

## **CHAPTER 1303**

### **Blight Control**

#### **1303.01 DEFINITIONS**

As used in this chapter:

(a) "Blighting influence" means that a building or other structure is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitutes an unsanitary condition; lends itself to habitation or infestation by rodents, termites or other vermin; represents a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area; or unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the area.

(b) "Accessory building" means any structure located on the same lot as, or on a lot adjacent to a lot occupied by, a principal building, and its use is incidental and subordinate to that of the principal building.

(c) "Portable storage" means any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.

(d) "Construction dumpster" means a container, collection bin, collection box, tub, roll-off box, roll-off container, or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored.

#### **1303.02 PURPOSE**

The purpose of this chapter is to protect the public health, safety and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of structures and premises; to prevent blighting problems and enhance property values; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to provide for penalties for violations of this chapter. This Blight Control Chapter shall apply to all structures and premises within the Village.

#### **1303.03 MAINTENANCE OF BUILDINGS**

The exterior and condition of all buildings and structures on any premises shall be maintained so that the appearance thereof reflects a level of maintenance in keeping with the standards of the Village and so as to avoid blighting influences and hazards to health and safety.

### 1303.031 VACANT BUILDING REGISTRATION

(a) Definitions. As used in this section:

(1) "Owner" means any person, 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 or having an agreement with any one of the above for the purpose of securing and/or managing the property.

(2) "Secured by other than normal means" means a building secured by means other than those used in the design of the building.

(3) "Unoccupied" means a building, or any portion of a building, which is not being used for the occupancy authorized by the owner.

(4) "Unsecured" means a building, or any portion of a building, which is open to entry by unauthorized persons without the use of tools or ladders.

(5) "Vacant building" means a building (excluding government-owned buildings) which is unoccupied and:

- (A) unsecured; or
- (B) secured by other than normal means; or
- (C) an unsafe building as determined by any governmental entity or unit thereof; or
- (D) the utilities are disconnected; or
- (E) there are pending housing or building code violations; or
- (F) for a period over 90 days and having an existing code violation issued by the Zoning Office; or
- (G) unoccupied with a mortgage status of abandonment (i.e., deceased or foreclosed); or
- (H) abandoned by the property owner

(6) "Evidence of vacancy" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the building 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 Village employee(s) that the building is vacant.

(b) Purpose. The purpose of this section is to establish a program for identifying and registering vacant residential and commercial buildings, to determine the responsibilities of owners of vacant buildings, to speed the rehabilitation of vacant buildings, and to shift the cost burden from the general Village residents to the owners of vacant buildings.

(c) Vacant Building Registration.

(1) The owner shall register with the Zoning Office not later than 90 days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the Village becomes a vacant building or not later than 30 days of being notified by the Village of the requirement to register based on evidence of vacancy, whichever event occurs first. For the purposes of this registration, the Owner must register separately each part and/or address of building which is unoccupied and/or unsecured, and this registration must be made annually thereafter if the vacant building status continues. The registration shall be accompanied by the applicable vacant building fee.

(2) The registration shall be submitted on forms provided by the Zoning Office and shall include the following information supplied by the owner:

(A) The name and address of the owner;

(B) If the owner does not reside in Wood County, Ohio or within twenty miles of Village limits, the name and address of any third party who 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 all notices relating to the property and conformance to all requirements under this chapter;

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

(D) A telephone number where a responsible party can be reached during business and non-business hours; and

(E) A vacant building plan as described in division (3) below.

(3) The owner shall submit a vacant building plan which must meet the approval of the Village Administrator or his/her designee. The plan, at a minimum, must contain information from one of the following three choices:

(A) If the building 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

(B) 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 why the building will be left vacant (e.g., building is for sale, etc.); or

(C) 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 12 months from the time the owner obtains permits, unless the Village Administrator or his/her designee 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.

(4) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Zoning Office of any changes in information of their vacant building registration within 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 be approved in writing by the Village Administrator or his/her designee.

(5) The owner and subsequent owner shall keep the building secure and safe, and the building and grounds properly maintained in accordance with all applicable property maintenance codes.

(6) Any new owner shall register or re-register the vacant building with the Zoning Office within 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 shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and are approved by the Village Administrator or his/her designee.

(7) 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 vacant building under this section.

(8) The registration process under this section must be completed annually for every vacant building for as long as the building remains vacant.

(d) Escrow. Each demolition of a vacant building requires the owner to hold in escrow with the Village a deposit of ten thousand dollars (\$10,000.00) for a residential building and seventy-five thousand dollars (\$75,000.00) for a commercial 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 demolish the building/dwelling if it is not completed by the property owner. 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.

(e) Vacant Building Fees. The fees established herein 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.

(1) The owner of a vacant residential building shall pay a fee of two hundred dollars (\$200.00) for each residential unit with the building which is unoccupied and/or unsecured for the first year. For every consecutive year that the building remains vacant thereafter, the fee for each residential unit that is vacant will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of three thousand two hundred dollars (\$3,200.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(2) The owner of a vacant commercial building shall pay a fee of four hundred dollars (\$400.00) for each part and/or address of building which is unoccupied and/or unsecured, for the first year. For every consecutive year that the building is vacant, the fee for each part and/or address of building which is unoccupied and/or unsecured will be assessed at double the previous year's fee for a maximum annual fee equaling the five-year fee of six thousand four hundred dollars (\$6,400.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(3) 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 late fees assessed under this section and applicable penalties under this chapter.

(4) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption by the Village Administrator or his/her designee. The

fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this section within 180 days of its registration.

(5) 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.

(6) Late fees shall be paid in addition to the annual registration fee and shall be equal to one-fourth of the applicable annual fee amount.

(f) Exemptions.

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

(2) 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 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 Officer. This request shall include the name and address of the owner, and a statement of intent to repair and reoccupy the building in an expedient manner or intent to demolish the building.

(3) A building that is for sale shall be exempted for a period of 7 months from the start of vacancy, provided that the owner submits proof to the Zoning Office of such listing and "for sale" status.

(4) The owner of a vacant building may request an exemption from the provisions of this section by filing a written application with the Village Administrator or his/her designee who shall timely consider same. In determining whether a request for exemption should be granted, the Village Administrator or his/her designee shall consider the following: the applicant's prior record as it pertains to any violations of the County's Building Code; the amount of vacant property the applicant currently has within the Village; and the length of time that the building for which the exemption is sought has been vacant.

(g) Appeals. Any owner, who is served a notice requiring vacant property registration may appeal the findings as set forth in Chapter 1109.

#### **1303.04 MAINTENANCE OF PREMISES**

(a) The owner, lessee or agent or tenant of the owner having charge of the premises shall keep the exterior of all buildings and other structures on the premises, including, but not limited to, walls, gutters, downspouts, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings and marquees, in good repair, and all surfaces thereof shall be kept protected for the purpose of preservation and avoiding a blighting influence to adjoining properties. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated, and adjoining properties and neighborhoods protected from blighting influences.

(b) All premises shall be appropriately maintained, and lawns, hedges, bushes, trees and other vegetation shall be kept trimmed and from becoming overgrown as provided for in

Section 521.19, where exposed to public view or where such vegetation may constitute a blighting influence. However, this subsection shall not preclude the maintenance of undeveloped or underdeveloped land in its natural state.

(c) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies and similar overhanging or protruding extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, rotting, ripping, tearing or other holes or breaks.

(d) The following items shall not be permitted to remain outdoors on personal premises more than seventy-two (72) hours:

- (1) Furniture (excluding lawn furniture in good repair) including, but not limited to, sofas, recliners, chairs, beds, occasional tables, and shelving units.
- (1) Bicycles and toys in disrepair.
- (2) Non-operational lawn equipment including, but not limited to, lawn mowers and seed spreaders.
- (3) Tools and machinery.
- (4) Rugs and carpet in an unused state.
- (5) Indoor appliances.
- (6) Unused posts, railroad ties, telephone poles, patio stones, or landscaping supplies unless they are neatly stacked and cared for.
- (7) Trash, garbage and debris of any kind (excluding curbside garbage set out for removal).
- (8) Unused and/or discarded construction material(s).
- (9) Inoperable vehicles or machinery.

- (e) Downed trees and stumps shall be removed within 30 days unless delayed by availability of stump/tree removal services. In the event of delay, verification of scheduled service will be required. Brush shall be kept neatly piled until removed on brush collection days or taken to disposal site. See Village Office for schedule of pick up and drop off.
- (f) Yard/Garage sales shall not run for more than four (4) consecutive days.
- (g) Inoperable vehicles parked on public roadway or any public parking lot shall be removed within forty-eight (48) hours.
- (h) Inoperable vehicles shall not remain on premises for more than thirty (30) days.
- (i) Abandoned, unregistered or unlicensed vehicles, junk vehicles or vehicle parts shall not remain on premises for more than thirty (30) days.
- (j) Broken or abandoned machinery or equipment, personal or commercial, shall not remain on premises more than thirty (30) days.
- (k) Construction dumpsters shall not remain on premises for more than 90 consecutive days.
- (l) Portable storage units (for the purposes of this Chapter, defined as "a room or container, able to be easily carried or moved, in which items may be stored") may not remain on a property for more than thirty (30) consecutive days and must comply with the following:
- (1) No more than one portable storage unit on a lot at any given time without the express permission of the Village.
  - (2) No storage unit can obstruct traffic vision when located on the property.
  - (3) All portable storage units shall be in a condition free from rust, peeling paint and other visible forms of deterioration.

- (4) During construction, a portable storage unit may be used to store tools and materials.
- (5) The portable storage unit must be removed within five days of any temporary or the end of construction.

#### **1303.041 CURBSIDE GARBAGE PLACEMENT**

- (a) As used in this section:
  - (1) "Curbside" means that portion of the right-of-way adjacent to paved or traveled Village roadways, including the end of a driveway, curb line or alley line.
  - (2) "Garbage" means all putrescible waste approved for scheduled collection by an approved waste hauler.
  - (3) "Container" means the containers or receptacles into which garbage is placed for scheduled collection.
- (b) No person shall place any Garbage or Container on the curbside of any residential or commercial property for collection more than 24 hours before the scheduled collection time. After the actual collection time, all Containers shall be removed from the curbside and placed at the front build line of any structure by no later than midnight on the scheduled collection date. All Garbage and Containers shall be so timely removed, whether collected during the scheduled collection time.

#### **1303.05 MAINTENANCE OF ACCESSORY BUILDINGS AND FENCES**

- (a) All accessory buildings on any property that are a blighting influence shall be removed or rehabilitated. All accessory buildings which are to remain shall provide weather-proofed usable space and shall not harbor termites or other vermin, such as rats and mice or otherwise, directly or indirectly, threaten the health and safety of the general public.
- (b) Fences, retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, shall be maintained so that such fences, retaining walls or similar structures shall always be in a state of good structural repair and shall not constitute a threat to the health and safety of the general public and/or a blighting influence.

#### **1303.06 REMOVAL OF MISCELLANEOUS DEBRIS**

All yards, courts or lots shall be kept free of debris which may cause a fire hazard or act as a breeding place for vermin or insects, unsightly material not appropriate to the area and/or which have a blighting influence on the area.

#### **1303.07 STEPS, WALKS AND DRIVEWAYS**

All steps, paths, walkways, and off-street parking, including spaces, parking lots, parking area, drives, driveways, aisles and circulation drives shall be constructed to promote safety, kept free from deterioration and blighting influences, and maintained free of chuck holes/potholes, litter, glass, nails or other dangerous materials. If any such area, because of its state of repair, violates this Section, it shall be repaired or replaced immediately. Hazards and unsanitary conditions shall be eliminated immediately. All driveways and walks which exist within the public

right of way which are now paved shall be maintained as described above by and at the expense of the owner of the fee simple title to the property.

### **1303.08 NOTICES OF VIOLATION; NONCOMPLIANCE; REMEDIES OF VILLAGE**

(a) When any premises is in violation of this chapter, the Village Administrator or his/her designee shall issue a notice of violation to the owner or lessee, agent or tenant of the owner having charge of the premises, by certified mail, return receipt requested, or by personal service by a Municipal employee designated by the Village Administrator to perform such service. This notice of violation shall specify the violation committed and contain an order to conform to this chapter within a certain number of days, not to exceed thirty. In the event weather or other unforeseen circumstances prevent correcting or abating the violation, the Village Administrator, at his/her sole discretion, may extend the time set forth herein. If there is a failure of delivery of the certified mail for any reason, the Village Administrator or his/her designee may serve the notice of violation by posting the notice in a conspicuous place on the property which is the subject of the notice.

(b) If the owner or lessee, agent or tenant of the owner having charge of the premises, does not comply with the order contained in the notice of violation, then the Village Administrator at his/her discretion, may have the provisions of this chapter enforced and cause the violation to be corrected. In addition to seeking the penalties set forth in Section 1303.99, the Village Administrator may employ the necessary labor and equipment to perform such task, together with any cleanup work required. All expenses incurred shall be paid out of any money in the treasury of the Village not otherwise appropriated. In addition, the owner, lessee, agent or tenant of the owner having charge of the premises shall be liable for the penalties provided in Section 1303.09.

### **1303.09 CORRECTION OF VIOLATIONS BY VILLAGE; COSTS; LIENS**

(a) Whenever any violation of this chapter is corrected by the Village, the Village shall give notice, as set forth in Section 1303.08(a), to the owner or lessee, agent, or tenant of the owner having charge of the premises in violation to pay the charges incurred. Such notice shall be accompanied by a statement of the charges incurred, including the following:

- (1) Administration and supervision;
- (2) Transportation of equipment;
- (3) Equipment rental;
- (4) Equipment operator;
- (5) Incidental labor;
- (6) Materials provided; and
- (7) Legal fees incurred.

(b) If such charges are not paid within thirty days after the notice is given, then the Finance Officer shall make a written return to the County Auditor of the Village's action under this chapter, with a statement of the approved charges, the amount paid for the performing of labor, the fees of the officers who made the service of the notice and return and a proper description of the premises by legal description or permanent parcel number. Such amounts shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund.



### **1303.10 REPORTS OF VIOLATIONS**

Any official, employee, business owner, or resident of the Village may report a violation of this Chapter to the Zoning Office.

### **1303.11 APPEALS**

(a) Any person directly affected by a decision, order, or notice issued under this Chapter shall have the right to appeal to the Board of Zoning Appeals as allowed in Section 1109.02.

(b) The Board of Zoning Appeals shall hear such appeal in accordance with the provisions of Section 1109.02.

### **§ 1303.99 PENALTY**

Whenever a person responsible under this Chapter for the maintenance of a structure or premises fails to comply with any provision of this Chapter, the Solicitor may, in addition to any other remedy permitted by law, file an action seeking injunctive relief.

Whoever violates any provision of this Chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each calendar week the violation persists after the time specified for the abatement thereof as provided by this Chapter.