

**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.

1 Any Department Head with authority to accept applications and issue approvals, permits,
2 licenses and/or provide Town services shall first determine that the applicant is current on and
3 not in default of certain obligations owed to the Town.
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5 Section 3. Obligations that must be current.

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

9 A. Property taxes

10 B. Rental taxes

11 C. License fees

12 D. Permit fees, including building permits, building code and inspection fees

13 E. Liens placed on properties

14 F. Interest, penalties, court costs and/or attorney's fees if applicable to a default
15 in any of the above listed obligations.
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17 Section 4. Issuance of Town approvals or rendering service dependent upon payment of
18 all obligations.

19 All Department Heads shall refuse to accept applications and grant permits and/or
20 approvals for the use, receipt or provision of services, including, but not limited to, building
21 permits, building code plan reviews and/or inspections, subdivisions, rezoning, conditional uses,
22 variances, special exceptions, licenses, annexation requests, certificates of occupancy, and/or
23 connection or installation of utilities until the owner and/or applicant has demonstrated that all
24 obligations identified in Section 4 above have been paid current as to all lands and property
25 owned by the individual requesting the permit, approval, or service. If the party requesting
26 approval is current on some but not all obligations owed to the Town, the approval, permit,
27 license, and/or service being applied for shall be denied until such time as all Town obligations
28 are current and fully complied with.
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30 Section 5. Procedure.
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1 A. All Town employees who are responsible for taking applications and/or
2 granting approvals and/or permits and/or providing Town services identified in Section 5
3 shall make all reasonable efforts to determine that none of the obligations identified in
4 Section 4 re unpaid and/or the owner requesting the approval, permit, or service is not in
5 violation of any monetary or compliance obligation owed to the Town of Frankford.

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

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

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22 Section 6. Appeals.

23 Any applicant for a permit, service or other form of Town approval who receives the
24 aforesaid written denial of a permit or other form of approval or service by an administrative
25 agency or official of the Town of Frankford may appeal that denial to the Town Manager within
26 20 calendar days of such denial. The Town Manager shall thereafter hold a hearing at which
27 said applicant shall be permitted to provide proof that such payment has been made or that a
28 required action or filing has been properly carried out or otherwise show that such denial is
29 based on incorrect information or is not appropriate to that applicant.

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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. Smith
Mayor

{Seal}

Attest: Cheryl R. Workman
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.

{DLSRev12-15-11}