

## CHAPTER 1360

### Property Maintenance and Rental Licensing Code

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#### **1360.01 TITLE.**

This chapter shall be known and may be cited as the Property Maintenance and Rental Licensing Code.

#### **1360.02 PURPOSE.**

Within the scope of this Code as hereinafter defined, the purpose of this Code is to establish minimum standards necessary to make all dwelling and occupiable structures safe, sanitary, free from fire and health hazards and fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of dwellings, occupiable structures and exterior property areas in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to protect property values and to maintain the character and appearance of the community and neighborhoods within the community; to fix responsibilities for owners and occupants of structures with respect to sanitation, repair and maintenance; to establish additional standards for rental dwellings; to authorize the inspection of

structures; to establish enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for human habitation and to fix penalties for violations.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.03 GENERAL SCOPE.**

The provisions of this Code shall supplement any and all laws of the State of Ohio and City ordinances, and specifically shall include all rules and regulations promulgated by authority of such laws or ordinances applicable to buildings and other structures.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.04 APPLICATION.**

(a) This Code shall apply to all buildings and other structures or portions thereof which are used, designed or intended to be used for dwellings, dwelling units, structures or occupiable structures.

(b) Existing buildings may continue to be occupied for dwellings, dwelling units or occupiable structures if:

(1) The building or structure complies with the provisions of this Code except as to any variance heretofore specifically granted by the Board of Zoning Appeals.

(2) The use and occupancy of the building or structure is not in violation of any of the provisions of City ordinances and applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinances or statutes.

(c) The provisions of this Code shall apply to all such buildings and other structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The appropriate official from the Division of Building, Engineering, and Inspection, or the Division of Fire of the City of Brooklyn and their authorized agents or representatives are designated to enforce this Code unless otherwise stated.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.05 CONFLICT WITH OTHER ORDINANCES.**

In the event of conflict between any provisions of this Code, including any rules and regulations adopted pursuant to this Code, and any provisions of City ordinances, including any rules and regulations adopted pursuant to such ordinances, that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the people shall govern.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.06 SEVERABILITY.**

Sections and subsections of this Code and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not effect nor render invalid any other such section, subsection, part or provision thereof.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.07 DEFINITIONS.**

For the purposes of this Code, the following words and phrases shall have the meaning set forth in the following sections:

(a) "Approved" means approved by the Building Commissioner of the City of Brooklyn pursuant to this Code, or approved by any other authority designated by City ordinances to give approval to the matter in question.

(b) "Building Commissioner", "Building Official": Building Commissioner means the appropriate official from the Division of Building, Engineering, and Inspection. Building Official means the appropriate official from the Division of Building, Engineering, and Inspection or the Division of Fire of the City of Brooklyn and includes their authorized agents or representatives.

(c) "Building" means any roofed structure designed or used or intended to be used for the shelter or enclosure of persons, animals, chattels or property of any kind or a combination of such uses.

(d) "Dwellings":

(1) Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(2) Hotel/Motel: Any building containing guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests not to exceed thirty days.

(3) One-family dwelling: A building arranged, intended, designed, or redesigned to contain one dwelling unit.

(4) Two-family dwelling: A building arranged, intended, designed, or redesigned to contain two dwelling units.

(5) Three-family dwelling: A building arranged, intended, designed, or redesigned to contain three dwelling units.

(6) Multi-family dwelling: A building arranged, intended, designed, or redesigned to contain four or more dwelling units.

(e) "Exterior property" means the open space on the premises and tree lawn areas and on the adjoining property and the accessory structure(s) under the control of the owner or operator of such premises.

(f) "Family" means an individual or two or more persons living together as a single housekeeping group in a dwelling unit. A single housekeeping group exists where the group of individuals share expenses and labor related to the maintenance of the dwelling unit and are living and eating together as a household.

(g) "Occupiable structure" means a building, structure or enclosed space that is used for purposes other than residential occupancy, including, but not limited to, the following: theaters, dance halls and nightclubs, businesses, retail stores, industrial, storage garages and sheds.

(h) "Operator" means any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

(i) "Owner" means the owner(s) or occupant(s) of the premises, including a purchaser in possession, a mortgagee or receiver in possession, a life tenant, a lessee or joint lessees of the whole thereof or any other person, firm, corporation or fiduciary in control of the premises.

(j) "Person" means a natural person, firm, partnership or corporation.

(k) "Premises" means a lot, parcel or plot of land including the buildings or structures thereon.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.08 COMPLIANCE REQUIRED.**

No owner, operator or agent shall occupy, maintain, lease, or offer for rental or lease, any dwelling, dwelling unit or occupiable structure which does not comply with the provisions of this Code.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.09 SAFETY AND SANITATION.**

No owner, operator or agent shall occupy, maintain or lease or offer for rental or lease any dwelling or dwelling unit or any part thereof which does not comply with the minimum requirements of the City of Brooklyn Property Maintenance Code.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.10 MAINTENANCE OF EXTERIORS OF DWELLINGS AND OCCUPIABLE STRUCTURES.**

All exterior parts of every dwelling and occupiable structure and all accessory buildings shall be maintained weather-tight and shall be maintained so as to resist decay or deterioration from any

cause. This includes exterior walls, parapet walls, chimneys and all other exterior structures either above or below the roofline in accordance with the minimum requirements of the City of Brooklyn Property Maintenance Code.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.11 EXTERIOR PROPERTY AREAS.**

No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates, or blights the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance; or which adversely alters the appearance and general character of the neighborhood and shall keep such premises of any debris, object, material or condition which may create a health, accident or fire hazard or which is a public nuisance. Furniture used on open porches, decks and patios shall be of the type and style designed and intended for exterior use. Lawns, landscaping, trees and driveway shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood. All parking surfaces, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.12 MAINTENANCE RESPONSIBILITIES.**

(a) Owner. Whenever any habitable or occupiable structure or part thereof, or any accessory building or structure or part thereof, is in such state of disrepair, or whenever the light or ventilation, or any other condition in or about such buildings or structures or part thereof, or in or about the lot on which they are situated, is, in the opinion of the Building Commissioner, in a condition or in its effect dangerous to life or health, the Building Commissioner may order or cause repairs to be made, or may order or cause the light or ventilation to be improved, or take such other action as he may deem necessary to remove such danger to life or health. If the occupant of a dwelling unit in any dwelling structure and/or the occupant of an occupiable structure fails to maintain in a clean and sanitary condition that part of the dwelling unit, dwelling structure, occupiable structure or premises which he occupies and controls as required by subsection (b) hereof, the owner shall take necessary action to maintain the structure in a clean and sanitary condition.

(b) Occupant. The occupant of a dwelling unit in any dwelling structure and the occupant of an occupiable structure shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure, occupiable structure or premises which he occupies and controls. In addition, such occupant shall be responsible for maintaining in good and safe working order the equipment and appliances which he owns.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.13 APPLICABILITY TO MOTELS AND HOTELS.**

The provisions of this Code shall apply to all motels and hotels that are legally in existence on or which may come into existence after the effective date of this Code.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.14 MOTEL AND HOTEL REGULATIONS.**

No person shall rent, lease, conduct, operate, occupy, maintain or own any interest in any motel or hotel except in compliance with every applicable provision of this Code.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.15 RENTAL DWELLING LICENSE.**

No person shall let, rent, lease, conduct, operate, occupy, maintain or own any building or portion of any building in which there is one or more rental dwelling units or rooming units, or own any interest therein, unless a rental dwelling license as provided in this chapter has been issued and is in force.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.16 LICENSE APPLICATION FORM AND FEE.**

(a) Every application for a rental dwelling license shall be on a form approved by the official charged with the enforcement of this Code. It shall state the name and address of the applicant, the nature and extent of his interest in the building for which the license is required, the name and address of the owner of the building, the location of the building, the number of dwelling units therein, the number of rooming units therein and such other information as may be required by the official charged with the enforcement of the Code.

(Ord. 2005-55. Passed 5-8-06.)

(b) The rental dwelling license fees shall be as follows for all structures requiring rental dwelling licenses pursuant to Section 1360.15 - one hundred dollars (\$100.00) for the annual license, for the purpose of subsidizing the cost of periodic inspections.

(Ord. 2013-18. Passed 5-13-13.)

(c) No rental dwelling license shall be required for lawful one and two-family structures occupied by the owners as the owner's principal residence.

(Ord. 2005-55. Passed 5-8-06.)

(d) Any rental dwelling license required pursuant to Section 1360.15 not secured by the applicable dates stated in Section 1360.16(a) and (b) shall incur a late fee of one hundred dollars (\$100.00) per structure for which the rental dwelling license is required.

(Ord. 2013-18. Passed 5-13-13.)

### **1360.17 ISSUANCE OF LICENSE.**

The Building Commissioner shall issue the rental dwelling license applied for if the building and the uses to which it is intended to be put are found to comply in all respects with this Code and all other laws and ordinances. Such license shall be posted at the main entrance of the building for which it is issued. The Building Official may inspect and require compliance in all respects with this Code and all other laws or ordinances prior to the issuance of the rental dwelling License.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.18 CONTENTS OF LICENSE.**

Every rental dwelling license shall clearly specify the name and address of the person to whom it is issued, the name and address of the owner of the building for which it is issued, the location, the number of dwelling units therein, the number of rooming units therein, the maximum number of roomers permitted therein at any one time and such other information as may be required by the official charged with the enforcement of this Code.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.19 LICENSE EXPIRATION.**

Every rental dwelling license shall be secured by and expire not later than the following:

(a) One, two-family, three-family, multiple-family, condominium and rooming units - Secured by July 1st, and expires June 30th following for the twelve-month period for which it was issued; irrespective of the date of its issuance, and shall not be transferable.

(b) Whenever the interest of the licensee in the building, for the occupancy of which the license was issued, shall cease, or such building shall have been brought within one of the other grades defined by law or ordinance by reason of a change of use, such license shall immediately become void. When the property for which a rental dwelling license is required is sold, the new owner, if required pursuant to Section 1360.15, shall secure such license within fifteen days after transfer of title. However, upon the death of the licensee, the license shall nevertheless be valid for thirty days from the date of the death in favor of the legal representatives of the licensee, or of the person or persons to whom the interest of the licensee passes by law, but in no case shall such thirty days extend such license beyond the end of the calendar year for which it was issued.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.20 VOIDING LICENSE.**

Any rental dwelling license shall be null and void if:

- (a) The building for which the license was granted and the use to which it is put do not comply in all respects with this Code and with all other applicable laws and ordinances;
- (b) Any false statement or representation has been made by the applicant in connection with the application or issuance of the rental dwelling license;
- (c) The owner of the license does anything or causes anything to be done or omits to do anything or causes the omission of anything required or prohibited by this Code or by any other law or ordinance relating to such building or its use;
- (d) In the building for which the license was applied for, more dwelling units or more rooming units are used than were stated in the application; or if more roomers are permitted at any one time than stated in the application; or
- (e) In the building for which the license was issued, more dwelling units or more rooming units are used than permitted by the license; or if more roomers are permitted at any one time than the number specified in the license.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.21 INSPECTION.**

(a) The Building Commissioner is hereby authorized to make or cause to be made inspections to determine the condition of dwellings, dwelling units, occupiable structures and premises located within the City in order that he may perform his duty of safeguarding the health and safety of the occupants of dwelling units and occupiable structures and of the general public and to determine whether they conform to the provisions of this Code. Such inspections may also be made whenever the Building Commissioner has reasonable cause to believe that a violation of this Code exists therein or thereon.

(b) The Building Commissioner is authorized to revoke the rental dwelling license of any property to which the Building Commissioner is denied access to make an inspection.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.22 RIGHT OF ENTRY.**

(a) For the purpose of making such inspections, the Building Commissioner, upon presentation of proper credentials is authorized to enter, examine and survey at all reasonable times all dwelling, dwelling units, rooming units, occupiable structures, structures and premises provided for in this Code. The owner and occupant of every such dwelling, dwelling unit, rooming unit, occupiable structure and premises and the person in charge thereof shall give such official free access to such dwelling, dwelling unit, rooming unit, occupiable structure and premises at all reasonable times for the purpose of such inspection, examination and survey.

(b) Every occupant of a dwelling, dwelling unit or occupiable structure shall give the owner thereof or his agents and employees access to any part of such dwelling, dwelling unit, occupiable structure or their premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Code.

(c) Except in emergency situations, no penalty under the penalty provisions of this Code shall apply against any owner or occupant who refuses the right of entry hereunder until a search warrant is obtained.

(d) Building Commissioner shall give landlord a minimum of twenty-four hours notice in order to inspect occupied rental units. In emergency situations said notice shall not be necessary. Notice shall not be necessary to inspect any common areas.

(Ord. 2005-55. Passed 5-8-06.)

### **1360.23 RESPONSIBILITY FOR COMPLIANCE.**

The owner as defined in this Code shall be responsible for compliance with all of the provisions of this Code except where the responsibility thereof is specifically placed elsewhere.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.24 REPAIR OF CODE VIOLATIONS.**

(a) Examination by Building Commissioner. The Building Commissioner shall examine or cause to be examined every dwelling structure, occupiable structure, appurtenant structure and/or premises reported to be in violation of any of the provisions of the Code and shall make a written record of such examination.

(b) Notice of Violation and Order to Repair to Owner or Person in Control. Whenever the Building Commissioner determines that any dwelling structure, occupiable structure, appurtenant structure and/or premises in violation of any of the provisions of this Code, but that such violations do not result in such structure or premises being a public nuisance, he shall give written notice of violation and order to repair to the owner or person in control thereof.

(c) Contents of Notice of Violation and Order to Repair. Such written notice of violation and order to repair shall specify the structure and/or premises deemed to be in violation of this Code, shall specify which section or sections of this Code are being violated, shall include an order to repair defects therein or thereon to allow the owner or person in control to make required repairs, and shall specify a reasonable period of time and/or date by which such repairs shall be completed so as to bring such structures and/or premises into conformity with this Code.

(d) Service of Notice and Order. Whenever the Building Commissioner finds any dwelling structure, occupiable structure or premises, or any part thereof, to be in violation of the provisions of this Code, the Building Commissioner shall give or cause to be given or mailed to the owner or person in control of such structure or premises a written notice stating the violations therein. Such notice shall order the owner or person in control within a stated reasonable time to repair, improve or demolish the structure or premises concerned. Such delivery or mailing shall be deemed legal service of notice.

If the person to whom a notice of violation is addressed cannot be found within Cuyahoga County after reasonable and diligent search, then notice may be sent by certified mail to the last known address of such person, and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.

(e) Duty to Inform Purchaser. It shall be the duty of any owner or person in control of such structure and/or premises who has received a notice of violation and order to repair to inform any purchaser thereof of such notice and order. No owner or person in control of such structures and/or premises shall transfer to any vendee any interest in such structures and/or premises after receiving such notice and order without first providing the vendee with a copy of such notice and order.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.25 REINSPECTION OF CODE VIOLATIONS.**

If more than two (2) reinspections of a Code violation notice are required due to the owner's failure to comply with the notice, a twenty-five dollar (\$25.00) reinspection fee may be imposed for each subsequent reinspection until the Code violations are abated.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.26 SEPARATIONS BETWEEN DWELLING UNITS AND FIRE PROTECTION OF HABITABLE ROOMS.**

Apartments, suites of rooms or dwelling units in buildings and parts of buildings of multi-family dwellings shall be separated from each other and from adjacent rooms or spaces with walls or partitions and floor and ceiling construction that have a fire-resistance rating of not less than one hour, and all openings in such walls or partitions shall be protected with self-closing Class C

opening protectives or other approved self-closing doors having a fire-resistance rating of not less than ¾ hour unless approved otherwise by the Building Code.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.27 STOP ORDERS.**

Upon notice from the Building Commission that work on any building or structure is being done contrary to the provisions of this Code or other applicable Codes of the City or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent or to the person doing the work, and shall state the conditions under which work may be resumed; provided, however, that in instances where immediate action is deemed necessary for public safety or in the public interest, the Building Commissioner may require that work be stopped upon verbal order pending the issuance of a written order.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.28 FOR MISREPRESENTATION.**

Whoever perpetrates a fraud or misrepresents a material fact by reason of which any permit or approval required under the provisions of this Code or other applicable Ordinances of the City is obtained, or pursues any trade or business or performs any work or service without possessing a License or Certification of Registration which may be required under the provisions of this Code or other applicable Ordinances of the City, shall be guilty of a misdemeanor of the first degree.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.29 RELIEF FROM PERSONAL RESPONSIBILITY.**

The code official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts or omission in the performance of official duties in connection therewith.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.30 DUTIES OF THE BUILDING OFFICIAL.**

The Building Official shall, as needed, submit recommendations for amendments or deletions to this Code to the Director of Public Safety.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.31 RIGHT OF APPEAL.**

All persons shall have the right to appeal any and all sections of this Code, and decisions of the Building Commissioner pertaining to this Code, to the City of Brooklyn Board of Zoning Appeals.

(Ord. 2005-55. Passed 5-8-06.)

#### **1360.32 FORECLOSURE FILING NOTIFICATION.**

(a) Notice. Any person who files an original or refiled complaint for foreclosure involving residential real property located within the City shall notify the City, on a form prescribed by the Building Commissioner, of the filing of the foreclosure complaint and shall file a complete copy of the foreclosure complaint with the City's Building Department within ten (10) days after the filing of that complaint in court.

(b) Vacant Structures. If the building or structure on the property that is the subject of the foreclosure is vacant at the time the foreclosure complaint is filed or at any time thereafter until



the property is sold at sheriff's sale, then the person filing the foreclosure complaint shall notify the City's Building Department, in writing or on a form prescribed by the Building Commissioner, of the name, address, telephone number and contact information for the person who will be responsible for maintaining the property. "Vacant," for the purposes of this section, means that no part of the residential structure is actually and lawfully used as a dwelling by any person.

(c) Fees. The fee to file the notice required by subsection (a) is seventy-five dollars (\$75.00). If the notice is filed untimely, the fee is one hundred fifty dollars (\$150.00). The fee shall be paid at the time of filing.

(Ord. 2016-31. Passed 5-9-16.)

### **1360.33 VACANT PROPERTY REGISTRATION.**

(a) Definitions. For the purposes of this section, the following words and phrases shall have the meanings as follows:

(1) "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, including but not limited to significantly below standard utility usage, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, accumulation of trash, junk, or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, or shutters, the absence of furnishings or personal items consistent with habitation or occupation, and statements by governmental employees or owners that the property is vacant.

(2) "Owner" means any and every person, entity, bank, or service company, who alone or severally with others has legal or equitable title to any dwelling, dwelling unit, building, structure, or parcel of land; or has care, charge or control of any dwelling, dwelling unit, building, structure, or parcel of land, in any capacity, including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or is a mortgagee in possession of any such property; or is an agent, trustee, receiver, or other person appointed by the courts and vested with possession or control of any such property.

(3) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership, estate, trust or association.

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

(5) "Unoccupied" means building which is not being used for the occupancy authorized by the owner.

(6) "Unsecured" means a building or portion of a building which is open to entry by unauthorized persons.

(7) "Vacant building" means a building, excluding government-owned buildings, which is:

- A. Unoccupied and unsecured; or
- B. Unoccupied and secured by other than normal means; or
- C. Unoccupied and an unsafe building as determined by the Building Commissioner; or
- D. Unoccupied and having utilities disconnected; or
- E. Unoccupied and has housing or building code violations; or
- F. Illegally occupied, which shall include loitering and vagrancy; or
- G. Unoccupied for a period of time over ninety (90) days and having an existing code violation issued under the authority of the Building Commissioner; or
- H. Unoccupied and abandoned by the property owner.

(b) Vacant Building Registration.

(1) In all areas zoned for residential or commercial use, an owner of a vacant building shall register such structure with the Building Commissioner not later than 90 days after it becomes a

vacant building, or not later than 30 days of being notified by the Building Commissioner of the requirement to register based on evidence of vacancy, whichever event first occurs.

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

A. The name(s) and address(es) of the owner or owners;

B. If the owner does not reside in a location within 25 miles of the City corporate limits, a property agent, manager or caretaker residing or doing business within a 25-mile-radius of the City shall be designated and identified by name, address and telephone number. By designating an authorized agent under the provisions of this section, the owner is consenting to the service of any and all notices required or allowed under this section upon said agent;

C. The names and addresses of all known lienholders and all other parties known or believed upon information to have a claim of an ownership interest in the building;

D. A telephone number where a responsible party can be reached at all times during business and non-business hours; and

E. A vacant building plan as described in division (3) of this subsection (b).

(3) The owner shall submit a vacant building plan which must meet the approval of the Building Commissioner. The plan, at a minimum, must contain one of the following:

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 the ensuring the building is secured in accordance with all applicable building and fire codes 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; or

C. If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building and grounds. The rehabilitation plans shall not exceed 12 months from the time permits are issued, unless otherwise approved by the Building Commissioner. Any repairs, improvements or alterations to the property must comply with any applicable 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 Building Commissioner of any changes in information of the 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 must be in writing and must meet the approval of the Building Commissioner.

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

(6) Any new owner shall register or re-register a vacant building with the Building Department within 30 days of any transfer of an ownership interest in the vacant building, unless the building is to become occupied upon transfer. The new owner 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 Building Commissioner.

(7) Failure of the owner or any subsequent owners to maintain the building and premises that result 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 the law.

(8) The provisions of this section apply to all owners of record and both the vendor and vendee under any actual or alleged land contract or lease-purchase agreement, whether recorded or unrecorded.

(9) The registration and all associated processes must be completed in its entirety annually for as long the property remains vacant.

(c) Inspections.

(1) The Building Commissioner may inspect or cause to be inspected any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this section. Upon the request of the Building Commissioner, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection; or otherwise the Commissioner may inspect under the authority of a warrant.

(2) Vacant properties shall be externally inspected by the Building Commissioner a minimum of twice per year to ensure compliance with property maintenance codes.

(d) Fees. The fees described in this subsection (d) are established in order to defray the cost to the City related to the health, safety and economic impacts of structures which remain vacant for long periods of time, including but not limited to administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site. The fees are also structured in order to provide appropriate incentives for owners of vacant buildings to care for them properly, seek to fill them, and in appropriate cases demolish them. The annually increased fee amounts are intended to absorb the costs incurred by the City 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 an annual fee of \$200.00 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 amount for a maximum annual fee equaling the \$3,200.

(2) The owner of a vacant commercial building shall pay an annual fee of \$400.00 for the first year the building remain vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling \$6,400.

(3) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption.

(4) 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.

(5) Absent a showing of good cause, if a building is not timely registered as vacant, or the registration is not renewed within 30 days after the expiration of one year from the date of the previous registration, a penalty shall be paid in addition to the annual registration fee. The penalty shall be equal to one half of the current annual fee or \$1,000.00, whichever is less.

(e) Exemptions. Any owner of a vacant building may request an exemption from the fee imposed in subsection (d) by filing a written application with the Building Commissioner, who shall timely consider the same. Basis for exemptions include, but are not limited to:

(1) A building under active construction or renovation and having a valid building permit at the time of initial inspection 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 Building Commissioner. 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.

(3) Any other basis for an exemption may be submitted to the Building Commissioner for consideration.

(f) Economic Development Fund. Revenues collected pursuant to this section shall be placed in the Economic Development Fund.

(g) Appeals. Any owner who is served a notice of vacant property registration may, within 14 calendar days of receipt of such notice, apply for an exemption as set forth in subsection (e) of this section. Any person adversely affected by a decision made in the enforcement of this section shall have the right to appeal to the Board of Zoning Appeals from such decision. Such appeal must be timely submitted in writing upon forms provided by the Building Commissioner.

(h) Construction. In the event any provision in this section materially conflicts with any provision of Chapter 1360 of the Code, the conflicting provision of this section shall control only with respect to the conflicting provision of Chapter 1360. In the event any provision in this section materially conflicts with the provisions of Section 1360.32, the provisions of Section 1360.32 shall control only with respect to the conflicting provision in this section.

(Ord. 2016-37. Passed 5-23-16.)

**1360.99 FOR FAILURE TO COMPLY WITH A NOTICE OR NEGLECT OF MAINTENANCE.**

(a) No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one, two or three-family dwelling in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code. Whoever violates any provision of this Chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both. Each day during which non-compliance or a violation continues shall constitute a separate offense. The City may also employ civil remedies including but not limited to seeking an injunction to abate nuisances and/or violations.

(b) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this Code, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Building Commissioner, the Mayor, or the Board of Zoning Appeals.

(Ord. 2005-55. Passed 5-8-06.)