

ORDINANCE NO. 2019 - 4

**AN ORDINANCE ESTABLISHING
OBLIGATIONS OF OWNERS OF VACANT BUILDINGS**

WHEREAS, Throughout the Village of Golf Manor there are a number of structures both residential and commercial which have been vacated and/or abandoned which are a blight to the community and significantly effect not only property values, but jeopardize the community's health, and through infestation and the accumulation of litter and refuse safety by being fire hazards and welfare by being a blight; and

WHEREAS, Council and the Administration want to control these sometimes dangerous properties by requiring that they be properly secured and if vacated for long periods of time licensed to continue to monitor the status quo and not ignored.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. General.

- A. The owner of a building ordered in whole or in part vacated or kept vacant by the Building Official shall apply for a Vacated Building Maintenance License, cause the premises to conform to the minimum standards of safety and structural integrity set forth in Section II herein, and obtain a Vacated Building Maintenance License.

- B. The owner of a building ordered in whole or in part vacated or kept vacant by the Building Official shall acquire or otherwise maintain general liability insurance in an amount of not less than \$300,000 for buildings designed primarily for use as a residential structure, including buildings containing no more than four dwelling units; and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for business or industrial uses, including buildings containing five or more dwelling units. Any insurance policy acquired after an order to vacate or keep the building vacant shall provide for written notice to the Building Official and Village Administrator within 30 days of any lapse, cancellation, or change in coverage. Upon request, the owner shall provide evidence of the insurance to the Building Official. The owner of a building ordered in whole or in part vacated or kept vacant by the Building Official shall not be required to obtain or otherwise maintain fire/casualty insurance on the structure.

SECTION II. Time For Compliance. An owner subject to this Ordinance shall apply for a Vacated Building Maintenance License and obtain liability insurance in the amount required by Section I within 30 days from the date of issuance of the

initial order to vacate the building or portion thereof. After applying for a license and obtaining insurance, the owner shall cause the premises to conform to the minimum standards of safety and structural integrity set forth in Section III within 60 days of the application date. The Building Official may extend the time in writing, upon the owner showing good cause for extension. Any such extensions of time shall not exceed a total of 180 days, following the expiration of the 60-day period following the application date.

SECTION III.

Vacated Building Maintenance Standards. A building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if:

- A. **Buildings openings:** Doors, windows, areaways and other openings are weathertight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and opening coverings are covered with at least one-half inch of CDX plywood, weather protected, tightly fitted to the opening and secured by screws or bolts.
- B. **Roofs:** The roof and flashings are sound, tight, will not admit moisture, and drained to prevent dampness of deterioration in the walls or interior.
- C. **Drainage:** The building gutters and downspouts are watertight and entire storm drainage system is adequately sized, installed in an approved manner, functional and discharged in an approved manner.
- D. **Building Structure:** The building is maintained in good repair, structurally sound, free from debris, rubbish and garbage, and sanitary, and interior floors, walking surfaces and stairs are structurally sound, and interior walls and ceilings are free of loose or hanging plaster and finishes, so as not to pose a threat to the public health or safety.
- E. **Structural Members:** The structural members are free of deterioration and capable of safely bearing imposed dead and live loads.
- F. **Foundation Walls:** The foundation walls are plumb, free from open cracks and breaks, and ratproof.
- G. **Exterior Walls:** The exterior walls are free of holes, breaks, and loose or rotting materials. Exposed metal and wood surfaces are protected from the elements against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- H. **Decorative Features:** The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features are safe, anchored, and in good repair. Exposed metal and wood surfaces are protected from

the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

- I. **Structure Extensions:** All balconies, porches, canopies, marquees, signs, metal awnings, cornices, stairways, fire escapes, standpipes, exhaust ducts and similar features are in good repair, anchored, safe and sound. Exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- J. **Chimneys and Towers:** Chimneys, cooling towers, smokestacks, and similar appurtenances are structurally safe. Exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- K. **Sidewalk Openings:** Yardwalks, steps, and openings in sidewalks are safe for pedestrian travel.
- L. **Accessory and Appurtenant Structures:** Accessory and appurtenant structures such as garages, sheds, and fences are free from safety, health and fire hazards.
- M. **Premises:** The premises on which a structure is located is clean, safe and sanitary, maintained free of weeds, junk cars, and litter, and does not pose a threat to the public health or safety.

SECTION IV.

Revocation and refusal of permits. The Building Official may revoke any permit, license, certificate or approval issued under the provisions of this Code, may refuse to issue a permit, license certificate, or approval or may stop the work whenever there is a violation of any condition on which the issuance of the permit, license or certificate was based.

SECTION V.

Fees for Vacated Building Maintenance Licenses.

- A. **Application Fee.** The fee for application for a Vacated Building Maintenance License is based on the duration of time the building has been ordered vacated or kept vacated as determined by the following scale measured from the effective date of the order from the Building Official:
 - \$900 for properties that have been ordered vacated or kept vacant during the first year of licensing from the effective date.
 - \$1,800 for properties that have been ordered vacated or kept vacant more than one year, but less than two years from the effective date.

- \$2,700 annually for properties that have been ordered vacated or kept vacated for at least two years but less than five years from the effective date.
- \$3,500 annually for properties that have been ordered vacated or kept vacated for at least five years from the effective date.

The fee shall be paid at the time of application and deposited in the Building Hazard Abatement Fund. Such rates shall go into effect upon the effective date of this Ordinance which implements the fee structure contained in this Section. Upon any initial application for a license, following the implementation of the above-listed fee structure, all applicants shall initially be required to pay the \$900 fee, and will thereafter pay the designated annual fee based on the graduated rate listed herein.

- B. **Renewal Fee.** The fee for renewal of a Vacated Building Maintenance License to be determined by the scale in Section A shall be paid at the time of application for renewal and deposited in the Hazard Abatement Fund. A renewal license shall expire on the annual renewal date. The annual renewal date shall be the anniversary of the date notice of violation and order to vacate is given pursuant wherein the building or portion thereof was initially ordered to be vacated or kept vacant.
- C. **Late Fee.** In addition to the amount assessed for the VBML license, as provided under Sections V(A) and (B), the Building Official shall charge a late fee equal to the license or renewal fee or \$1,000, whichever is less, if the owner fails to obtain a Vacated Building Maintenance License within the time provided by Section II or if the owner fails to apply for a renewal of a Vacated Building Maintenance License before the annual renewal date. The annual renewal date shall be the anniversary of the date notice of violation is given pursuant to Section I wherein the building or portion thereof was initially ordered to be vacated or kept vacant.
- D. **Fee as a lien.** If the owner fails to pay the amount due for the license, for renewal of the license, or any late fee which may be assessed, or as a fine for being out of compliance with the vacant building requirements, said amount shall constitute a debt due and owing to the Village, and the Village may commence a civil action to collect such unpaid debt.
- E. **Refund.** The Building Official shall refund the fees for a vacated building maintenance license paid if the subject building is brought into compliance with standards of the Building and Property Maintenance Code and reoccupied within one year of payment of the application fee.

SECTION VI. **Miscellaneous.**

- A. The Village shall maintain a list of license properties identifying, as appropriate, the street address, Auditor parcel number, date of initial license, and the date the current license expires. This list shall be made available for public review and, if reasonable, shall be posted or linked through the Village's website.

- B. The Administration may develop a list of available contractors and/or other resources which may be able to assist any property owner in securing their property for compliance with the Ordinance. This list is not a list of contractors licensed to the Village, nor agents of the Village nor endorsed by the Village. The list shall be updated from time to time as a supportive resource to property owners.


SECTION VII. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

PASSED this 25th day of March, 2019.




Mayor Greg Schwartzberg

ATTEST:



Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:



Terrence M. Donnellon, Solicitor