenance Code
  - The intent of the code at that time was, at a minimum, to slow down building deterioration
    - The original code was focused only on structural exterior conditions

# How do we fix this problem?

- Buildings and premises shall be free of the accumulation of garbage (not used for storage)
- Structures shall not have exterior surfaces that do not form a weather tight surface
- Structures shall not have roofs that leak
- Structures shall not have exposed broken windows





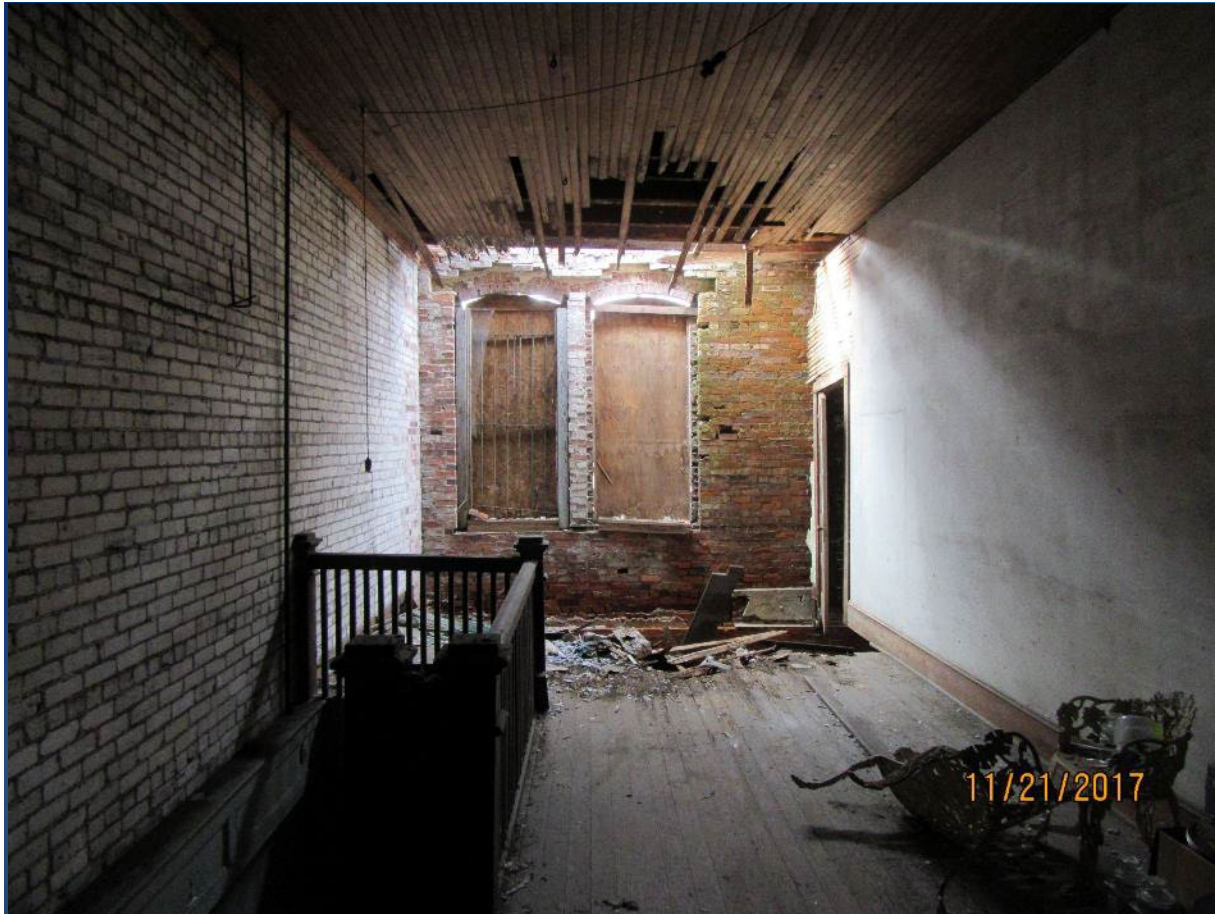


07/20/2016



07/20/2016





# How did we fix this problem?

- The owner of this property was issued several violation letters which went ignored
- Over time, the fines associated with the violations increased in excess of \$20,000
- The Town started legal proceedings to collect the fines.
- A settlement was reached, the fines were waived, and the property was donated to the Town



# How did we fix this problem?

- What were we thinking.....
- We took a chance on this one and it paid off











# How do we fix this problem?

- In 2019 the Town of Ayden amended our Non-Residential Maintenance Code
  - Vacant Property Maintenance was added with more direct standards for maintenance
    - The Town Board wanted more

# How do we fix this problem?

- Stronger requirements were put in place along with a vacant property registration program
  - Broken Windows/Doors shall be replaced and not boarded up
  - Absolutely no storage of any kind allowed
  - All exterior features..trim, brick points, cornices, chimneys, etc. shall be maintained in good repair

# How do we fix this problem?

- Staff did propose to include an Evidence of Vacancy provision but that was later removed.
- Staff and a stakeholders group also proposed a hefty registration fee (\$1000). The stakeholders thought that might get some attention
- Ultimately the Town Board lowered the fee to \$50

# How do we fix this problem?

- 24 properties were initially notified of violations to the new code
- Over about 6 months, the list of active violations dropped to 10 properties
- Currently we have 6 total vacant properties in our downtown
  - It WORKS









# Questions?



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Town of Ayden

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