



# CITY OF KENT, OHIO

## DEPARTMENT OF LAW

**TO: KENT CITY COUNCIL MEMBERS  
MAYOR  
DAVID RULLER**

**FROM: JAMES R. SILVER, LAW DIRECTOR**

**DATE: JULY 19, 2011**

**RE: VACANT / ABANDONED BUILDINGS**

As this topic comes back to Council, there are several items to be addressed. Each of the exhibits is one of many examples to choose from. The basic intent of all is similar: Limit the number of vacant and abandoned buildings and keep them maintained to some level of acceptability.

- 1) Do we amend Section 1383.01 of the Kent Code by adding the language as shown on Exhibit "A" or similar language, to the conditions for a "public nuisance"?
- 2) Do we require a local contact or management company for "non-local" owners of abandoned / vacant real property? Suggested language is found on Exhibit "B". This section includes language that requires posting of a sign with the owner / property manager's phone number on vacant properties, for the reporting of problems or concerns.
- 3) Should we require registration of vacant properties? Along with this issue is whether or not we require an annual registration fee for vacant buildings / housing units? Attached as Exhibit "C" is an example from East Cleveland. Some communities just ask for a flat rate each year, others have an increasing scale for each year the property remains vacant. The amounts vary from \$25.00 per year to \$5,000 per year.
- 4) Should we require annual inspections, internal and exterior, of vacant buildings? A copy of Stow's ordinance on inspections is attached as Exhibit "D".

There are many variations of the above examples for language that could be added to our code but the basic issues are identified by the attached examples. Staff agrees that strengthening our code will probably help with vacant properties. To what extent we should modify the code needs to be discussed.

EXHIBIT "A"

**Kent Code Section § 1383.01...**

- (i) Public nuisance: Includes, but is not limited to, any of the following:
1. The physical condition or occupancy of any premises regarded as a public nuisance at common law.
  2. Any premise designated by the Health Department of the City of Kent as unsafe for human habitation.
  3. Any premise that contains a condition which is a fire hazard.
  4. Any premise that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds.
  5. Any structure that is in a state of dilapidation, deterioration of decay; faulty construction; overcrowded; vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.
  6. Graffiti which remains upon any building, property or premise, in excess of fourteen days (Ord. 2001-25. Passed 3-21-01).
  7. **ANY ACCUMULATION UPON ANY LOT OF LAND OF EARTH, RUBBISH OR OTHER MATERIAL WHICH ATTRACTS OR PROPAGATES RATS, VERMIN OR INSPECTS IN SUCH MANNER THAT IT ENDANGERS THE PUBLIC, HEALTH, SAFETY, WELFARE OF PROPERTY.**
  8. **ANY BUILDING OR STRUCTURE UPON ANY LOT OF LAND IS SO OUT OF REPAIR THAT IT CONSTITUTES A HAZARD.**
  9. **ANY CONDITION THAT EXISTS WHICH HAS BEEN DECLARED A PUBLIC NUISANCE BY THE OHIO REVISED CODE.**

## EXHIBIT "B"

### **Out of Area Owner Language:**

- a) If a vacant property is owned by a corporation and/or out-of-area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.
  
- b) All vacant property shall be posted with name and 24-hour contact phone number of the owner or the local property management company. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from the city public right of way and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.
  
- c) The local property management company or owner shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this chapter.
  
- d) "Out-of-area" owner means an owner that lives more than 50 miles away from the abandoned property.

**EXHIBIT "C"**

**TITLE TWELVE ANNUAL REGISTRATION OF  
VACANT HOUSES AND BUILDINGS AND  
REGISTRATION FEES**

**Section 1382: Annual registration of vacant  
houses and buildings and registration fees.**

**Section 1382.01 Purpose**

The purpose of this section is to require the registration of any and all vacant houses and buildings within the corporate limits of the City of East Cleveland, and to require property owners to be fined and to pay an annual registration fee to assist the city government, particularly the departments of Police, Fire, Building and Housing, in protecting the public health, safety, welfare and property values; to monitor the number of vacant houses and buildings in the city; to assess property owners for the impact of the effects of the condition of those houses and buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards, illegal dumping, scrapping, vandalism, general crime and nuisances, and unlawful, temporary occupancy by transients, including illicit drug users and drug traffickers; and to require of the owners of such vacant houses and buildings to register with the City and to pay related fees; and to promote substantial efforts on the part of all property owners to rehabilitate such vacant houses and buildings. The provisions of this section are applicable to the owners of such vacant houses and buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Codified Ordinances of the City of East Cleveland or Ohio law.

**Section 1382.02 Definitions and applicability; registration statement and fees**

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- (a) Blighted area: Shall have the same meaning as Ohio Revised Code Chapter 1.08.
- (b) Boarded: A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.
- (c) Exterior maintenance and major systems: The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive-way, if any, area of the lot, as applicable and as enforced by the departments of Building and Housing.
- (d) Occupied: Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s)

on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid and current Certificate of Business Occupancy, Certificate of Occupancy and registration with the City of East Cleveland's Municipal Income Tax Department, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

(e) Open: A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and, or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(f) Owner: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below, regardless of whether or not the property has been transferred from a previous owner to a new owner during a foreclosure action.

(g) Vacant: A building or structure shall be deemed to be vacant if no person or persons actually or currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, non-transient basis.

(h) Well-kept and Maintained: A house or building is well-kept and maintained when the property owner has boarded the property and keeps it boarded; the property owner is cutting the grass, weeds and trimming bushes and trees; the property owner is keeping the property free of trash or debris; the property owner is keeping the property painted, sightly and in general good condition.

### **Section 1382.03: Application**

Application for a **Vacated Building Maintenance License** shall be made on a form provided by the Mayor /~~Chief Building Official~~ and verified by the owner. The application shall disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of emergency, and together with its premises, free from nuisance and in good order. At the time of application, the owner may arrange for a preliminary inspection of the premises by a Building Inspector or Housing Inspector in the presence of the owner or an agent of the owner having responsibility for maintenance of the premises. Upon request by the owner, the Building Inspector or Housing Inspector shall, after completing the preliminary inspection, issue a report in writing to the owner specifying the reasons why the premises does not conform with the vacated building maintenance standards set forth in this ordinance. Upon conclusion of the time for

compliance and an extension granted pursuant to Section **1382.06 5** of this ordinance, the Building Inspector or Housing Inspector shall conduct a final inspection to determine if the premises conforms with the vacated building maintenance standards set forth in this ordinance. If the owner fails or refuses to consent to and arrange for an inspection, the Mayor, Chief Building Official, ~~Chief of Police~~, Chief of Fire must first obtain a search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building.

**Section 1382.04: Applicability**

The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant and not maintained for more than 45 consecutive days, and to each owner of any residential property consisting of one or more vacant dwellings that shall have been vacant for more than 45 consecutive days. Each such property owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, copies of each owner's driver's license and any other information deemed necessary by the departments of Building and Housing. The registration fee(s) ~~as required by subsection (b)(3) of this section~~ shall be billed by the **Building department** ~~of Building and Housing~~ and shall be paid no later than December 31 of each year. For purposes of this section, the following shall also be applicable:

- (a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State;
- (b) If an estate, the name, business address and telephone number of the executor of the estate;
- (c) If a trust, the name, residential addresses and telephone numbers of all trustees, grantors, and beneficiaries;
- (d) If a partnership, the names, residential addresses and telephone numbers of all partners with an interest of 10 percent or greater;
- (e) if any other form of unincorporated association, the names, residential addresses and telephone numbers of all principals with an interest of 10 percent or greater;
- (f) if an individual person, the name, residential address, direct telephone number and other contact information of that individual person.

**Section 1382.05: Issuance**

The Mayor shall authorize the issuance of a Vacated Building Maintenance License of being satisfied after the Chief Building Official, Housing Inspector or Building Inspector has inspected the building and determining that it is in compliance with the Vacated Building Maintenance Standards set forth in **Section 1382.06** ~~Section 5~~ of this Ordinance, and that it is adequately protected from intrusion by trespassers and from

deterioration by weather.

**Section 1382.06: Vacated Building Maintenance Standards**

A building shall be deemed well-kept and adequately protected from intrusion by trespassers and from deterioration by the weather if:

- (a) Building openings: Doors, windows, areaways and other openings are weather tight 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 or 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 rat proof.
- (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 and 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: Yard-walks, 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 1382.07: Registration statement and fees; local agent**

If none of the persons listed in **sections 1383.03 a,b,c,d,e,f as above** is shown at an address within the state, the registration statement also shall provide the name, address and telephone number of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

Registration shall be required for all vacant houses and buildings, whether vacant and secure, vacant and open or vacant and boarded; and shall be required whenever any building has remained vacant for 45 consecutive days or more.

In no instance shall the registration of a vacant house or building, and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant houses and buildings of the owner so registering.

The owner of the vacant property, no earlier than November 1 of each calendar year, shall be responsible for the payment of the non-refundable \$500 annual registration fee. Said fee shall be billed by the Mayor and based on the duration of the vacancy as determined by the following scale and conditions:

(a) No fee for properties vacant less than 45 days if the property is actively being rented, sold or rehabilitated, and that are well-kept and maintained.

(b) \$500 annual registration fee for vacant properties where the owner of the property is maintaining it in such a condition that it is well-kept and maintained; and where the owner is in compliance with all applicable ordinances, city, state and federal tax laws; and where the owner has placed a clearly identifiable placard on the property that contains the names, addresses and telephone numbers of any and all owners as defined by this ordinance.

(c) \$1,000 annually for properties vacant and not well-kept and maintained over 45 days but less than one year;

(d) \$2,000 annually for properties vacant and not well-kept and maintained more than one year but less than two years;

(e) \$3,000 annually for properties vacant and not well-kept and maintained more than two years but less than three years;



(f) \$5,000 annually for properties vacant and not well-kept and maintained more than three years but less than five years; and

(g) \$10,000 annually for properties vacant and not well-kept more than five years but less than 10 years; plus an additional \$1,000 for each year in excess of 10 years.

#### **Section 1382.08: Procedure for Renewal**

At the time of application for a renewal of a vacated building maintenance license the owner may arrange with the **Chief Building Official** ~~director of buildings and inspections~~ for the inspection of the building, its premises and interior. If the owner fails or refuses to consent to and arrange for an inspection, the **Chief Building Official** ~~director~~ must first obtain a search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building, that it will be safe for entry by fire fighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time that the building remains vacant. The **Chief Building Official** ~~director of buildings and inspections~~ shall renew a vacated building maintenance license on being satisfied after having inspected the building that the building is in compliance with the vacated building maintenance standards set forth in **Section 1382.06 of this ordinance**, adequately protected from intrusion by trespassers and from deterioration by the weather, will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose any extraordinary hazard to police officers or fire fighters entering the premises in times of emergency; otherwise the director shall deny renewal.

The license renewal shall be for one year, which renewal shall run from the anniversary of the date that the building or portion thereof was initially vacated by the **Chief Building Official** ~~director of buildings and inspections~~.

#### **Section 1382.09: Appeal rights**

The owner shall have the right to appeal the imposition of the registration fees to **the Board of Zoning Appeals** ~~the licenses and inspection review board~~, upon filing an application in writing with the applicable \$50 non-refundable filing fee to the **Building Department** ~~of licenses and inspection~~ no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy, as defined in **Section 1382.02 (d)** ~~125.0(b)(1)(C)~~.

#### **Section 1382.10: One time waiver of registration fee**

A one-time waiver of the registration fee or an extension of a waiver for up to 90 days may be granted by the **Mayor** upon application of the owner and upon review and advice of the Law Director, within 30 calendar days from the date of the bill for the registration fee; or if denied by the **Mayor** ~~commissioner of licenses and inspections~~, upon appeal to **the Council** ~~the license and inspections review board~~, if the owner:

(a) Demonstrates with satisfactory proof that he/she is in the process of demolition,

rehabilitation, or other substantial repair of the vacant house or building; and

(b) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant house or building; or

(c) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.

(d) Has paid all past due vacant registration fees and all other financial obligations and/or debts owed to the City of East Cleveland which are associated with the vacant property. With regard to an extension of a waiver only, the time period of the extension shall commence on the date of the written decision granting the extension and, in no event shall **an** extension exceed 90 days. An extension of a waiver shall only be granted once.

**Section 1382.11: Two-year waiver**

Upon application by the owner and satisfaction of **Section 1382.10 (d)** ~~subsection (b)(5)~~ above, the **Board of Zoning Appeals** ~~license and inspection review board~~ may grant a one-time two-year waiver of the registration fee, or an extension of a waiver for up to 90 days or if denied by the Mayor / Safety Director, upon appeal to the **Council** ~~license and inspections review board~~, if the owner meets the criteria for non-profit organizations as defined by section 501(c)(3) of the Internal Revenue Code. With regard to an extension of a waiver only, the time period of the extension shall commence on the date of the written decision granting the extension and, in no event shall an extension exceed 90 days. An extension of a waiver shall only be granted once.

**Section 1382.12: Delinquent registration fees as a lien**

After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to **Sections 1382.10 and 1382.11** ~~subsection (b)(4)~~ above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and shall constitute a and lien. The City shall commence a civil action to collect the unpaid debt.

**Section 1382.13: Duty to amend registration statement**

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the department of Building and Housing within 30 days of the occurrence of such change and advise the departments in writing of those changes.

**Section 1382.14: Exceptions**

This section shall not apply to any building owned by the United States, the state, the city, nor to any of their respective agencies or political subdivisions.

**Section 1382.15: General liability and fire/casualty insurance requirements**

The owner of a building or house kept vacant shall acquire or otherwise maintain general liability insurance in an amount of not less than \$300,000 for buildings designed primarily for use as residential units, 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 manufacturing, industrial, storage or commercial 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 Mayor within 30 days of any lapse, cancellation or change in coverage. Upon request, the owner shall provide evidence of the insurance to the Mayor, the Director of Law, the Chief of Police, Chief of Fire, Director of Community Development or the Chief Building Official. ~~The owner of a building ordered in whole or part vacated or kept vacated by the Mayor or the Chief Building Official shall not be required to obtain or otherwise maintain fire/casualty insurance.~~

**Section 1382.16: Board of Zoning Building Appeals.**

(a) Written Determination by the Director: Any person who has a bona fide controversy with the **Chief Building Official** ~~director of buildings and inspections~~ as to the interpretation or application of a provision or provisions of **Chapter 1382 of the codified ordinances** ~~the CBC and OBC~~, or other related laws and ordinances subject to administration by the **Chief Building Official** ~~director~~ may apply in writing to the **Mayor** ~~director~~ for a written interpretation or ruling, setting forth in the application the provisions of **Chapter 1382 of the codified ordinances** ~~the CBC and OBC and other provisions involved~~, and giving full details and any other information, including approved plans when necessary, as may be required by the **Chief Building Official** ~~director~~ to determine a ruling.

(b) Appeals: Any person adversely affected by a ruling of the **Chief Building Official** ~~director of buildings and inspections~~ issued pursuant to **Section 1382.06** ~~§ 1101-81.1 CBC~~ may appeal the ruling to the **Board of Zoning Appeals**. ~~Board of building appeals, except in cases whenever Article XXI of the Administrative Code or ordinance provides for appeal to another board.~~

(c) Notice of appeal: The notice of appeal shall set forth in writing the interpretation, ruling, or order appealed from, and the provisions of ~~the CBC and OBC~~ and all related laws and ordinances involved and shall state wherein the interpretation, ruling, or order is claimed to be erroneous. If the appeal is based on a modified application or alternative arrangement, the notice shall describe the modified application or alternative arrangement that can be put into effect without defeating the public safety, health, and general welfare purpose and intent of the provisions of **Chapter 1382 of the codified ordinances**, ~~the CBC and OBC~~.

(d) Time limits on appeals: A notice of appeal to the **Board of Zoning Appeals** ~~board of building appeals~~ shall be in writing and filed with the secretary of the board within the time limits provided by this Section. The time for appeal shall be the earliest of the following times:

- (1) 10 days from the date of personal delivery of an order to demolish or barricade a building.
- (2) 15 days from the date of mailing, posting, or delivery to the residence or business of an order to demolish or barricade a building.

(3) 30 days in all other cases where the board has jurisdiction to hear the appeal.

(e) Appeal fee: With the filing of an appeal, the appellant shall pay the fee prescribed in this ordinance. Such filing fee shall be in addition to the payment of the regular building permit fee and any other fee that thereafter may accrue, and no portion of such filing fee shall be refunded whatever the outcome of the appeal.

**Section 1382.17: Grounds for appeal**

An appeal shall be based on one or both of the following grounds:

(a) That the interpretation, ruling, or order is erroneous or constitutes an erroneous application of the particular provision of this ordinance or related laws and ordinances involved, or is otherwise contrary to law;

(b) That a modified application or alternative arrangement is available and feasible where by the strict application of a particular provision or provisions may be modified without defeating the public safety, health, and general welfare purpose and intent of the provisions of **Chapter 1382** ~~the CBC and OBC~~ and without permitting or constituting a provision for safety or sanitation which would be, or is less safe or sanitary than is required by the Ohio Building Code.

(c) That a variance from the applicable section of **Chapter 1382** ~~1117-CBC~~, the administration thereof, or any rule or regulation made there under, in the specific case, will not be contrary to the public interest, and a literal enforcement of such provisions will result in undue hardship.

**Section 1382.99: Violations and penalties**

The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant house or building or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after they become due, shall be a First Degree Misdemeanor punishable upon conviction thereof by a fine in the amount of not less than \$500 nor more than \$1000 per violation, and shall be also punishable with up to six months in jail. Each day shall count as a separate violation. Whenever the minimum fine of \$500 is imposed, it shall not be subject to suspension or reduction for any reason.

**1382.99(a):** ~~1101-129.2~~ *Renewal Fee:* The fee for renewal of a vacated building maintenance license to be determined by the scale in **Section 1382.07** ~~§ 1101-120.1~~, shall be paid at the time of application for renewal and deposited in the building hazard abatement fund. A renewal license shall expire on the annual renewal date. The annual renewal date shall be **December 31 of each year**. ~~the anniversary of the date notice of violation is given pursuant to Section 1101.61 CBC wherein the building or portion thereof was initially ordered to be vacated or kept vacant.~~

**1382.99(b):** ~~1101-129.3~~ *Late Fee:* In addition to the amount assessed for the vacated building maintenance license, the **Chief Building Official** ~~director of buildings and inspections~~ shall charge a late fee equal to the license or renewal fee or \$1,000.00, whichever is less, if the owner fails to obtain a vacated building maintenance license within the time provided by **Section 1382.04 and Section 1382.07** ~~§ 1101-77.2 CBC~~ or

if the owner fails to apply for 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 1101.61 CBC wherein the building or portion thereof was initially ordered to be vacated or kept vacant.~~ Unpaid Late Fees shall be considered a debt collectible pursuant to Section 1382.12. ~~1101-129.3A.~~

1382.99(c): ~~1101-129.4~~ *Refund:* The Mayor ~~director of buildings and inspections~~ shall refund the fees for a vacated building maintenance license paid if the subject building is brought into compliance with the standards of Chapter 1382 ~~the CBC~~ and reoccupied within one year of payment of the application fee.

1382.99(d): *Revocation of waivers. One year, two year and 90 day extension of waivers issued pursuant to Section 1382.10 and 1382.11 shall be revoked by the Mayor if the <sup>P</sup>roperty owner violates or <sup>P</sup>rovides false information in any provision of sections 1382.03, 1382.06, 1382.07, 1382.08, 1382.13, 1382.15 of the ordinance.*

# EXHIBIT D

## DRAFT

### REGISTRATION OF VACANT BUILDINGS; COMPLIANCE AND REQUIREMENTS

#### REQUIREMENTS:

- (a) All buildings and their premises presently located within the City which are or hereafter become "vacant" as defined in this chapter shall be registered by the owner thereof within thirty days from the last date of occupancy with the Chief Building Official.
- (b) Registration shall be made on forms supplied by the Chief Building Official and shall include:
  - 1. A description of the premises;
  - 2. The names and addresses of owners of the premises;
  - 3. The names and addresses of the person or persons who shall be responsible for compliance with this chapter;
  - 4. If known, the period of time for which the premises are to remain vacant.
- (c) Upon registration of any vacant building pursuant to this chapter, the Chief Building Official shall cause inspections to be made of the premises to determine if there exists any fire, safety, health or property maintenance violation and collect information of such building and premises including but not limited to; building systems, height, area, construction type and any other information as determined by the Community Development Director.
- (d) If a hazard or violation exists the Chief Building Official or his representative shall provide the owner (s) with a notice to comply with the provisions of this chapter.
  - 1. Owners or persons responsible for compliance with this chapter shall upon receipt of notice, provide the Chief Building Official with a plan and timeline for bringing the vacant building and premises into compliance with the provisions set forth in this chapter.
- (e) As a minimum requirement, all vacant buildings as defined in this chapter shall conform to the following requirements:
  - 1. Property Maintenance Code
  - 2. Ohio Fire Code.
- (f) All buildings, which in addition to being "vacant" as defined in this chapter and are also open and unsecured to trespass, shall additionally meet the following requirements:
  - 1. All windows and doors on the ground floor area, including basement and garage, shall be boarded up and secured with minimum one-half inch sheathing grade plywood; and

2. The sheathing shall be applied in a neat and orderly manner, cut to the size of the opening and shall be painted to conform to the building exterior

- (g) The plan required in subsection (d-1) hereof shall be reviewed and approved by the Chief Building Official and implemented and completed within six months of the date that the building is registered under this chapter. Upon application by the owner, the Board of Building Appeals may extend the period of compliance for an additional six months; provided, however, that such extension shall be granted only where the owner has demonstrated a good faith effort to comply with the plan that has been filed pursuant to this chapter.
- (h) The registration fee for which such vacant or unoccupied building shall be (\$000.00) per calendar year. The owner of any building that is required to be registered by this chapter may, upon the showing of financial hardship, have the payment of registration fees waived or deferred upon recommendation by the Board of Building Appeals. If any registration is not made within the time set forth in this chapter, the required fee shall be increased an additional ten dollars (\$10.00) each month for the period of time that the registration is delinquent.
- (i) Registration shall not be assignable. If the names or addresses of any of the persons required as a part of the registration statement change, a new registration statement shall be properly made within ten days from the date of such change in the same manner and form as herein prescribed.
- (j) Right of Appeal Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any of the provisions of this Section may appeal to the Board of Zoning and Building Appeals in accordance with CO Section xxxxxxxx



# CITY OF KENT, OHIO

## DEPARTMENT OF FINANCE

**To:** Dave Ruller, City Manager

**From:** David A. Coffee, Director of Budget and Finance

**Date:** July 20, 2011

**Re:** FY2011 Appropriation Amendments, Transfers, and Advances

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**The following appropriation amendments are hereby requested:**

**Fund 001 – General**

Increase \$ 5,000 Health / Other (O&M) – Supplemental funding - matched with additional State subsidy funds received

Increase \$ 30,000 Community Dev– Bldg Srvc Div / Other - Funding for increased plan review expenses – increased revenue collections from developers to offset

**Fund 121 – State & Local Forfeits**

Increase \$ 10,000 Police / Other (O&M) - Reappropriate 2010 funds – partial unexpended bal.

**Fund 122 – Drug Law Enforcement**

Increase \$ 25,000 Police / Other (O&M) - Reappropriate 2010 funds – partial unexpended bal.

**Fund 123 – Enforcement & Education**

Increase \$ 15,000 Police / Other (O&M) - Reappropriate 2010 funds – partial unexpended bal.

**Fund 125 – Law Enforcement Trust**

Increase \$ 15,000 Police / Capital - Reappropriate 2010 funds – partial unexpended bal.

**Fund 131 – JAG – Justice Assistance Grant**

Increase \$ 30,172 Police / Personnel & Benefits - Reappropriate 2010 funds – partial unexpended bal.

**The following intra-fund transfers are hereby requested:**

Transfer \$ 5,000 City Manager / Intra Fund-Dept (001 General) Transfer from Personnel to Other than Personnel (O&M) per department request , 3 yr membership expenses Portage Dev Bd

Transfer \$ 10,000 **From:** Fund 001 General - General Govt. Contingency  
**To:** Fund 001 General - Community Dev– Bldg Srvc Div / Other – Funding for increased plan review expenses – increased revenue collections from developers to offset