

OF ORDINANCE NO. ____ - 22

BY: _____

AN ORDINANCE ADDING VACANT PROPERTY AND BUILDING REGISTRATION TO CHAPTER 94 – NUSIANCES, SECTIONS: 94.90, 94.91, 94.92, 94.93, 94.94, 94.95, 94.96, AND 94.97 TO THE CODIFIED ORDINANCES, OF THE CITY OF TIPP CITY

WHEREAS, it is the desire of the City Council to provide the tools to assist city staff to protect the health, safety, and welfare of the public and community; and

WHEREAS, it is the desire of the City Council to establish fee(s) to assist in the cost of enforcing this section of the ordinance; and

WHEREAS, the Council believes that adding this section to the ordinance will provide the city staff the tools needed to gain compliance with the standards set forth,

NOW, THEREFORE, THE MUNICIPALITY OF TIPP CITY HEREBY ORDAINS:

SECTION 1. That the following changes be made to Chapter 94, Nuisances.

SECTION 2. That this ordinance shall be in full force and effect from the earliest date permitted by law.

PASSED: _____

President of Council

ATTEST: _____

Clerk of Council

APPROVED: _____

Director of Law

1 CHAPTER 94 NUISANCES

2
3 VACANT PROPERTY AND BUILDING REGISTRATION

4 § 94.90 PURPOSE.

5
6 The purpose of this chapter is to establish a program for identifying and registering
7 vacant buildings; to determine the responsibilities of owners of vacant buildings and
8 structures; and to speed the rehabilitation of the vacant buildings. Shifting the cost of
9 burden from the general citizenry to the owners of the blighted buildings will be the
10 result of this chapter.

11 § 94.91 DEFINITIONS.

12
13 Unless otherwise expressly stated, the following terms shall for the purpose of this chapter,
14 have the meanings indicated in this section.

15 (a) "Owner." Any person, in whose name the property is titled, and any person,
16 agent, servicing company, firm, third party, financial institution or bank that has an
17 interest in the property as a result of an assignment, sale, mortgage, transfer of a
18 mortgage, or similar instrument or having an agreement with any one of the above for
19 the purpose of securing and/or managing the property.

20 (b) "Secured by other than normal means." A building or unit secured by means
21 other than those used in the design of the building.

22 (c) "Unoccupied." A building or unit, which is not being used for the occupancy
23 authorized by the owner.

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

26 (e) "Vacant building or unit." A building (excluding government-owned buildings)
27 which is:

28 (1) Unoccupied and unsecured; or

29 (2) Unoccupied and secured by other than normal means; or

30 (3) Unoccupied and an unsafe building as determined by the Community Development
31 and Revitalization Department with the assistance of other agencies or
32 departments; or

33 (4) Unoccupied and having utilities disconnected; or

34 (5) Unoccupied and has property maintenance or building code violations; or

35 (6) Illegally occupied, which shall include loitering and vagrancy; or

36 (7) Unoccupied for a period of time over 90 days and having an existing code

- 37 violation issued by a Property Maintenance Officer; or
- 38 (8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed);
39 or
- 40 (9) Unoccupied and abandoned by the property owner.
- 41 (f) "Evidence of vacancy." Any condition that on its own or combined with other
42 conditions present would lead a reasonable person to believe the property is vacant. Such
43 conditions include, but are not limited to: significantly below standard utility usage,
44 overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or
45 mail, accumulation of trash, junk, and/or debris, broken or boarded up windows,
46 abandoned vehicles, auto parts or materials, the absence of window coverings, such as
47 curtains, blinds, and/or shutters, the absence of furnishings and/or personal items
48 consistent with habitation or occupation, statement(s) by governmental employee(s) that
49 the property is vacant.
50

51 § 94.92 VACANT PROPERTY/BUILDING REGISTRATION.
52

- 53 1) The owner shall register with the Community Development and Revitalization
54 Department not later than ninety (90) days after any building located in an area zoned
55 for, or abutting an area zoned for, residential or commercial use in the City becomes a
56 vacant building or unit, or not later than thirty (30) days of being notified by the
57 Community Development and Revitalization Department of the requirement to register
58 based on evidence of vacancy, whichever event first occurs
- 59 2) The registration shall be submitted on forms provided by the Community Development
60 and Revitalization Department and shall include the following information supplied by
61 the owner:
- 62 a) The name(s) and address(es) of the owner or owners;
- 63 b) If the owner does not reside in Miami County, the name and address of any their
64 party who the owner has entered into a contract or agreement for property
65 management. By designating an authorized agent under the provisions of this
66 section, the owner is consenting that the third party is authorized to receive any and
67 all notices relating to the property and conformance of any and all ordinances;
- 68 c) The names and addresses of all known lien holders and all other parties with an
69 ownership interest in the building;
- 70 d) A telephone number where a responsible party can be reached at all times during
71 business and non-business hours.
- 72 3) All applicable laws and codes shall be complied with by the owner. The owner shall
73 notify the Community Development and Revitalization Department of any changes in
74 information of their vacant building registration within thirty (30) days of the change. If
75 the plan or timetable for the vacant building is revised in any way, the revision(s) must

76 be in writing and must meet the approval of the Director of Community Development
77 and Revitalization.

78 (a) The owner and subsequent owners or banks/agents shall keep the building
79 secured and safe and the building and grounds properly maintained in accordance
80 with all applicable City Codes.

81 (b) A new owner(s) shall register or re-register the vacant building with the
82 Community Development and Revitalization Department within ninety (90) days
83 of any transfer of an ownership interest in the vacant building if the building
84 continues to remain vacant after transfer. If fees were paid upon or prior to the
85 transfer of an ownership interest, the new owner(s) will not be required to pay
86 for re-registering the property until such time that the registration fee is due
87 based on the original date of vacancy. This does not mean they do not have to
88 register within ninety (90) days as specified above.

89 (c) The failure of the owner of the vacant building to obtain a deed for the
90 property or to file the deed with the County Recorder shall not excuse the
91 property owner from registering the property.

92 (d) Failure of the owner or any subsequent owners to maintain the building and
93 premises that result in remedial action taken by the City shall be subject to any
94 applicable penalties provided by the law.

95 (e) Included in the file shall be any property specific written statements from
96 community organizations, other interested parties, or citizens regarding the
97 history, problems, status, or blighting influence of a vacant building.

98 4) The registration and all associated processes must be completed in its entirety
99 annually, for as long the property remains vacant.

100 § 94.93 ESCROW.

101
102 Each demolition of a vacant building requires that the owner hold in escrow with the City
103 a deposit of ten thousand dollars (\$10,000) for a residential building and seventy-five
104 thousand dollars (\$75,000) for a commercial building. If the amount to be set up in
105 escrow cannot be paid in full, the City will place a lien on the property for the amount
106 previously specified. The City will use these funds to demolish the building/dwelling if it
107 is not completed by the property owner. Escrow funds will be released upon completion
108 of the work or transfer of ownership, provided that all fees have been paid in full. New
109 owners must sign a form accepting responsibility for completing the demolition.

110 § 94.94 INSPECTIONS.

111
112 The Community Development and Revitalization Department may inspect any
113 premises in the City for the purpose of enforcing and assuring compliance with the
114 provisions of this chapter. Upon the request of the City, an owner may provide access to
115 all interior portions of an unoccupied building or unit in order to permit a complete
116 inspection. Nothing contained herein, however, shall diminish the owner's right to insist

117 upon the procurement of a search warrant from a court of competent jurisdiction by a
118 Director of Community Development and Revitalization, or his or her designee in order
119 to enable such inspection. The City shall be required to obtain a search warrant whenever
120 an owner refuses to permit a warrantless inspection of the premises. The following shall
121 apply:

122 (a) Vacant properties will be externally inspected by the City a minimum of twice
123 per year to ensure the compliance of property maintenance codes;

124 (b) Any inspection that is to take place within thirty (30) days of a previous
125 inspection may or may not be conducted at the discretion of the City.

126
127 § 94.95 VACANT BUILDING FEES.
128

129 The fees shall be reasonably related to the administrative costs for registering and
130 processing the vacant building owner registration form and for the costs incurred by the
131 City in monitoring the vacant building site. The annually increased fee amounts shall be
132 reasonably related to the costs incurred by the City for demolition and hazard abatement of
133 or repairs to vacant buildings, as well as the continued normal administrative costs stated
134 above.

135 1) The owner of a vacant residential building shall pay an annual fee as approved by the
136 City Council each year the building or space is vacant.

137 2) The first annual fee shall be paid at the time the building is registered. If the fee is not
138 paid, the owner shall be subject to penalties under § 94.99.

139 3) The fee shall be paid in full prior to the issuance of any zoning permits unless the
140 property is granted an exemption. The fee shall be prorated and a refund may be issued
141 if the building is no longer deemed vacant under the provisions of this chapter within
142 180 days of its registry.

143 4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership
144 interest in the vacant building. A hold may be placed on the transfer or activation of
145 utilities (water and electric) until all delinquent fees have been paid.

146 5) Late fees shall be paid in addition to the annual registration fee and will be equal to
147 one-fourth of the annual fee. Fees incurred prior to the modification above will be
148 assessed under the ordinance at the time they were reviewed.

149 § 94.96 EXEMPTIONS.
150

151 1) A building under active construction/renovation and having a valid zoning and/or
152 building permit(s) shall be exempt from registration until the expiration of the longest
153 running, currently active permit.

154
155 2) A building which has suffered fire damage or damage caused by extreme weather
156 conditions shall be exempt from the registration requirement for a period of ninety (90)
157 days after the date of the fire or extreme weather event if the property owner submits

158 a request for exemption in writing to the Community Development and Revitalization
159 Department. This request shall include the names and addresses of the owner or
160 owners, and a statement of intent to repair and reoccupy the building in an expedient
161 manner, or the intent to demolish the building.

162
163 3) A building that is for sale and listed with a licensed State of Ohio realtor shall be
164 exempted for a period of 12 months from the start of vacancy, provided that the owner
165 or owner's representative submits proof to the Community Development and
166 Revitalization Department of such listing and for sale status.

167
168 4) A building that has been granted an exemption pursuant to the following:

169
170 a) Any owner of a vacant building may request an exemption from the provisions of
171 this chapter by filing a written application with the Director of the Community
172 Development and Revitalization Department who shall timely consider same.

173
174 b) In determining whether a request for exemption should be granted, the Director
175 shall consider the following: the applicant's prior record as it pertains to Property
176 Maintenance Code violations.

177
178 c) The amount of vacant property the applicant currently has within the City and the
179 length of time that the building for which the exception is sought has been vacant.

180
181 d) Any building or structure acquired by another governmental agency for the
182 purpose of demolition or rehabilitation shall be exempt from registration and any
183 fees set forth in Section 98.05 of this chapter.

184
185 5) Any commercial building or structure determined to be vital for the purpose of
186 economic development by the City Manager may be exempt from registration and any
187 fees set forth in Section 98.05 of this chapter.

188 § 94.97 APPEALS.

189
190 Any owner who is served a notice of vacant property registration may, within ten (10)
191 calendar days of receipt of such notice, apply for an exemption or appeal the findings of
192 the Property Maintenance Officer to the City Council.



Community Development and Revitalization Department
260 S. Garber Dr.
Tipp City, Ohio 45371
937.667.6305

VACANT PROPERTY/BUILDING REQUEST FOR AN EXEMPTION FORM

All vacant properties/buildings must register with the City of Tipp City Community Development and Revitalization Department in accordance with the Vacant Building Registration Ordinance - Chapter 94 Nuisances, Section 94.80 of the Tipp City Codified Ordinance. An exemption can only be granted by the Community Development and Revitalization Department upon receiving a **COMPLETED** exemption form. Requests for an exemption must be received within 90 days of acquiring the property in accordance with the Miami County Auditors website. Below please identify, for each property, the exemptions that you are requesting. You are required to provide all supporting documentation to support your request for an exemption (e.g., a copy of lease if it is not vacant, listing agreement with a State of Ohio licensed real estate broker/firm if it is on the market for sale).

You will be notified whether or not your exemption has been granted. If it is not approved, you will be required to register within 30 days of notification. For more information on the Vacant Property/Building Registration Program, please go to the City of Tipp City website at **Error! Hyperlink reference not valid.** and then go to the City Departments and Community Development and Revitalization.

- The building is under active construction/renovation and has a valid building permit(s).** The applicant understands that, at the time of initial inspection, they will be exempt from registration until the expiration of the longest running, currently active building permit. Documentation required.
- The building suffered fire damage or damage caused by extreme weather conditions.** The applicant understands that they will be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event. The applicant further understands that they must provide a written request for exemption to include: 1) the names and addresses of the owner or owners, 2) contact information for their insurance company, and 3) a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.
- The building is for sale and is listed with a licensed State of Ohio realtor.** The applicant understands that the property identified will be exempted for a period of twelve (12) months from the start of vacancy. Documentation required.
- Any owner of a vacant building may request an exemption for other reasons** (i.e., actively marketing as a rental) from the provisions of this Chapter 94 by filing a written application with the Director of the Community Development and Revitalization Department. The applicant understands that the Director shall consider the following: 1) the applicant's prior record as it pertains to the Property Maintenance Code violations; 2) the amount of vacant property the applicant currently has within the City; and 3) the length of time that the building for which the exception is sought has been vacant. Documentation required.



Community Development and Revitalization Department
 260 S. Garber Dr.
 Tipp City, Ohio 45371
 937.667.6305

VACANT PROPERTY/BUILDING REGISTRATION FORM

All vacant properties/buildings must register with the City of Tipp City Community Development and Revitalization Department in accordance with the Vacant Building Registration Ordinance - Chapter 194 of the Tipp City Codified Ordinances. Please complete this form for each vacant property address. Temporary exemptions for disaster-affected properties, structures actively under construction, properties listed with a licensed realtor in the State of Ohio, or a vacant property that is being marketed for rent may be approved upon **written request.**

Section I: Address of Vacant Property/Building (Required)

Street Address:.....

Section II: Property Owner Information (Required)

(No P.O. Boxes are permitted; must provide a building address.)

If Individual Owner or Designated Agent, please complete the following:

Property Owner's Name:.....

Owner's Address:.....

City: _____ State: _____ Zip Code: _____

E-Mail Address:.....

Telephone Number: _____ Cell Number: _____

Designated Agent or Contact Person: _____

Address:.....

City: _____ State: _____ Zip Code: _____

E-Mail Address:.....

Telephone Number: _____ Fax Number: _____

Partnership, Corporation, Trust or Other, please complete the following:

(Please use the supplemental form to list each additional partner, officer, or trustee.)

Tax ID Number of Partnership or Corporation: _____

Name of Partnership or Corporation: _____

Contact Person:.....

Title:.....

Designated Agent or Contact Person: _____

Address:.....

City: _____ State: _____ Zip Code: _____

E-Mail Address:.....

Telephone Number: _____ Fax Number: _____