

COUNCIL CHAMBER
City of Mentor

City Manager
Econ & Comm Dev Dir
04/01/14

ORDINANCE NO. 14-O-24

AN ORDINANCE AMENDING PART THIRTEEN, TITLE SEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR, 2006, AS AMENDED, THE SAME RELATING TO BUILDING CODE, PROPERTY MAINTENANCE, VACANT DWELLING REGISTRATION

WHEREAS, it has been recommended by the Administration to make changes to the Codified Ordinances of the City of Mentor to include a Vacant Dwelling Registration program on the basis that the recent economic recession has caused an inordinate number of residential dwellings to be abandoned for extensive periods of time thereby exposing said dwellings and surrounding neighborhoods to blight, vandalism, crime, unsafe structures and unsecured utility connections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MENTOR, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That Part Thirteen, Title Seven of the Codified Ordinances of the City of Mentor, 2006 as amended, be and the same is hereby amended to read in such a way that existing language to be removed is shown as ~~stricken~~, newly added language is shown as **bold** and language to remain retains the existing font and format:

1373 VACANT DWELLING REGISTRATION

- 1373.01 Purpose.**
- 1373.02 Definitions.**
- 1373.03 Vacant dwelling registration.**
- 1373.04 Post registration requirements.**
- 1373.05 Inspections.**
- 1373.06 Vacant dwelling fees.**
- 1373.07 Exemptions.**
- 1373.08 Appeals.**
- 1373.09 Validity.**
- 1373.99 Penalty.**

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1373.01 PURPOSE.

The purpose of this chapter is to promote the health, safety and welfare of persons and property in residential districts by establishing a program for identifying and registering vacant residential dwellings, designating owner responsibilities, expediting the rehabilitation of the vacant dwellings, and requiring the responsible property owners to pay the costs of property maintenance. This intent shall be fulfilled by establishing herein minimum safety requirements for structural integrity and utility control.

1373.02 DEFINITIONS.

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

(a) "Owner." Any person or entity in whose name the property is recorded or has been deeded to or to whom it is contractually or by operation of law expected to be deeded or transferred, and any person, agent, servicing company, firm, third party, business entity, financial institution or bank that has an equitable or legal interest in the property as a result of a mortgage foreclosure, assignment, sale, mortgage transfer, or similar instrument or having an agreement with an owner for the purpose of securing and/or managing the property.

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

(c) "Unoccupied." A dwelling which is not being used for occupancy by the owner or by another person authorized by the owner.

(d) "Unsecured." A dwelling or portion of a dwelling which is open to entry by unauthorized persons or animals without the use of a key, tools or ladders.

(e) "Vacant dwelling." A dwelling (excluding government-owned dwellings) which meets one or more of the following:

- (1) Unoccupied and/or unsecured; or
- (2) Unoccupied and secured by other than normal means; or
- (3) Unoccupied and an unsafe dwelling as defined in Chapter 1345 of the MCO.
- (4) Unoccupied and having utilities disconnected; or
- (5) Unoccupied and exhibiting housing or building code violations; or
- (6) Illegally occupied, which shall include loitering and vagrancy; or
- (7) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or

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- (8) Unoccupied and abandoned by the property owner.
- (f) "Evidence of vacancy." Any persistent 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 or disconnected 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, interior mold growth on and around windows and window coverings, abandoned vehicles, auto parts or materials, the absence of window coverings such as curtains, blinds, and/or shutters, the absence of interior furnishings and/or personal items consistent with habitation or occupation, or statement(s) by persons with personal knowledge, such as neighbors, that the dwelling is vacant.
- (g) "Entity"
- (1) A for profit corporation existing under the laws of this state or any other state;
- (2) Any of the following organizations existing under the laws of this state, the United States, or any other state:
- (a) A business trust or association;
 - (b) A real estate investment trust;
 - (c) A common law trust;
 - (d) An unincorporated business or for profit organization, including a general or limited partnership;
 - (e) A limited liability company;
 - (f) A nonprofit corporation.

1373.03 VACANT DWELLING REGISTRATION.

(a) The owner shall register with the Economic & Community Development Department not later than 90 days after a dwelling located in an area zoned for residential use in the City becomes vacant or not later than 14 days after being notified by the Economic & Community Development Department of the requirement to register based on evidence of vacancy, whichever event first occurs. Upon registration approval, the city shall issue a Vacant Dwelling Registration Certificate bearing emergency contact information and the owner shall cause the certificate to be displayed on the main entrance door to the dwelling. The certificate shall expire after one year and if the dwelling remains vacant the owner shall apply for a renewal certificate.

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(b) The registration shall be submitted on forms provided by the Economic and Community Development Department and shall include the following information supplied by the owner:

(1) The name(s) mailing address(es), telephone number(s) and email address(es) of the owner or owners;

(2) If the owner does not reside in Lake County, the name and address of any third party or servicing agent with whom the owner has entered into a contract or agreement for property management. By designating a third party or servicing agent, the owner is agreeing that the third party/servicing agent is authorized to receive any and all notices relating to the property and to contract for services to bring the dwelling into conformance with all applicable ordinances;

(3) The names and addresses of all known lien holders and all other parties with an ownership interest in the dwelling;

(4) A telephone number where a responsible party can be reached at all times during business and non-business hours, and an email address (if available); and

(5) A vacant dwelling plan as described in division (c) of this section.

(c) The owner shall submit a vacant dwelling plan which must meet the approval of the code enforcement supervisor or his/her designee. The plan, at a minimum, must contain information from one of the following three choices:

(1) If the dwelling is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within 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 dwelling is to remain vacant, a plan for ensuring the dwelling is secured in accordance with Section 1349.31 along with the procedure that will be used to maintain the property, and a statement of the reasons why the dwelling will be left vacant (e.g., is for sale, etc.); or

(3) If the dwelling is to be returned to appropriate occupancy or use, a rehabilitation plan for the dwelling and grounds. The rehabilitation plan shall not exceed 12 months from the time permits for same are obtained, unless the chief building official 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.

1373.04 POST REGISTRATION REQUIREMENTS

(a) All applicable laws and codes shall be complied with by the owner. The owner shall notify the code enforcement supervisor of any changes in information

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regarding the vacant dwelling registration within 30 days of the change. If the plan or timetable for the vacant dwelling is revised in any way, the revision(s) must be in writing and must meet the approval of the code enforcement supervisor.

(b) The owner and subsequent owners shall keep the dwelling secured and safe and the dwelling and grounds properly maintained in accordance with all applicable property maintenance codes.

(c) All new owners shall register or re-register the vacant dwelling with the code enforcement supervisor within thirty (30) days of any transfer of an ownership interest in the vacant dwelling if the dwelling 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 code enforcement supervisor and/or chief building official.

(d) The failure of a purported owner of the vacant dwelling to obtain a deed for the property or to file the deed with the county recorder shall not excuse the purported property owner from registering the property.

(e) Failure of the owner or any subsequent owners to maintain the dwelling and premises that results 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 law.

(f) The code enforcement supervisor may 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 dwelling.

(g) The registration and all associated processes shall be renewed in its entirety annually for as long the property remains vacant.

1373.05 INSPECTIONS.

The Economic & Community Development Department shall inspect every vacant residential dwelling in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the code enforcement supervisor or chief building official, an owner may provide access to all interior portions of an unoccupied dwelling in order to permit an inspection of public utility service connections and operation such as water supply and pressurization, electrical fuse boxes, natural gas and/or propane connections and the adequacy and existence of structural entrance point components and locks therefore including doors, windows and attic/crawl space coverings. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of an administrative search warrant from a court of competent jurisdiction by a code enforcement supervisor or chief building official or his or

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her designee in order to enable such inspection. The code enforcement supervisor or chief building official shall be required to obtain an administrative search warrant whenever an owner refuses to permit a consensual inspection of the premises and such inspection is necessary to ensure the health, safety and welfare of adjacent property owners because apparent physical conditions at the property demand response to assure the status of public utility service connections and operation such as water supply and pressurization, electrical fuse boxes, natural gas and/or propane connections and the adequacy and existence of structural entrance point components and locks therefore including doors, windows and attic/crawl space coverings and the affidavit for and search warrant issued shall be so limited in scope. In addition, the following inspection schedule shall apply for all properties:

(a) Vacant dwellings will be externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner.

(b) Vacant dwellings will be externally inspected by the Code Enforcement Supervisor or his or her designee a minimum of twice per year to ensure the compliance of property maintenance codes;

1373.06 VACANT DWELLING REGISTRATION FEES.

The fees to be charged shall be reasonably related to the administrative costs for registering/renewing and processing the vacant dwelling owner registration form and for the costs incurred by the City in monitoring and inspecting the vacant dwelling site.

(a) The owner of a vacant residential dwelling shall pay an annual fee of two hundred dollars (\$200.00).

(b) The first annual fee shall be paid at the time the dwelling is registered.

(c) The fee shall be paid in full prior to the issuance of any vacant dwelling registration certificate unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the dwelling is no longer deemed vacant under the provisions of this chapter within 180 days of its registry.

(d) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant dwelling. A lien may be placed on the property to collect delinquent fees.

(e) Late fees shall be paid in addition to the annual renewal fees and will be equal to the annual fee.

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1373.07 EXEMPTIONS.

(a) A dwelling 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 dwelling 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 code enforcement supervisor. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the dwelling in an expedient manner, or the intent to demolish the dwelling. A copy of the declarations page of the homeowners or dwelling policy insuring the structure shall also be submitted.

(c) A dwelling that is for sale and listed with a licensed state of Ohio real estate broker, or for sale by owner, shall be exempted for a period of 12 months from the start of vacancy so long as it is continuously listed and/or continuously and conspicuously advertised for sale at the dwelling location, provided that the owner submits proof to the code enforcement supervisor of such listing and for sale status.

(d) A dwelling that has been granted an exemption pursuant to the following: Any owner of a vacant dwelling may request an exemption from the provisions of this chapter by filing a written application with the Director of the Economic and Community 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 number of vacant dwellings the applicant currently has within the City; and the length of time that the dwelling for which the exception is sought has been vacant.

1373.08 APPEALS.

Any owner who is served with a notice to obtain a vacant property registration certificate may, within fourteen (14) calendar days of receipt of such notice, apply for an exemption or appeal the findings of the code enforcement supervisor as set forth in Section 1371.07 of the Building Code.

1373.09 VALIDITY.

If any section, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

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1373.99 PENALTY.

Any owner, firm, servicing agent, entity or corporation that fails to obtain and maintain a vacant dwelling registration certificate shall be guilty of a third degree misdemeanor and shall be subject to the individual and/or organization penalties as set forth in Section 501.99 of the General Offenses Code for third degree misdemeanors.

SECTION 2. 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, except as otherwise provided by Section 121.22 of the Ohio Revised Code, 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.

SECTION 3. That this ordinance shall take effect and be in force from and after its passage at the earliest period allowed by law.



President of Council

PASSED: 4.1.14

ATTEST: 

Clerk of Council