

ORDINANCE 2023-21

TO CREATE CHAPTER 745 “VACANT PROPERTY REGISTRATION PROGRAM” UNDER PART SEVEN – BUSINESS REGULATION CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CENTERBURG

WHEREAS, buildings that remain vacant or unoccupied for an appreciable period of time become an attractive nuisance for children, rodents, criminals, trash, garbage, and waste; and

WHEREAS, the use and maintenance of a property in such condition endangers the public, health, safety, and welfare, and constitutes an unreasonable annoyance to the public; and

WHEREAS, the Village has an influx of vacant properties that has become a concern to the public health, safety, and welfare; and

WHEREAS, a Vacant Property Registration Program (VPRP) will hold vacant property owners accountable for a minimum standard of maintenance for their properties; and

WHEREAS, a VPRP acts as an economic development tool for the Village to introduce prospective buyers with vacant property owners; and

WHEREAS, Council has reviewed the objectives of the VPRP and desires to codify it under the Business Regulation Code of the Codified Ordinances.

NOW, THEREFORE, be it Ordained by the Council of the Village of Centerburg, Ohio:

“Section 1: That Chapter 745 Vacant Property Registration of the Codified Ordinances be and hereby is adopted to read as follows:

**CHAPTER 745
Vacant Property Registration Program**

745.01 PURPOSE.

The purpose of this Vacant Property Registration Program is to help protect the health, safety, and welfare of the public by requiring registration of all vacant residential, commercial, and industrial buildings. This program will prevent blighted buildings, protect property values and neighborhood integrity, and avoid the creation of nuisances. Owners of vacant properties will also be required to meet a minimum standard of maintenance for their properties.

745.02 DEFINITIONS.

- (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.

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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, and statement(s) by governmental employee(s) that the property is vacant.

- (b) **Owner.** Any person or entity, 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 of having an agreement with any of the above for the purpose of securing the/or managing the property, or any person or entity who has the right to possess or use 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 (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 Village Administrator; 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 Zoning; or
 - 8. Unoccupied with a mortgage status of abandonment (i.e., deceased or foreclosed); or
 - 9. Unoccupied and abandoned by the property owner.
- (g) **Village Administrator.** Shall be the Village Administrator for the Village of Centerburg or their designee.

745.03 REGISTRATION.

- (a) The owner shall register with the Village not later than ninety (90) days after any building located in the Village becomes vacant; or not later than thirty (30) days of

being notified by the Village of the requirement to register based on evidence that the building is vacant.

- (b) The registration shall be submitted on a form provided by the Village Administrator which shall be modified from time to time. If at any time the information contained in the registration form is no longer valid, the property owner shall within ten (10) days file a new registration form containing current information. The owner shall be responsible for supplying at a minimum:
1. The name(s) and address(es) of the owner or owners;
 2. If the owner does not reside in Knox County or within ten (10) miles of the Village of Centerburg (VOC) limits, the name and address of any third party with whom 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 regarding conformance with any and all ordinances;
 3. The names and addresses of all known lien holders and all of their 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.

745.04 VACANT BUILDING PLAN.

- (a) The owner shall submit a vacant building plan with their registration which must meet the approval of the Village Administrator. The plan, at a minimum, must contain information from one of the following options:
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 Village zoning code; or
 2. If the building is to remain vacant, a plan for ensuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons 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 Village Administrator grants an extension upon receipt of a written statement from the owner detailing the reasons for an extension. Any repairs, improvements or alterations to the property must comply with applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation.

745.05 ESCROW.

Each demolition of a vacant building requires that the owner hold in escrow with the Village a deposit of ten thousand dollars (\$10,000) for a residential building and seventy-five thousand dollars (\$75,000) for a commercial or industrial 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.

745.06 INSPECTIONS.

- (a) The Village Administrator shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Village Administrator or its designee, an owner may provide access to all interior portions of a vacant building in order to permit a complete inspection.
- (b) 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 the Village Administrator in order to enable such inspection. The Village Administrator shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises.
- (c) Vacant properties will be externally inspected by the Zoning Administrator a minimum of twice per year to ensure compliance with property maintenance codes. 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. 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 Village Administrator.

745.06 VACANT BUILDING FEES.

- (a) 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 Village in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the Village for demolition and hazard abatement of, or repairs to, vacant buildings, as well as the continued normal administrative costs stated above.

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- (b) The owner of a vacant residential building shall pay an annual fee of two hundred dollars (\$200) 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 for a maximum annual fee equaling the five (5) year fee of three thousand two hundred dollars (\$3,200) to be used for the fifth and for all consecutive, subsequent years of vacancy.
- (c) The owner of a vacant commercial or industrial building shall pay an annual fee of four hundred dollars (\$400) 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 for a maximum annual fee equaling the five (5) year fee of six thousand four hundred dollars (\$6,400) to be used for the fifth and for all consecutive, subsequent years of vacancy.
- (d) 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 these codified ordinances.
- (e) 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 one hundred eighty (180) days of its registration.
- (f) 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 have been paid.
- (g) 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), whichever is less.

745.08 EXEMPTIONS.

- (a) A building under active construction/renovation that has a valid building or zoning permit 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 Village Administrator or their designee. 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.

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- (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 Village Administrator of such listing and “for sale” status.
- (d) Any owner of a vacant building may request an exemption from the provisions of this chapter by filing a written application with the Village Administrator, who shall timely consider the same. In determining whether a request for exemption should be granted, the Village Administrator shall consider the following:
 1. the applicant’s prior record as it pertains to Village Building Code or Property Maintenance Code violations;
 2. the amount of vacant property the applicant currently has within the Village; and
 3. the length of time that the building for which the exception is sought has been vacant.

745.09 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 Village Administrator to the City Council.

745.10 PENALTY.

Any owner violating any provision of the Vacant Building Registration Program shall be considered a first-degree misdemeanor.

Section 2: That this Ordinance shall be in full force and effect at the earliest date permitted by law.”

DATE PASSED 08/05/2023

ATTEST _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

MAYOR

DATE APPROVED 08/05/2023

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on _____, 2023 and _____, 2023 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

FISCAL OFFICER