

ORDINANCE NO. 3149

AN ORDINANCE ENACTING CHAPTER 1322 "VACANT PROPERTY/BUILDING REGISTRATION" OF THE CRESTLINE CODIFIED ORDINANCES

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CRESTLINE, OHIO:

SECTION 1. That the Crestline Codified Ordinances are amended by the addition of Chapter 1322 "Vacant Property/Building Registration" and the following sections thereto:

1322.01 PURPOSE.

The purpose of this ordinance is to establish a program for identifying and registering vacant residential and commercial buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant buildings. Shifting the cost of burden from the general citizenry to the owners of the blighted buildings will be the result of this ordinance.

1322.02 DEFINITIONS

Unless otherwise expressly stated, the following terms shall for the purpose of this article, have the meanings indicated in this section.

- A. Secured by other than normal means— A building secured by means other than those used in the design of the building.
- B. Unoccupied— A building which is not being used for the occupancy authorized by the certificate of occupancy or by the owner.
- C. Unsecured—A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders
- D. Vacant building—A building (excluding government owned buildings) which is:
 - 1) Unoccupied and unsecured; or
 - 2) Unoccupied and secured by other than normal means; or
 - 3) Unoccupied and unsafe building as determined by the Code Enforcement Officer or his designee; or
 - 4) Unoccupied and having utilities disconnected; or
 - 5) Unoccupied and has housing or building code violations; or

- 6) Illegally occupied which shall include loitering and vagrancy; or
 - 7) Unoccupied for a period of time over ninety (90) days and having an existing code violation issued by any Property Maintenance Officer; or
 - 8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed).
 - 9) Unoccupied and abandoned by the property owner.
- E. Evidence of vacancy—means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by government employee(s) that the property is vacant.

1322.03 VACANT PROPERTY/BUILDING REGISTRATION

- A. The owner shall register with Crestline Building Department no later than ninety (90) days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the Village becomes a vacant building or not later than 30 days of being notified by the Code Enforcement Officer or other Village official, of the requirement to register based on evidence of vacancy, whichever event first occurs.
- B. The registration shall be submitted on forms provided by the Building Department and shall include the following information supplied by the owner:
 1. The name(s) and address(es) of the owner or owners; or
 2. If the owner does not reside in Crawford County or within 10 miles of Crestline Village limits, the name and address of any third party who the owner has entered into a contract or agreement with for property management. By designating an authorized agent under the provisions of this section, the owner is consenting that the third party is authorized to receive any and all notices relating to the property and conformance to any and all ordinances;
 3. The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
 4. A telephone number where a responsible party can be reached at all times during business and non-business hours; and
 5. A vacant building plan as described in Section C.
- C. The owner shall submit a vacant building plan which must meet the approval of the Code

Enforcement Office, or his designee. The plan, at a minimum, must contain information from one of the following three choices:

1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within thirty (30) days of acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or
2. If the building is to remain vacant, a plan for the ensuring the building is secured and properly maintained in accordance with Section 1305 International Property Maintenance Code along with the procedure that will be used to maintain the property, a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.), and the placement of a "key box" or other secure device with a lock operable only by a fire department master key and containing building entry keys and any other keys or means of access that may be required in an emergency.
3. If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building and grounds. The rehabilitation plan shall not exceed twelve months from the time the owner obtains permits, unless the Code Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes and the property must be secured during the rehabilitation including use of a "key box" or similar device as outlined in subsection (C)(2) herein.

D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Code Enforcement Officer of any changes in information of their vacant building registration within thirty days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the Code Enforcement Officer and/or his designee.

E. The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable Property Maintenance Codes.

F. A new owner(s) shall register or re-register the vacant building with the Code Enforcement Officer within thirty days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Code Enforcement Officer and/or his designee.

G. The failure of the owner of the vacant building to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the property owner from registering the property under this section.

H. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

I. The Code Enforcement Officer and/or his designee shall include in the file any property specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building.

J. The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.

1322.04 ESCROW

Each demolition of a vacant building requires that the owner hold in escrow with the Village, or place a performance bond in favor of the Village, an amount of ten thousand (\$10,000) dollars for a residential building and seventy-five thousand (\$75,000) dollars for a commercial building. If the amount to be set up in escrow cannot be paid in full, the Village will place a lien on the property for the amount previously specified. The Village will use these funds to complete the plans submitted by the owner in the event that the owner does not comply with the deadlines as previously submitted in the owner's vacant building plan. Escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign a form accepting responsibility for completing the demolition.

1322.05 INSPECTIONS

The Code Enforcement Officer and/or his designee shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this Ordinance. Upon the request of the Code Enforcement Officer and/or his designee, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall dismiss the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by a Code Enforcement Officer and/or his designee in order to enable such inspection. The Code Enforcement Officer and/or his designee shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

A. Vacant properties will be externally inspected by the Code Enforcement Officer and/or his designee a minimum of twice per year to ensure the compliance of property maintenance codes;

B. Vacant properties will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;

C. Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner;

D. Any inspection that is to take place within thirty (30) days of a previous inspection may or may not be conducted at the discretion of the Code Enforcement Officer and/or his designee.

1322.06 VACANT BUILDING FEES

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for costs incurred by the Village in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the Village of demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

A. The owner of a vacant residential building shall pay an annual fee of two hundred (\$200) dollars for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five (5) year fee or three thousand two hundred (\$3,200) dollars to be used for the fifth and for all consecutive, subsequent, years of vacancy.

B. The owner of a vacant commercial building shall pay an annual fee of four hundred (\$400) dollars for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five (5) year fee of six thousand four hundred (\$6,400) dollars to be used for the fifth and for all consecutive subsequent years of vacancy.

C. The first annual fee shall be paid at the time the building is registered. If the fee is not paid, the owner shall be subject to prosecution as prescribed in Section 1333.99 Penalty of the Building Code.

D. The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within one hundred eighty (180) days of its registry.

E. All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.

F. Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or one thousand (\$1,000) dollars, whichever is less.

1322.07 EXEMPTIONS

- A. A building under active construction/renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.

- B. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement Office. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

- C. A building that is for sale and listed with a licensed State of Ohio realtor shall be exempt for a period of Six (6) months from the start of vacancy, provided that the owner submits proof to the Code Enforcement Officer of such listing and for sale status.

- D. A multi-story building with offices or business located on the ground floor shall not be deemed vacant due to unused or empty upper floors, provided that the exterior of those upper floors are maintained in accordance with the property maintenance code and the interior is secure from the elements and in compliance with the code.

- E. A building that has been granted an exemption pursuant to the following:
Any owner of a vacant building may request an exemption from the provisions of this Chapter by filling a written application with the Code Enforcement Officer, who shall timely consider same. In determining whether a request for exemption should be granted, the Code Enforcement Officer shall consider the following: the applicant's prior record as it pertains to Property Maintenance Code violations; the amount of vacant property the applicant currently has within the Village; and the length of time that the building for which the exemption is sought has been vacant.

1322.08 APPEALS

Any owner who is served a notice to vacant property registration may, within 10 calendar days of receipt of such notice, apply for an exemption or appeal the findings of the Property Maintenance Officer as set forth in Section 1333.04 of the Building Code.

1322.99 PENALTY

Any person violating any provision of the Vacant Building Registry shall be punished as provided by Section 1333.99 of the Crestline Codified Ordinances.

SECTION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

DATE: _____

Aye _____ Nay _____ Abstain _____

Gloria McDonald, Mayor

Attest:

Annette Johnston, Clerk of Council

Approved as to form:

Jon K. Burton, Law Director