

Ordinance No. **15-2012**

By – Holzheimer Gail, O'Hare and Van Ho

An ordinance enacting Chapter 1763 "Vacant Property Registration" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to create a Vacant Property Registration.

WHEREAS, Events in the housing market have led to a rise in the number of foreclosed properties in the City of Euclid; and,

WHEREAS, Quite often, these properties that are in the foreclosure process remain vacant for extended periods of time and are neglected by their owners; and,

WHEREAS, Many of these vacant and abandoned properties are in violation of local property maintenance codes making them susceptible to vandalism, vermin, deterioration, and dilapidation and exposing neighboring residents to unsafe and unhealthy living conditions ; and,

WHEREAS, In an effort to curtail the growing problem of abandoned and neglected properties in the city, Euclid City Council desires to create a Vacant Property Registration which requires property owners to register these properties with the City of Euclid Housing Department and be responsible for the upkeep of these properties and marketing of the properties towards occupancy; and,

WHEREAS, After months of research and discussion on other cities' vacant property programs, this program was recommended by Euclid's Foreclosure Prevention Committee; and,

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Chapter 1763 "Vacant Property Registration" of the Building and Housing Code of the Codified Ordinances of the City of Euclid is hereby enacted to read as follows:

1763.01 PURPOSE

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

1763.03 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 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 an unsafe building as determined by the Housing 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 a Housing Inspector; 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: utilities shut off or 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.

- F. Owner-means any and every person, entity, bank, or service company, who alone or severally with others:
1. Has legal or equitable title to any dwelling, dwelling unit, building, structure, or parcel of land; or
 2. Has care, charge or control of any dwelling, dwelling unit, building, structure, or parcel of land, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 3. Is a mortgagee in possession of any such property; or
 4. Is an agent, trustee, receiver, or other person appointed by the courts and vested with possession or control of any such property

1763.05 VACANT PROPERTY REGISTRATION

- A. The owner shall register with the Housing Department not later than ninety (90) days after any residential property in the City becomes a vacant building, or not later than 30 days of being notified by the Housing 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 Housing Department, with the associated fee of \$200 and shall include the following information supplied by the owner:
1. The name(s) and address(es) of the owner or owners, whether personal or corporate;
 2. If the owner/corporation does not reside in or have a principal place of business in Ohio, the owner/corporation **or servicer** shall provide a name, address, phone number, emergency contact information, and email of a manager/agent in charge of the building who does reside in or have a principal place of business in Ohio. By designating an authorized manager/agent under the provisions of this section, the owner is consenting that the manager/agent 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 vacant building plan as described in Section C.
- C. The owner shall submit a vacant building plan which must meet the approval of the Chief Building Official or the Housing **Manager** ~~Inspector~~. 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 timeline for demolition which includes starting within thirty (30) days of acceptance of the proposed demolition plan 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 ensuring the building is secured along with the plan or procedure that will be implemented 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 timeline shall not exceed twelve months from the time the owner obtains permits, unless the Chief Building Official or **the Housing Manager** ~~the Housing Inspector~~ 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.
- D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Housing Inspector 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 Chief Building Official **and/or the Housing Manager** and/or the Housing Inspector.
- 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 City of Euclid Building and Housing Codes.
- F. A new owner(s) shall register or re-register the vacant building with the Housing **Department** ~~Inspector~~ 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 Housing Inspector **and/or the Housing Manager** and/or Chief Building Official.
- 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 result 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 Housing Inspector 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 annually for as long the property remains vacant.

1763.07 INSPECTIONS

The Housing Department shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this Ordinance. The Housing Inspector, **Housing Manager**, **Building Commissioner** ~~Chief Building Official~~, or his or her designee, may request that an owner 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 request the procurement of a search warrant from a court of competent jurisdiction by a Housing

Inspector, **Housing Manager**, **Building Commissioner** ~~Chief Building Official~~, or his or her designee in order to enable such inspection. The Housing Inspector and/or **Building Commissioner** ~~Chief Building 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 the Housing Inspector a minimum of twice per year to ensure the compliance with property maintenance codes;
- B. A Notice of Violation will be completed for each inspection indicating any property maintenance code violations.
- C. Unless otherwise determined, by the discretion of the Housing Inspector, a property owner will have ninety (90) days to correct the code violations. Failure to correct the violations by the compliance date may result in prosecution.

1763.09 EXEMPTIONS

Any owner of a vacant building may request an exemption **from the fee imposed in Section 1763.05(B)**, ~~provisions of this Chapter~~ by filing a written application with the Housing Department who shall timely consider same. Bases for exemptions include, but are not limited to:

- 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 storm damage caused by incidents of 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 Housing 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, or by owner, shall be **exempted** for a period of twelve (12) months from the start of vacancy, provided that the owner submits proof to the Housing Department of such listing, for sale status and has a current Point of Sale Inspection with the City of Euclid Housing Department.
- D. A building whose owner is deceased and the administration of the estate is pending within a county probate court shall be exempt during the pendency of the probate matter.**
- E. Any two-family or three-family dwelling where the owner resides in one dwelling unit and the other dwelling unit(s) remains vacant.**
- F. Any other basis for an exemption may be submitted to the Housing Department for consideration.

1763.11 APPEALS

- A. Any owner who is served a notice of vacant property registration may, within 14 calendar days of receipt of such notice, apply for an exemption as set forth in Section 1763.09 herein.
- B. Any person adversely affected by a decision of any City official made in the enforcement of this ordinance or any ordinance for which the Board of Building Code Appeals is designated as the Board of Appeals shall have the right to appeal to the Planning and Zoning Commission from such decision. Such appeal must be filed in writing and upon forms provided by the Commission. The time and place of the appeal hearing shall be fixed by the Commission. The Commission shall have the power to approve, amend, modify or reverse any decision of such City official. The decision of the Commission shall be final.

The provisions of Chapter 1301 of the Planning and Zoning Code, establishing the Planning and Zoning Commission, shall also be applicable, to the extent that such provisions are not in conflict with the provisions of this section.

1763.99 PENALTY.

Any person violating any provision of the Vacant Property Registration Chapter shall be punished as provided by Section 1703.99 of the City of Euclid Building and Housing Code.

Section 2: Chapter 1763 "Vacant Property Registration" of the Building and Housing Code of the Codified Ordinances of the City of Euclid is hereby enacted.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

Passed: February 6, 2012

Effective: March 6, 2012

President of Council

Approved:

Mayor