

Law Committee Minutes  
Wednesday, April 10<sup>th</sup>, 2019  
9:00 a.m.

2<sup>nd</sup> Floor Community Room  
Fairfield County Municipal Courthouse  
136 W. Main Street

Law Committee Chairman, Randy Groff  
Also present: committee member Corey Schoonover, John Baus, Law Director  
Randall Ullom, Asst. Law Director Stephanie Hall, Mayor David Scheffler, Service  
Safety Director Paul Martin

- I. Call to Order
- II. New Business/Old Business
  - A) Vacant Property Legislation – Law Director Ullom is still reviewing this in relation to other communities. (see attached)
  - B) Changes to Council Rules (111.32 Power To Compel Attendance & 111.33 Refusal To Attend Special Meetings), per Law Director Ullom ORC is silent on this issue. In past years there have been no notable issue with council members being absent to excess, it has not had an impact on council business, and ultimately the voters will decide.
  - C) Sidewalks: the previous legislation (Temporary Resolution No 133-15/Permanent Resolution No. 24-16, vetoed 3/3/16) that had passed council (5-3) and was vetoed by Mayor Kuhn was reintroduced at committee and members were ask to review. Discussion ensued, as usual the situation with trees being the cause in many cases was brought up by Councilman Schoonover... it was noted that laws concerning sidewalks/public right-of-ways are to be compliant with the Americans with Disabilities Act (ADA), therefore they are not just local codes but also state and federal laws. This legislation included a program to assist homeowners with matching funds (up to a max. budgeted) for sidewalk replacement/repair – similar to programs in Marysville and since enacted in other cities such as Canal Winchester.
  - D) Extension of Appeal Period on Code Enforcement Cases: Change the appeal period to 30 days (903.o8). This is to bring Lancaster into compliance with ORC and with recent court decisions – legislation to be introduced at next council meeting.
- III. Parking Lot (items to be discussed at future meetings) – no further action at this time.
- IV. Open Issues – None
- V. Adjournment – motion by Councilman Schoonover, 2<sup>nd</sup> by Councilman Baus

**CHAPTER \_\_\_\_\_**  
**VACANT PROPERTY/BUILDING REGISTRATION**

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| <u>    </u> .01 Purpose.                                  | <u>    </u> .05 Inspections.          |
| <u>    </u> .02 Definitions.                              | <u>    </u> .06 Vacant Building Fees. |
| <u>    </u> .03 Vacant Property/Building<br>Registration. | <u>    </u> .07 Exemptions.           |
| <u>    </u> .04 Escrow.                                   | <u>    </u> .08 Appeals.              |
|   | <u>    </u> .09 Penalty.              |

    .01 PURPOSE.

The purpose of this Chapter is to establish a program for identifying and registering vacant residential and commercial buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant buildings. Shifting the cost of burden from the general citizenry to the owners of the blighted buildings will be the result of this Chapter.

    .02 DEFINITIONS.

(a) Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this section.

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

(2) "Unoccupied" means a building that is not being used for the occupancy authorized by the owner.

(3) "Unsecured" means a building or portion of a building that is open to entry by unauthorized persons without the use of tools or ladders.

(4) "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 Department and/or Code Enforcement Department; or
- D. Unoccupied and having utilities disconnected; or
- E. Unoccupied and has International Property Maintenance Code and/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 by the Building Department and/or Code Enforcement Department; or
- H. Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- I. Unoccupied and abandoned by the property owner.

(5) "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. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence

of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

**.03 VACANT PROPERTY/BUILDING REGISTRATION.**

(a) The owner shall register with the Building Department not later than ninety (90) days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the City becomes a vacant building or not later than thirty (30) days of being notified by the Building Department and/or Code Enforcement Department of the requirement to register based on evidence of vacancy, whichever event first occurs.

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

- (1) The name and address of the owner or owners;
- (2) If the owner does not reside in Fairfield County or within ten miles of Lancaster City limits, the name and address of any third party who the owner has entered into a contract or agreement for property management. By designating an authorized agent under the provisions of this section, the owner is consenting that the third-party is authorized to receive any and all notices relating to the property and conformance of any and all ordinances;
- (3) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
- (4) A telephone number where a responsible party can be reached at all times during business and non-business hours; and
- (5) A vacant building plan as described in division (c) of this section.

(c) The owner shall submit a vacant building plan, which must meet the approval of the Chief Building Official. The plan, at a minimum, must contain information from one of the following three choices:

(1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within thirty (30) days of acceptance of the proposed demolition timeline and does not exceed sixty (60) days in accordance with the Ohio Building Code; or

(2) If the building is to remain vacant, a plan for ensuring the building is secured in accordance with the requirements of the International Property Maintenance Code as adopted by the City, along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the building and grounds. The rehabilitation plan shall not exceed twelve (12) months from the time they obtain permits, unless the Chief Building Official grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation.

(d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Chief Building Official of any changes in information of their vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the Chief Building Official.

(e) The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable Property Maintenance Codes.

(f) A new owner(s) shall register or re-register the vacant building with the Chief Building Official within thirty (30) days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) 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 Chief Building Official.

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

(h) 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.

(i) The Chief Building Official shall include in the file any property specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building.

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

#### .04 ESCROW.

Each demolition of a vacant building requires that the owner hold in escrow with the City a deposit of ten thousand dollars (\$10,000.00) for a residential building and seventy-five thousand dollars (\$75,000.00) for a commercial building. If the amount to be set up in escrow cannot be paid in full, the City will place a lien on the property for the amount previously specified. The City will use these funds to complete the plans submitted by the owner in the event that the owner does not comply with the deadlines as previously submitted in the owner's vacant building plan. Escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign a form accepting responsibility for completing the demolition.

#### .05 INSPECTIONS.

The Building Department and/or Code Enforcement Department shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this Chapter. Upon the request of the Chief Building Official and/or Code Enforcement Officer, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Chief Building Official and/or Code Enforcement Officer in order to enable such inspection. The Chief Building Official and/or Code Enforcement Officer shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

(a) Vacant properties will be externally inspected by the Chief Building Official and/or Code Enforcement Officer a minimum of twice per year to ensure the compliance of property maintenance codes;

(b) Vacant properties will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;

(c) Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner and prior to an issuance of an Occupancy Permit as outlined in Section \_\_\_\_\_ of the Planning and Zoning Code.

(d) Any inspection that is to take place within thirty (30) days of a previous inspection may or may not be conducted at the discretion of the Chief Building Official and/or Code Enforcement Officer.

#### **\_\_\_\_\_.06 VACANT BUILDING FEES.**

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to 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.

(a) The owner of a vacant residential building shall pay an annual fee of two hundred dollars (\$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 five-year fee of three thousand two hundred dollars (\$3,200.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(b) The owner of a vacant commercial building shall pay an annual fee of four hundred dollars (\$400.00) for the first year the building is 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 five-year fee of six thousand four hundred dollars (\$6,400.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(c) The first annual fee shall be paid at the time the building is registered. If the fee is not paid, the owner shall be subject to prosecution as prescribed in Section \_\_\_\_\_ of the Building Code.

(d) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this Chapter within one hundred eighty (180) days of its registry.

(e) 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.