

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

2016 - 22

Passed

Sept. 08, 2016

## ORDINANCE 2016-22

### ORDINANCE ESTABLISHING SECTION 1446 "VACANT PROPERTY/BUILDING REGISTRATION" OF THE NORTHWOOD CODIFIED ORDINANCES TO PROVIDE FOR THEIR REGISTRATION, SECURITY, MAINTENANCE AND ABATEMENT; AND ESTABLISHING AN EMERGENCY.

**WHEREAS**, safe and properly maintained properties and buildings are essential to the general welfare, quality of life and the promotion of economic development opportunities; and

**WHEREAS**, the presence of vacant or abandoned buildings and properties can lead to neighborhood decline, create public nuisance, contribute to lower property values, and discourage investment in the community; and

**WHEREAS**, Planning Commission has recommended the City establish standards for the registration of vacant property and buildings within the City of Northwood to minimize neighborhood blight and promote the general welfare of the community;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTHWOOD, WOOD COUNTY, OHIO THAT:**

**SECTION 1.** That the City of Northwood hereby establishes Section 1446 to read and be enforced as follows:

#### CHAPTER 1446

1446.01	PURPOSE
1446.02	DEFINITIONS
1446.03	VACANT PROPERTY/BUILDING REGISTRATION AND MAINTENANCE
1446.04	INSPECTIONS
1446.05	FEEES
1446.06	EXEMPTIONS
1446.07	DEMOLITIONS
1446.08	APPEALS
1446.09	NUISANCE ABATEMENT
1446.99	PENALTY

#### 1446.01 PURPOSE

The purpose of this chapter is to establish a program for identifying and registering vacant residential, commercial and industrial buildings; to determine the responsibilities of owners of vacant buildings and structures; and to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant or abandoned properties.

#### 1446.02 DEFINITIONS

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

(a) "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.

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(b) "Owner." 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.

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

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

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

(f) "Vacant building." A building (which includes both residential and commercial trailers and individual suites within a building complex separated by common walls 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 City Administrator, Planning, Zoning, and Economic Development Official, Northwood Fire Chief, Wood County Building Inspector; 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 90 days and having an existing code violation issued by a Property Maintenance Officer; or
- (8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- (9) Unoccupied and abandoned by the property owner.

## **1446.03 VACANT PROPERTY/BUILDING REGISTRATION AND MAINTENANCE**

(a) The owner shall register with the Planning, Zoning and Economic Development Department not later than 90 days after any building located in an area zoned for, or abutting an area zoned for, residential, commercial or industrial use in the City becomes a vacant building or not later than 30 days of being notified by the Planning, Zoning and Economic Development 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, Zoning and Economic Development Department and shall include the following information supplied by the owner:

- (1) The name(s) and address(es) of the owner or owners, excluding P.O. boxes;
- (2) 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 direct telephone number where a responsible party can be reached at all times during business and non-business hours.

(c) The owner shall notify the Planning, Zoning, and Economic Development Department of any changes in information of their vacant building registration within 30 days of the change. If the 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, Zoning and Economic Development Department.

(d) The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable Codified Ordinances of the City of Northwood and Ohio Administrative Code Chapter 1301:7-7 Section 311.

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(e) A new owner(s) shall register or re-register the vacant building with the Planning, Zoning, and Economic Development Department within 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 timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Planning, Zoning, and Economic Development Department.

(f) 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.

(g) Failure of the owner or any subsequent owners to maintain the building and premises shall be subject to any applicable penalties provided by the law.

(h) The Planning, Zoning, and Economic Development Department shall include in the file any property specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, maintenance status, or blighting influence of the vacant property.

(i) The registration, maintenance, and all associated processes must be completed in its entirety annually for as long the property remains vacant.

## 1446.04 INSPECTIONS

The Planning, Zoning and Economic Development Department shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon request, 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 diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by a Planning, Zoning, and Economic Development Department Official or his or her designee in order to enable such inspection. Said Official 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 a Planning, Zoning, and Economic Development Department Officer and/or Northwood Fire Department Official a minimum of twice per year to ensure the compliance of property maintenance codes;

(b) All commercial vacant properties will be made available for an annual fire safety inspection by the Northwood Fire Department.

(c) 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;

(d) Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner and prior to an issuance of a permit by the Planning, Zoning and Economic Development Department;

(e) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of a Planning, Zoning, and Economic Development Department Official and/or Northwood Fire Department Official.

## 1446.05 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 administrative costs stated above:

(a) The owner of a vacant residential building shall pay an annual fee of two hundred dollars (\$200.00) 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-year fee of three thousand two hundred dollars (\$3,200.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

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(b) The owner of a vacant commercial building shall pay an annual fee of four hundred dollars (\$400.00) for the first year the building remain 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-year fee of six thousand four hundred dollars (\$6,400.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(c) The owner of a vacant industrial building shall pay an annual fee of eight hundred dollars (\$800.00). 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-year fee of twelve thousand eight hundred dollars (\$12,800.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(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 chapter within 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. A hold may be placed on the transfer or activation of utilities (water and electric) until all delinquent fees are paid.

(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.

(g) All liens and delinquent fees shall be assessed and collected in accordance with Section 1284 of the Codified Ordinances of the City of Northwood and ORC 715.261.

#### 1446.06 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 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, Zoning and Economic Development 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 12 months from the start of vacancy, provided that the owner submits proof to the Planning, Zoning and Economic Development 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 Planning, Zoning and Economic Development Department who shall timely consider same. In determining whether a request for exemption should be granted, the Director shall consider the following: the applicant's prior record as it pertains to City Housing Code, Building Code, or Property Maintenance Code violations; the amount of vacant property the applicant currently has within the City; and the length of time that the building for which the exception is sought has been vacant.

#### 1446.07 DEMOLITION

Each demolition of a vacant building will be in accordance with Chapter 1286 of the Codified Ordinances of the City of Northwood. 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 demolition. 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.

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## 1446.08 APPEALS

Any owner who is served a notice of vacant property registration may, within ten calendar days of receipt of such notice, apply for an exemption or may appeal the findings to the Planning, Zoning and Economic Development Department. Said appeal shall be made to the Northwood Planning Commission pursuant to the Codified Ordinances of the City of Northwood.

## 1446.09 NUISANCE ABATEMENT

Any building and/or property deemed vacant or abandoned pursuant to the terms of this chapter and not maintained pursuant to the terms of this chapter, the Codified Ordinances of the City of Northwood and the City of Northwood Planning and Zoning Code is hereby declared a nuisance, and shall have the nuisance conditions abated pursuant to the terms of Chapter 1284 of the Codified Ordinances of the City of Northwood.

## 1446.99 PENALTY

Any owner violating any provision of this ordinance shall be punished as provided by Section 1244.99 of the Northwood Planning and Zoning Code.

**SECTION 2.** It is found and determined that all formal actions of council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Northwood and the State of Ohio.

**SECTION 3.** This ordinance shall take effect as an emergency measure because having a viable plan for vacant property and buildings located within the City of Northwood is necessary to protect the health, safety and welfare of our citizens.

Vote to suspend rules:

For: 7 Against: 0

Vote on emergency clause:


For: 7 Against: 0

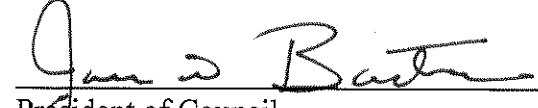
Vote on final adoption:

For: 7 Against: 0

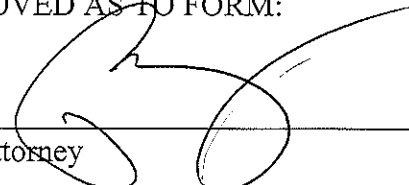
**ADOPTED** 9-8-16 As an emergency measure.

ATTEST:

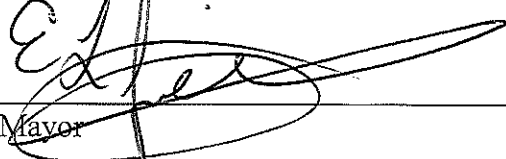
  
Clerk of Council, *Acting*

  
President of Council

APPROVED AS TO FORM:

  
City Attorney

APPROVED:

  
Mayor