ORDINANCE NO. 31

AN ORDINANCE REQUIRING
APPLICANTS FOR TOWN APPROVALS, PERMITS,
LICENSES, AND/OR THE USE, RECEIPT,
OR PROVISION OF SERVICES, TO BE CURRENT ON
ALL OBLIGATIONS TO THE TOWN OF FRANKFORD

WHEREAS, the Town Council of Frankford has the power to adopt ordinances for the
protection and preservation of Town property, rights and privileges; for the preservation of peace
and good order; for securing protection and promotion of health, safety, comfort, convenience,
welfare and happiness of the residents of the Town.

WHEREAS, the Town Council of Frankford is of the opinion that Town approvals
should not be issued to anyone who is delinquent on his/her taxes and/or other obligations,

WHEREAS, the Town Council is desirous of establishing a procedure to ensure that all
applicants are current in their obligations to the Town of Frankford,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN
COUNCIL OF THE TOWN OF FRANKFORD AS FOLLOWS:

Section 1. Disclosure Requirements.

Any applicant who is requesting any permits, licenses, utility services; owns property, or
who wishes to do any business with the Town of Frankford must disclose all names of entities,
properties, or any necessary information to the Town so it can do research to ensure there are no
outstanding debts owed by the individual or any partnership, LLC, or corporation to which the
applicant has a connection. An individual must disclose all names under which they may have
previously done business with the Town of Frankford.

Section 2. Issuance of Town approvals dependent on payment of taxes and other
obligations.
Any Department Head with authority to accept applications and issue approvals, permits, licenses and/or provide Town services shall first determine that the applicant is current on and not in default of certain obligations owed to the Town.

Section 3. Obligations that must be current.

Applicants for Town approvals, permits, licenses, and/or the use, receipt, or provision of services shall be current on all obligations to the Town prior to receiving such approval or service. Examples of such obligations include but are not limited to the following:

A. Property taxes
B. Rental taxes
C. License fees
D. Permit fees, including building permits, building code and inspection fees
E. Liens placed on properties
F. Interest, penalties, court costs and/or attorney’s fees if applicable to a default in any of the above listed obligations.

Section 4. Issuance of Town approvals or rendering service dependent upon payment of all obligations.

All Department Heads shall refuse to accept applications and grant permits and/or approvals for the use, receipt or provision of services, including, but not limited to, building permits, building code plan reviews and/or inspections, subdivisions, rezoning, conditional uses, variances, special exceptions, licenses, annexation requests, certificates of occupancy, and/or connection or installation of utilities until the owner and/or applicant has demonstrated that all obligations identified in Section 4 above have been paid current as to all lands and property owned by the individual requesting the permit, approval, or service. If the party requesting approval is current on some but not all obligations owed to the Town, the approval, permit, license, and/or service being applied for shall be denied until such time as all Town obligations are current and fully complied with.

Section 5. Procedure.
A. All Town employees who are responsible for taking applications and/or granting approvals and/or permits and/or providing Town services identified in Section 5 shall make all reasonable efforts to determine that none of the obligations identified in Section 4 re unpaid and/or the owner requesting the approval, permit, or service is not in violation of any monetary or compliance obligation owed to the Town of Frankford.

B. Parcel owners who have taxes or any other obligations owed to the Town must have written approval from the Town of Frankford Finance Director or designee indicating full payment of all taxes, assessments, fees, or obligations that are in arrears before any application for a building permit, building code approval, subdivision, rezoning, conditional use, variance, special exception or other service can be accepted or approved by the Town of Frankford offices or employees.

C. If any non-complying or incomplete payments, actions, or filings are determined to exist, then the administrative agency or official shall, in writing, deny the license application or other form of approval requested until all existing requirements for payments, actions, or filing have been fully complied with or completed, clearly identifying in the written denial, the payment, action or filing required to be completed or complied with. Failure by the appropriate administrative agency or official to issue such written denial within ten (10) business days from the receipt of an application shall enable the applicant to proceed in the permitting or other approval processes for which application was made without prejudice.

Section 6. Appeals.

Any applicant for a permit, service or other form of Town approval who receives the aforesaid written denial of a permit or other form of approval or service by an administrative agency or official of the Town of Frankford may appeal that denial to the Town Manager within 20 calendar days of such denial. The Town Manager shall thereafter hold a hearing at which said applicant shall be permitted to provide proof that such payment has been made or that a required action or filing has been properly carried out or otherwise show that such denial is based on incorrect information or is not appropriate to that applicant.
In the event the Town Manager denies the appeal, the applicant can appeal to the Town Council within 20 calendar days of such denial. These appeals will be scheduled as part of a regular Council meeting, and the appellant will be required to be present to present his/her case.

Section 7. This ordinance shall become effective upon its adoption by a majority of the members of the Town Council present and voting.

TOWN OF FRANKFORD

By: Jesse W. Brant
Mayor

{Seal}

Attest: Cheryl W. O'Keefe
Secretary

Adopted: 3/5/2012

Synopsis

This ordinance requires applicants for Town approvals, permits, licenses, and/or the receipt or provision of services to be current on all obligations to the Town prior to receiving such approval or service and establishes a procedure for ensuring compliance and an appeal process.