1st Rdg - 8-13-12
2nd Rdg - 8-27-12

ORDINANCE NO. 63-12

Introduced By Mr. La Rusch

AN ORDINANCE TO ADOPT CHAPTER 1379 – VACANT PROPERTY REGISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF CONNEAUT, ATTACHED HERETO AND MARKED EXHIBIT "A".

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Chapter 1379 – Vacant Property Registration of the Codified Ordinances of the City of Conneaut, attached hereto and marked Exhibit "A", is hereby adopted.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That for the reasons stated in the preamble, this Ordinance is declared to be an emergency measure in the interests of public peace, health and safety and to adopt said chapter, if approved by votes of two-thirds or more members of Council eligible to vote, shall take effect immediately upon passage and signing by the President of Council, otherwise this ordinance shall take effect thirty (30) days after passage.

Passed this 27th day of August, 2012.

Thomas H. Hilbill
President of Council

ATTEST:

Pamela S. Harper
Clerk of Council

CHAPTER 1379
VACANT PROPERTY REGISTRATION
CITY OF CONNEAUT

1379.01 PURPOSE

The purpose of this chapter 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 chapter.

1379.02 DEFINITIONS.

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

(a) "Owner." For purposes of this chapter, owner means any person, in whose name the property is titled and any person, agent, servicing company, firm, third party, financial institution or bank that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or having an agreement with any one of the above for the purpose of securing and/or managing the property.

(b) "Secured by other than normal means." A building secured by means other than those used in the design of the building.

(c) "Unoccupied." A building which is not being used for the occupancy authorized by the owner.

(d) "Unsecured." A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

(e) "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 an unsafe building as determined by the Planning and Zoning Department; 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 the Planning and Zoning Manager; or

(8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or

(9) Unoccupied and abandoned by the property owner.

(f) "Evidence of vacancy." 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 governmental employee(s) that the property is vacant.

1379.03 VACANT PROPERTY/BUILDING REGISTRATION.

(a) The owner shall register with the Planning and Zoning Department not 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 City becomes a vacant building or not later than thirty (30) days of being notified by the Planning and Zoning Department 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 Planning and Zoning Department and shall include the following information supplied by the owner:

(1) The name(s) and address(es) of the owner or owners;

(2) If the owner does not reside in Ashtabula County or within ten (10) miles of Conneaut City limits, the name and address of any third party who the owner has entered into a contract or agreement 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 of 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 division (c) of this section.

(c) The owner shall submit a vacant building plan which must meet the approval of the Planning and Zoning Manager. 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 (1) year in accordance with the Section 1369 of the Codified Ordinances of the City of Conneaut, Ohio; or

(2) If the building is to remain vacant, a plan for the insuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the building and grounds. The rehabilitation plan shall not exceed twelve (12) months from the time they obtain permits, unless the Planning and Zoning Manager 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 buildings codes, and the property must be secured during the rehabilitation.

(d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Planning and Zoning Manager of any changes in information of their vacant building registration within thirty (30) 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 Planning and Zoning Manager.

(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 Planning and Zoning Manager within thirty (30) 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 Planning and Zoning Manager.

(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.

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

(i) The Planning and Zoning Manager 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.

1379.04 ESCROW.

Each demolition of a vacant building requires that the owner hold in escrow with the City a deposit for a residential or commercial building in an amount to be established by ordinance and subsequently amended as deemed necessary. If the amount to be set up in escrow cannot be paid in full, the City will place a lien on the property for the amount previously specified. The City 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.

1379.05 INSPECTIONS.

The Planning and Zoning Department shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Planning and Zoning Manager, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Northing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Planning and Zoning Manager or his or her designee in order to enable such inspection. The Planning and Zoning Manager 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 Planning and Zoning Manager 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 and, if said premises is to be utilized for rental purposes, prior to the issuance of a permit as outlined in Chapter 1373 of the Codified Ordinances of the City of Conneaut, Ohio;

(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 Planning and Zoning Manager.

1379.06 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 the costs incurred by the City in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the City for 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 in an amount to be established by ordinance and amended as deemed necessary as long as 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 in an amount to be established by ordinance and amended as deemed necessary and 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 in an amount to be established by ordinance and amended as deemed necessary 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 in an amount to be established by ordinance and amended as deemed necessary and 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 the Conneaut Building and Housing Code incorporating by reference thereto the current edition of the International Property Maintenance Code.

(d) The fee shall be paid n 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 chapter 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 Dollars ($1,000.00), whichever is less.

1379.07 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 Planning and Zoning Department. 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 exempted for a period of twelve (12) months from the start of vacancy, provided that the owner submits proof to the Planning and Zoning Department of such listing and for sale status.

(d) 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 filing a written application with the Manager of the Planning and Zoning Department who shall timely consider same. In determining whether a request for exemption should be granted, the Manager shall consider the following: the applicant's prior record as it pertains to the City Building and Housing Code, Zoning Code, or City property maintenance codes violations; the amount of vacant property the applicant currently has within the City; and the length of time that the building for which the exemption is sought has been vacant.

1379.08 APPEALS.

Any owner who is served a notice of vacant property registration may, within ten (10) calendar days of receipt of such notice, apply for an exemption or appeal the findings of the Planning and Zoning Manager as set forth in the Conneaut Building and Housing Code incorporating by reference thereto the current edition of the International Property Maintenance Code.

1379.99 PENALTY.

Any owner violating any provision of the Vacant Building Registry shall be punished as provided by the Conneaut Building and Housing Code incorporating by reference thereto the current edition of the International Property Maintenance Code.