

## **TITLE FOUR**

### **CH. 1450- VACANT PROPERTY REGISTRATION**

#### **1450.01 PURPOSE**

The purpose of this chapter is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage fraud, foreclosures and increased bankruptcies, many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, theft of metals and other materials, overgrowth of grass, weeds, shrubs and bushes, illegal dumping and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and commercial areas. Further, it is important for the city to be able to contact owners of vacant properties for property maintenance, fire safety, and police purposes.

#### **1450.02 SCOPE**

The provisions of this chapter shall apply to all residential, commercial and industrial structures and all vacant land.

#### **1450.03 DEFINITIONS**

For purposes of this chapter, certain words and phrases are defined as follows:

- a) *Abandoned vacant property* means a vacant property as defined in this section that has been vacant for thirty (30) days or more and meets any of the following criteria:
  - 1) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
  - 2) Has one or more broken or boarded windows;
  - 3) Has taxes in arrears for a period of time exceeding 365 days;
  - 4) Has utilities disconnected or not in use for a period of thirty (30) days or more;
  - 5) Is not maintained in compliance with the City code, including, without limitation, other building regulations or regulations related to Zoning and Planning;
  - 6) Is only partially completed and without improvements for a period of ninety (90) days such that it is not fit for human occupancy.

- b) *Building* means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.
- c) *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, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, 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, statements by neighbors, passersby, delivery agents or government employees that the property is vacant.
- d) *Foreclosure* means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgagor (borrower).
- e) *Mortgage* means a recorded lien or interest in real property to secure payment of a loan.
- f) *Mortgagee* means a person, firm, or corporation holding a mortgage on a property.
- g) *Mortgagor* means a borrower under a mortgage, who grants a lien or interest in property to a Mortgagee as security for the payment of debt.
- h) *Owner* means an individual, co-partnership, association, corporation, company, fiduciary, or other person or legal entity having a legal or equitable title or any interest in any real property.
- i) *Structure* means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.
- j) *Vacant or Vacant Property* means an improved lot or parcel of real property with at least one (1) Building or Structure that is not currently used or occupied and/or unimproved lot or parcel that is not currently used or occupied. Provided, however, a Building or Structure which remains furnished, utilities connected or in use, and the property maintained while the Owner is absent, shall not be considered vacant.

#### **1450.04 REGISTRATION OF VACANT AND ABANDONED VACANT PROPERTY**

- a) An owner of a vacant property in the City shall be responsible for registering that property with the Community and Economic Development Real Estate Division by complying with the affidavit and registration and inspection fee requirements in this chapter.
- b) A vacant property shall be registered within sixty (60) days of the vacancy.
- c) An abandoned vacant property shall be registered within thirty (30) days of the vacancy or ten (10) days of inspection described in section 1450.08.
- d) Commercial structures that are vacant at the time this chapter takes effect shall be registered within thirty (30) days of that date.

#### **1450.05 REGISTRATION AFFIDAVIT**

Owners who are required to register their properties pursuant to this chapter shall do so by submitting a copy of a driver's license and an affidavit containing the information specified in this section. The affidavit may be provided by an agent for an Owner provided the agent's written authorization from the Owner is provided with the affidavit. The affidavit shall include the following:

- a) The name of the Owner of the property;
- b) A mailing address where mail may be sent that will be acknowledged as received by the Owner. If certified/return receipt requested is sent to the address provided by the Owner pursuant hereto and the mail is returned marked "refused" or "unclaimed" or if ordinary mail sent to the address is returned for whatever reason, then such occurrences shall be prima facie proof that the Owner has failed to properly comply with this Section;
- c) The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the Owner, if the Owner is an individual, or may be someone other than the Owner provided that the Owner has contracted with such person or entity to act as his agent for the purpose of this chapter;
- d) A current address, telephone number, facsimile number, and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified/return receipt requested mail is sent to the address provided pursuant to this Section and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address provided pursuant to this Section is returned for whatever reason, then such occurrence shall be prima facie proof that the Owner has failed to properly comply with the requirements of this Section;
- e) Permission to City authorized staff to access the property for inspection purposes, including any Building or Structure situation thereon, in accordance with this Chapter, and at such other reasonable times, upon reasonable notice;
- f) An explanation as to the reason for the vacancy of the property.

Once a vacant or abandoned vacant property has been properly registered by the Owner, such registration shall be valid and effective for a period not to exceed 365 days, and shall be renewed annually thereafter until the property has become occupied and a certificate of compliance has been issued pursuant to this Chapter.

#### **1450.06 REGISTRATION, INSPECTION, AND OTHER FEES**

All fees applicable to this chapter shall be set by resolution of the City Council. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner's affidavit, with such fee being set by resolution of the City Council. For properties that are not registered within the required time, an additional fee

for the added cost of the City's expenses in having to determine ownership, which may include, but is not limited to, title searches, shall be assessed and immediately payable. The payment of all fees required under this chapter is secured by a lien against the property which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.

#### **1450.07 REQUIREMENT TO KEEP INFORMATION CURRENT**

If at any time the information contained in the affidavit is no longer valid, the property owner has ten (10) days to file a new affidavit containing current information. There shall be no fee to update a registered owner's current information.

#### **1450.08 INSPECTIONS REQUIRED**

Owners of vacant or unoccupied buildings who are required to file an owner's affidavit under this chapter are subject to routine safety and maintenance inspection of the building and property.

#### **1450.09 MAINTENANCE AND SECURITY REQUIREMENTS**

An Owner of a vacant property shall comply with all of the following maintenance and security requirements:

- a) Properties subject to this section shall be kept free of weeds; grass more than six inches high; dry brush; dead vegetation; trash; junk; debris; building materials; any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law; discarded items including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or any other items that give the appearance that the property is abandoned.
- b) The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- c) All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark designed and maintained in an appropriate manner. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimmings.
- d) Pools, spas, and other water features shall be covered with an industry approved safety cover and shall also comply with the minimum security fencing and barrier requirements of applicable building and existing structures/property maintenance codes and ordinances.
- e) Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other

opening of such size that may allow a child or other person to access the interior of the property and/or structures. Broken windows must be repaired or replaced with like glazing materials within fourteen (14) days, except as otherwise provided in the existing structures code. Boarding up of open or broken windows is prohibited except as a temporary measure not to exceed fourteen (14) days.

- f) Electrical power and natural gas shall be provided to all vacant or unoccupied Building(s) or Structure(s) to power all mechanical equipment to maintain a minimum ambient interior temperature of not less than 45 degrees F during the months of September through May of each calendar year and to power a sump pump. All vacant or unoccupied residential Buildings or Structures shall have the water shut off at the street and shall have the building properly winterized so as to prevent the bursting of water pipes, unless the Building or Structure is served by a heating system which requires the use of water.
- g) If the property is owned by a person other than an individual and/or the trustee owner is located more than thirty (30) miles away, a local property management company shall be contracted to perform maintenance. The property shall be posted with name and a twenty-four-hour contact telephone number of a property management company located within thirty (30) miles of the subject property. The posting shall be no less than eighteen (18) inches x twenty-four (24) inches and shall be of a 72-point Arial font and shall contain, along with the name and twenty-four-hour contact number, the words: "THIS PROPERTY MANAGED BY AND TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building structure facing the street to the front of the property so that it is visible from the street.
- h) Property shall be maintained in compliance with all other applicable code requirements.

#### **1450.10 RE-OCCUPANCY**

A vacant or unoccupied building or structure on vacant property shall not be occupied until a certificate of occupancy has been issued by the City, and all violations have been corrected in accordance with the applicable requirements of the state construction code and act and building, residential, electrical, mechanical, plumbing and other codes that are part of the state construction code administered and enforced by the City, the City's property maintenance ordinance and code and other applicable provisions of this Code. All mechanical, electrical, plumbing and structural systems shall be certified by a licensed contractor as being in good repair. In addition, a certificate of occupancy shall not be issued until all outstanding costs, assessments and/or liens owed to the City have been paid in full.

#### **1450.11 VIOLATION AND PENALTY**

- a) Violations of this chapter are municipal civil infractions, subjecting persons found responsible for violations to the fines in subsection (b), plus costs and to the sanctions, remedies and procedures as set forth in sections 1-10 and 1-12 of this Code, with the provision that each day is a separate offense specifically applicable to all violations of this chapter.
- b) The fine for a first offense of failure to obtain an annual inspection, failure to file the required affidavit or failure to maintain the affidavit containing current information shall be one hundred dollars (\$100.00). The fine for all other violations shall be in an amount not to exceed five hundred dollars (\$500.00).

**APPROVED BY CITY COUNCIL OCTOBER 04, 2010**