

CITY OF BROOK PARK, OHIO

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ORDINANCE NO: 9920-2014

INTRODUCED BY: MAYOR COYNE and Council Members
Troyer, Mencini, Powers, Burgio, D'Amico,
Salvatore, Council President Patten and Council Member Higgins

AN ORDINANCE
ENACTING CHAPTER 1366 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION'

NOW THEREFORE, BE IT ORDAINED by the Council of the City of
Brook Park, State of Ohio, that:

SECTION 1: The Brook Park Codified Ordinances shall be
supplemented by enacting a new Chapter 1366, entitled "Vacant
Property/Building Registration" is hereby enacted to read as
follows:

1366.01 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 hasten the rehabilitation and
occupancy of the vacant buildings.

1366.02 DEFINITIONS.

- (a) OWNER: 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, administrator, 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.
- (b) PERSON: Means a natural person or any legal entity,
including but not limited to a corporation, firm,
partnership, estate, trust or association.
- (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.
 - (f) **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 Building Commissioner; 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 Property Maintenance Officer; or
 - 8) Unoccupied and abandoned by the property owner.
 - (g) **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.

1366.03 VACANT PROPERTY/BUILDING REGISTRATION.

- (a) Any building presently located within the City which is a vacant building shall be registered by the owner thereof with the Building Commissioner not later than sixty (60) days after it becomes a vacant building, or not later than thirty (30) days of being notified by the Building Commissioner evidence of vacancy whichever occurs first.
- (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;
 - 2) If the owner/corporation does not reside in or have a principle place of business in Ohio, the 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 principle 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 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 Building Commissioner. 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 in accordance with the property maintenance code 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, rehabilitation plans for the building and grounds. The rehabilitation plans shall not exceed 6 months from the time they obtain permits, unless the Building Commissioner 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 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 Building Commissioner 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 Building

- Commissioner.
- (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 Codes.
 - (f) A new owner(s) shall register or re-register the vacant building with the Building Department 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 Building Commissioner.
 - (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 registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.

1366.04 BOND DEPOSIT.

Each demolition of a vacant building requires that the owner submit a bond deposit equal to one hundred twenty five percent (125%) of the estimated cost of each demolition. In the event the demolition is not completed the City shall invoke the bond to complete the proposed demolition.

1366.05 INSPECTIONS.

- (a) The Building Department may 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 Building Commissioner or the Commissioner's designee, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection.
- (b) Vacant properties shall be externally inspected by the Building Commissioner or Commissioner's designee a minimum of twice per year to ensure the compliance of property maintenance codes;

1366.06 VACANT BUILDING FEES.

- (a) The owner of a vacant residential building shall pay an annual fee of two hundred dollars (\$200.00) per building. Renewal of the fee shall be due one year from the original filing date.
- (b) The owner of a vacant commercial building shall pay an annual fee of four hundred dollars (\$400.00) per

building. Renewal of the fee shall be due one year from the original filing date.

- (c) The first annual fee shall be paid at the time the building is registered.
- (d) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption.
- (e) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building.

1366.07 EXEMPTIONS.

Any owner of a vacant building may request an exemption from the fee imposed in Section 1366.05 by filing a written application with the Building Commissioner who shall timely consider the 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 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 Building Commissioner. 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) Any other basis for an exemption may be submitted to the Building Commissioner for consideration.

1366.08 ECONOMIC DEVELOPMENT FUND.

Revenues collected from vacant property/building registration fees shall be placed in the Economic Development Fund.

1366.09 APPEALS.

- (a) Any owner who is served a notice of vacant property registration may, within fourteen (14) calendar days of receipt of such notice, apply for an exemption as set forth in Section 1366.06 herein.
- (b) Any person adversely affected by a decision made in the enforcement of this Chapter shall have the right to appeal to the Board of Zoning Appeals from such decision. Such appeal must be timely submitted in writing upon forms provided by the Building Department.

1366.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances.

SECTION 2: 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 of 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 3: This Ordinance shall take effect at the earliest time allowed by law.

PASSED: June 17, 2014

Dennis P. Patton
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

6/17/2014
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution

No. 6920-2014

passed on the 17th day of June

20 14 by said council

Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5530 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing June 18, 2014

Michelle Blazak
MICHELLE BLAZAK
Clerk of Council