

## **ORDINANCE NO. 2, 2012**

### **VACANT PROPERTY REGISTRATION AND MAINTENANCE**

**EFFECTIVE MARCH 14, 2012**

#### **SECTION I.**

##### **Sec. 1. Purpose.**

The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage foreclosures, and increased bankruptcies, many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deferred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. The Village also needs to be able to contact owners for utility shutoff, fire safety and police reasons.

##### **Sec. 2. Definitions.**

- a. Certificate of Occupancy as defined under the Revised Code of the State of Ohio.
- b. Harbor-age is defined as a shelter, harbor.
- c. Owner is defined as one who has the right to possess, use, and convey something, i.e. the owner, occupant or successor to title by foreclosure, sheriff's sale or by court order.
- d. Rodent is defined as any of an order (Rodentia) of relatively gnawing mammals, including a mouse, a squirrel or a beaver, that have in the upper jaw a single pair of incisors with a chisel-shaped edge. Rodent also includes a small mammal, including a rabbit or a shrew.
- e. Vacant property is defined as a building or structure that is not legally or currently occupied. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, personal matters or business, or is not intended by the owner to be left vacant.

##### **Sec. 3. Scope.**

The provisions of this ordinance shall apply to all existing residential, commercial and industrial structures.

**Sec. 4. Evidence of vacant property.**

Evidence of vacancy shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to: overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; boarded up windows; abandoned vehicles, auto parts or materials; the absence of or continually drawn window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation or occupancy; statements by neighbors, passersby, delivery agents or utility agents, including Village employees, that the property is vacant.

**Sec. 5. Registry of vacant properties.**

There is hereby created in the Village Planning and Zoning Department a registry of vacant properties.

**Sec. 6. Vacant properties to be registered.**

Owners of real property are required to register all vacant properties within thirty (30) days of the vacancy. Structures that are vacant at the time of the enactment of this ordinance must register within 30 days.

**Sec. 7. Owner's registration form; content.**

Owners who are required to register their properties pursuant to this ordinance shall submit a completed Vacant Property Registration Form, as provided by the Village Planning and Zoning Department, containing the following information:

- a. The name of the owner of the property.
- b. A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
- c. The name of an individual responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be someone other than the owner with whom the owner has contracted.
- d. A current address, phone number, fax, and email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the owner or individual responsible for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

**Sec. 8. Registration fee.**

The registration fee shall be set by resolution of the Village Council to offset the cost of processing the form. In addition, in the case where the owner has failed to register, there shall be assessed the added cost of the Village's expense in having to determine ownership, which may include, but is not limited to a title search of the property.

**Sec. 9. Requirement to keep information current.**

If at any time the information contained in the registration form is no longer valid, the property owner shall within ten days file a new registration form containing current information. There shall be no fee to update the current owner's information.

**Sec. 10. Maintenance and security requirements.**

Properties subject to this ordinance shall be kept free of weeds, grass more than six (6) inches high, vegetation growth between sidewalk and/or driveway flags or from cracks in the pavement, dry brush, dead vegetation, trash, junk, debris, building materials, rodent harborage, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded items including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or any illegal outside storage of vehicles. Property subject to this ordinance must comply with the minimum security fencing, barrier and maintenance requirements of the Village Property Maintenance Code. The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure. Properties subject to this ordinance shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpet, or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of landscaping and removal of all trimmings. Pools, spas, and other water features shall be kept in working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris, and must comply with the minimum security fencing, barrier and maintenance requirements of the Village Building, Construction, and Property Maintenance Codes. Properties subject to this ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). Broken windows must be repaired or replaced within fourteen (14) days. Boarding up of open or broken windows is prohibited except as a temporary measure for no longer than fourteen (14) days.

**Sec. 11. Monitoring of property; fee.**

Upon violation of this ordinance by the owner, the Planning and Zoning Department is hereby authorized to monitor the condition of any property required to be registered under this ordinance. A monthly monitoring fee as set by resolution of the Village Council may be assessed against the property/owner to offset the costs incurred by the Village in responding to telephone calls, complaints, inquiries, site visits, owner contacts, and the monitoring of the site.

**Sec. 12. Open property; securing fee.**

Property subject to this ordinance that is left open and/or accessible shall be subject to entry by the Village in order to ensure that the property has not become an attractive nuisance and to ensure that the property is locked and/or secured. The owner of property subject to this ordinance which property is found open or unsecured shall be responsible for a securing fee as set by the Village Council to offset the cost incurred by the Village in contacting the owner or management company to secure the property, or if the owner and/or management company cannot be contacted or does not secure the property within a reasonable time, not to exceed twenty-four (24) hours, the cost incurred by the Village in securing the property.

**Sec. 13. Fire damaged property.**

If a building regulated hereunder is damaged by fire, the owner has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Failure to do so will result in the property being deemed vacant and subject to the requirements of this ordinance.

**Sec. 14. Unpaid fees; assessment.**

All fees hereunder that remain unpaid after fourteen (14) days written notice to the owner/management company shall be assessed against the property as a lien and included on the tax roll.

**Sec. 15. Criminal penalties; civil infraction.**

Except as otherwise provided, a violation of this ordinance shall be a minor misdemeanor and a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this ordinance shall be subject to prosecution and penalty under this ordinance. Registration of property under this ordinance is in addition to, and not in lieu of, the requirement of Ohio law, which allows for demolition of vacant structures, or nuisance abatement by the Village. Failure to file the required registration form, or failure to maintain the registration form with current information shall be a civil infraction and subject to a \$100 fine. Each day that a registration form is not on file and each day that an owner and/or owner's agent fails to maintain current information in a registration form shall be considered a separate offense. Failure to make required repairs, or a second offense of any other requirement herein, shall be a fourth degree misdemeanor subject to prosecution and penalties under the Ohio Revised Code and the Ohio Basic Code.