

Sponsor: Councilman Rasmussen

First Reading: 02/20/2024

Second Reading: 03/18/2024

Third Reading: 04/01/2024

**Ordinance No.: 002-24**

**AN ORDINANCE TO AMEND CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE XX (ANNUAL REGISTRATION OF VACANT BUILDINGS AND REGISTRATION FEES) TO DESIGNATE VACANT BUILDING REGISTRATION FEES AND PENALTIES FOR THE SMYRNA SLUM CLEARANCE AND REDEVELOPMENT AUTHORITY**

WHEREAS, Article XX (Annual Registration of Vacant Buildings and Registration Fees) of Chapter 18 of the Town Code provides for the payment of vacant building registration fees for properties that are determined to be vacant under Article XX;

WHEREAS, the Town Council of the Town of Smyrna has established the Smyrna Slum Clearance and Redevelopment Authority for purposes of revitalizing the Town;

WHEREAS, the Town Council has often used vacant building registration fees and penalties to provide resources to the Smyrna Slum Clearance and Development Authority to further the purposes of the Authority; and

WHEREAS, in the opinion of the Town Council, it is necessary for the public health, safety, and welfare that the vacant building registration fees and penalties be designated for the Smyrna Slum Clearance and Redevelopment Authority on a recurring basis without any further action of the Town Council.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 18, Article XX, Annual Registration of Vacant Buildings and Registration Fees, of the Town Code of the Town of Smyrna, be and hereby is amended as follows:

**Section 1.** Article XX (Annual Registration of Vacant Buildings and Registration Fees), section 18-1557 (Definitions and applicability; registration statement and fees) is hereby amended by making insertions as shown by underlining and deletions as shown by ~~strikethrough~~, as follows:

Sec. 18-1557. Definitions and applicability; registration statement and fees.

\* \* \*

(n) All vacant building registration fees paid to the town pursuant to subsection (c) of this article and all penalties paid to the town pursuant to subsection (j) of this article shall be held in an account separate and apart from the general revenues of the town and shall be transferred on at least an annual basis to the Smyrna Slum Clearance and Redevelopment Authority for

~~use by the Authority to further the purposes of the Authority as outlined in Article XII (“Redevelopment Authority”) of this Chapter 18 (“Buildings and Building Regulations”). for use by the town to bring properties into the compliance with the Town Code whenever a property owner fails to perform the required remedial actions after having been duly notified by the town. The town shall make reasonable efforts to exhaust all available legal remedies to recover from the property owner any expenditure of funds made from this account. All funds recovered from such actions shall be deposited back into the special account until the amount exceeds \$50,000.00. Any amounts in excess of \$50,000.00 in the account may be transferred to the general fund by majority vote of the town council.~~

**Section 2. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council’s intent.

**Section 3. Effective Date.** This Ordinance shall become effective upon the date of its adoption.

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SYNOPSIS

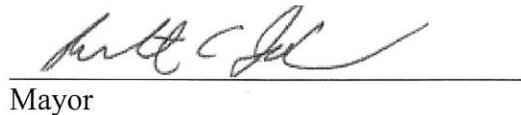
This ordinance amends Chapter 18, Article XX, to designate the vacant building fees and penalties for the use of the Smyrna Slum Clearance and Redevelopment Authority. The transfer of the fees and penalties shall occur at least once a year.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on April 1, 2024.

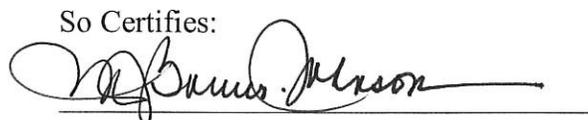
ATTEST:

  
\_\_\_\_\_  
Council Secretary

  
\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in a newspaper of general circulation within the Town on February 20, 2024 and posted at the Town Hall on April 1, 2024.

So Certifies:  
  
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