

**ORDINANCE NO. O2017-02**

**AN ORDINANCE ESTABLISHING SECTION 1354  
"VACANT PROPERTY AND BUILDING REGISTRATION"  
OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO**

**WHEREAS**, the City of Gallipolis is desirous of promoting the health and welfare of the Citizenry by enforcement of the provisions adopted by these Codified Ordinances and the International Property Maintenance Code (as amended from time to time); and,

**WHEREAS**, an integral part of the enforcement of said code provisions is 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 burden of cost from the general citizenry to the owners of the blighted buildings; and,

**WHEREAS**, the City of Gallipolis is desirous of instituting additional incentives and safeguards for the rehabilitation of vacant buildings; and,

**WHEREAS**, the City of Gallipolis is desirous of instituting a fee schedule for certain classes of code violations; and,

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Gallipolis, Ohio:

**SECTION I:** That Section 1354 is hereby established and shall read as follows:

**1354.01 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 burden of cost from the general citizenry to the owners of the blighted buildings will be the result of this chapter.

**1354.02 DEFINITIONS.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

(a) "Owner." Any person, in whose name the property is titled, and any person, agent, servicing company, firm, third party, financial institution or bank that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or having an agreement with anyone of the above for the purpose of securing and or managing the property.

(b) "Secured by other than normal means" · A building secured by means other than those used in the design of the building.

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

(d) "Unsecured." A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

(e) "Vacant building." A building (excluding government-owned buildings) which is:

(1) Unoccupied and unsecured; or

(2) Unoccupied and secured by other than normal means; or

(3) Unoccupied and an unsafe building as determined by the Code Enforcement Officer; or

(4) Unoccupied and having utilities disconnected; or

(5) Unoccupied and has housing or building code violations; or

(6) Illegally occupied, which shall include loitering and vagrancy; or

(7) Unoccupied for a period of time over 90 days and having an existing code violation issued by a Code Enforcement Officer; or

(8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or

(9) Unoccupied and abandoned by the property owner.

(f) "Evidence of vacancy." 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.

### **1354.03 VACANT PROPERTY BUILDING REGISTRATION.**

(a) The owner shall register with the Code Enforcement Officer not later than 90 days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the City becomes a vacant building or not later than 30 days of being notified by the Code Enforcement Officer 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 Code Enforcement Officer and shall include the following information supplied by the owner:

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

(2) If the owner does not reside in Gallia County or within ten miles of Gallipolis City limits, the name and address of any third party with whom 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 regarding c conformance with 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 Code Enforcement Officer. 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 30 days of acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or

(2) If the building is to remain vacant, a plan for the ensuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

(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 12 months from the time they obtain permits, unless the Code Enforcement Officer 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 Code Enforcement Officer of any changes in information regarding 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 Code Enforcement Officer.

(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 Code Enforcement Officer within 30 days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(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 Code Enforcement Officer.

(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 Code Enforcement Officer 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.

#### **1354.04 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) for a residential building and seventy-five thousand dollars (\$75,000) 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.

#### **1354.05 INSPECTIONS.**

The Code Enforcement Officer 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 Code Enforcement Officer or City Manager, 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 a Code

Enforcement Officer or his or her designee in order to enable such inspection. The 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 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:

(d) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of the Code Enforcement Officer or City Manager.

#### **1354.06 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) 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 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 six thousand four hundred dollars (\$6,400) 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 these codified ordinances.

(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 180 days of its registry.

(c) 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. A hold may be placed on the transfer or activation of utilities (water and electric) until all delinquent fees have been paid.

(f) Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or one thousand dollars (\$1,000), whichever is less.

#### **1354.07 EXEMPTIONS.**

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

(b) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement Officer. This request shall include the 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.

(c) A building that is for sale and listed with a licensed State of Ohio realtor shall be exempted for a period of 6 months from the start of vacancy, provided that the owner submits proof to the Code Enforcement Officer of such listing and "for sale" status.

(d) Any owner of a vacant building may request an exemption from the provisions of this chapter by filing a written application with the Code Enforcement Officer who shall timely consider same. In determining whether a request for exemption should be granted, the Director shall consider the following: the applicant's prior record as it pertains to City Housing Code, Building Code, or Property Maintenance Code violations; the amount of vacant property the applicant currently has within the City; and the length of time that the building for which the exception is sought has been vacant.

(e) Any building or structure acquired by a community investment corporation for the purpose of demolition or rehabilitation shall be exempt from registration and any fees set forth in Section 1354.06 of this chapter.

#### **1354.08 APPEALS.**

Any owner who is served a notice of vacant property registration may, within ten calendar days of receipt of such notice, apply for an exemption or appeal the findings of the Code Enforcement Officer as set forth in these codified ordinances

**1354.99 PENALTY.**

Any owner violating any provision of the Vacant Building Registry shall be punished as provided by Section 1351 of these codified ordinances and the Property Maintenance Code as adopted. A violation of any provision of this section shall be considered a first degree misdemeanor.

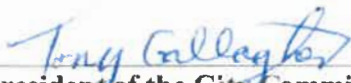
**BE AND HEREBY IS ESTABLISHED, AND;**

**SECTION 2:** That this Ordinance shall take effect and be in full force at the earliest period of time allowed by law.


**PASSED:** January 17, 2017

**ATTEST:**

  
Clerk of the City Commission  
Annette M. Landers

  
President of the City Commission  
Tony Gallagher

The foregoing Ordinance is hereby approved as to form.

  
Gallopis City Solicitor  
Adam R. Salisbury