

VACANT BUILDING MAINTENANCE LICENSE RESOLUTION



COLERAIN

COLERAIN TOWNSHIP
4200 SPRJNGDALE RD.
BUILDING, PLANNING & ZONING
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SECTION 1: VACANT BUILDINGS AND STRUCTURES DECLARED A PUBLIC NUISANCE

1.1 Buildings which remain vacant and unoccupied for any appreciable period of time become an attractive nuisance to children, a harborage for rodents, an invitation to derelicts, vagrants, and criminals as a temporary abode, an increased fire hazard and the unkept grounds surrounding such property invite the dumping of garbage and rubbish thereon. The use and maintenance of property in such condition and manner endangers the public health and safety and constitutes an unreasonable use and condition to the annoyance, discomfort and repose of considerable number of the public, is detrimental to the public good and common welfare, and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus constitutes a nuisance condition.

SECTION 2: OBLIGATION OF OWNER OR PERSON IN CONTROLS OF VACANT BUILDINGS OR STRUCTURES

2.1 The owner or person in control of a building or structure kept vacant by the owner or person in control, or ordered in whole or in part vacated or kept vacant by the Hamilton County General Health District or the Hamilton County Building Department, shall apply for a Vacant Building Maintenance License. The owner or person in control shall also cause the premises to conform to the minimum standards of safety and property maintenance integrity set forth in Section 4.

2.2 The owner or person in control of a building or structure kept vacant or ordered in whole or in part vacated or kept vacant by the Hamilton County General Health District or the Hamilton County Building Department shall acquire or otherwise maintain general liability insurance in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units, including buildings containing no more than four dwelling units. 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, the owner or person in control shall acquire or maintain not less than \$1,000,000 of general liability insurance. Any insurance policy acquired after an order to vacate or keep the building vacant shall provide for written notice to the Director of Building, Planning and Zoning within thirty (30) days of any lapse, cancellation, or change in coverage. Upon request, the owner or person in control shall provide evidence of the insurance to the Director of Building, Planning and Zoning.

2.3 An owner or person in control who keeps a property vacant shall apply for a Vacant Building Maintenance License and obtain liability insurance in the amount required by subsection (b) within 30 days from the date of issuance of the initial order to vacate the building or portion thereof. The owner or person in control shall cause the premises to conform to the minimum standards of safety and property maintenance integrity set forth in Section 4 within 60 days from the date of vacancy or the issuance of the initial order to vacate the building or portion thereof. The Director of Building, Planning and Zoning may extend the time in writing, upon the owner or person in control 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.

2.4 If the owner or person in control of a building kept vacant or ordered vacated or kept vacant by the Hamilton County General Health District or Hamilton County Building Department fails to comply with

Section 2(b) or Section 4, or fails to renew the license as provided in Section 5 prior to the annual renewal date or due date, the Director of Building, Planning and Zoning may charge the owner or person in control or person in control with failure to comply with orders pursuant to Section 9 and take other action as authorized by this Resolution. The annual renewal date shall be the anniversary of the date that the building or portion thereof was initially ordered to be vacated or determined to be vacant.

2.5 The owner or person in control may apply for up to a two-year waiver of the license fee if the owner or person in control demonstrates with satisfactory proof that the owner or person in control has a development plan in place. The owner or person in control will apply for this waiver from the Director of Building, Planning and who shall determine whether a waiver shall be granted upon each application.

SECTION 3: VACANT BUILDING MAINTENANCE LICENSES.

3.1 An application for a Vacant Building Maintenance License shall be made on a form provided by the Director of Building, Planning and Zoning and signed by the owner or person in control. 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.

3.2 At the time of application, the Director of Building, Planning and Zoning or his/her designee shall ensure that:

1. The building is adequately protected from intrusion by trespassers and from deterioration by the weather in accordance with the vacated building maintenance standards set forth in Section 4; and
2. Allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable 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.

If the inspection reveals that the building is in compliance with the vacated building maintenance standards set forth in Section 4 and is adequately protected from intrusion by trespassers and from deterioration by the weather, the Director of Building, Planning and Zoning shall issue a Vacant Building Maintenance License.

3.3 If the property is not in compliance and upon request by the owner or person in control, the Director of Building, Planning and Zoning shall, after completing the preliminary inspection, issue a report in writing to the owner or person in control specifying the reasons why the premise does not conform with the vacated building maintenance standards set forth in Section 4. The Director of Building, Planning and Zoning shall then provide time for the owner or person in control to bring the property into compliance with Section 4. Such time shall not exceed thirty (30) days. Upon conclusion of the time for compliance, the Director of Building, Planning and Zoning shall conduct a final inspection to determine if the premises conform to the vacated building maintenance standards set forth in Section 4.

SECTION 4: VACATED BUILDING MAINTENANCE STANDARDS.

4.1 Vacant property shall be maintained free of all outward appearances of foreclosure and vacancy during the registration period including:

4.1.1 No signs or placards on the exterior of the building or in the windows indicating that the property is vacant;

4.1.2 Grass shall be no higher than 10 inches at any time and all noxious weeds shall be removed;

4.1.3 The premises shall be maintained free of debris and litter;

4.1.4 The premises shall remain secure and locked. Broken windows and doors which are visible from the right-of-way may be covered with plywood or similar boarding material on an emergency basis, but for no more than ten (10) business days, while arrangements are being made to replace broken glass or broken parts of the existing windows and doors. Broken windows and doors on the rear or sides of the building may be boarded until the windows and doors are repaired for re-occupancy provided that the boarded openings are not visible from public right-of-way;

4.1.5 Windows and doors which are visible from the right-of-way may not be boarded and shall be maintained in good repair;

4.1.6 Handbills, circulars, and advertisements shall be removed from porches and yards in a timely manner; and

4.1.7 Standing water on the premises, including but not limited to standing water in swimming pools, shall be eliminated;

4.2 The maintenance requirements and penalties in this Resolution related to vacant properties are in addition to, and shall not be considered in conflict with, any and all other property maintenance requirements of Colerain Township. Nothing within this chapter shall be construed to limit the responsibilities of persons in control to comply with and adhere to any and all building, housing, health, and zoning resolutions established by the Township or Hamilton County. Nothing within this Resolution shall be construed to limit or conflict with the responsibilities of persons in control to comply with and adhere to any and all state and federal laws.

4.3 A building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by weather if:

4.3.1 the building is inspected by the Colerain Township Police Department, Zoning Department, or the Fire Department for compliance with the Zoning Resolution and Property Maintenance Code;

4.3.2 the building is not found to be unsafe or unsecure; and

4.3.3 that the building has not been condemned by the Hamilton County Board of Health or the Hamilton County Building Department.

SECTION 5: PROCEDURAL FOR RENEWAL.

5.1 At the time of application for a renewal of a Vacant Building Maintenance License the Director of Building, Planning and Zoning will arrange for the inspection of the exterior of the building and its premises.

5.2 The Director of Building, Planning and Zoning shall renew a Vacant Building Maintenance license if, after following an inspection, he or she is satisfied that:

1. The building is in compliance with the vacated building maintenance standards set forth in Section 4.
2. The building is adequately protected from intrusion by trespassers and from deterioration by the weather.
3. The presence of the building will not be detrimental to the public health, safety and welfare.
4. The presence of the building will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood.
5. The building will not pose any extraordinary hazard to police officers or fire fighters entering the premises in times of emergency.

Otherwise the Director of Building, Planning and Zoning shall deny renewal.

5.3 The license renewal shall be for one year, which renewal shall run from their anniversary of the date that the building or portion thereof was initially vacated by the Director of Building, Planning and Zoning.

SECTION 6: FEES.

6.1 The fee for application for a Vacant Building Maintenance License is based on the duration of the time the building has been ordered vacated or kept vacated as determined by the following scale:

1. \$900.00 for properties that have been ordered vacated or kept vacant for less than one year;
2. \$1,800.00 for properties that have been ordered vacated or kept vacant for at least one year but less than two years;
3. \$2,700.00 annually for properties that have been ordered vacated or kept vacant for at least two years but less than five years;
4. \$3,500.00 annually for properties that have been ordered vacated or kept vacant for at least five years.

6.2 The fee shall be paid at the time of application and deposited in the general fund. Upon any initial application for a license, or upon the first renewal of a license following the implementation of the above listed fee structure, all persons shall be required to pay the \$900.00 fee, and will thereafter pay the designated annual fee based on the graduated fees, listed herein.

6.3 The fee for renewal of a Vacant Building Maintenance License to be determined by the scale in Section 6(a) shall be paid at the time of application for renewal and deposited in the building hazard abatement funds. A renewal license shall expire on the annual renewal date. The annual renewal date shall be the anniversary of the date the building or portion thereof was initially vacated or kept vacant by the Director of Building, Planning and Zoning.

6.4 If the owner or person in control fails to obtain a Vacant Building Maintenance License within the time provided by Section 1325.07 or if the owner or person in control fails to apply for renewal of a Vacant Building Maintenance License before the annual renewal date, the Director of Building, Planning and Zoning shall charge a late fee equal to the license or renewal fee or \$1,000.00, whichever is less. If the owner or person in control fails to pay the amount due for the license, for renewal of the license, 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 Township and shall be assessed to the property tax bill.

6.5 The Director of Building, Planning and Zoning shall refund fifty percent (50%) of the annual fee for a Vacant Building Maintenance License paid if the subject building is brought into compliance with standards of the Hamilton County Building Code and the Colerain Township Property Maintenance Code and reoccupied within one year of payment of the application fee.

7. APPEALS.

7.1 Any person directly affected by any notice issued in connection with this Chapter may request and shall be granted a hearing before the Colerain Township Board of Zoning Appeals.

7.2 An appeal to the Colerain Township Board of Zoning Appeals may be taken by any owner or person in control or individual affected by any decision by the Director of Building, Planning and Zoning or by the enforcement of any provision of this Resolution. Such an appeal shall be in the form of a written petition, filed in the office of the Colerain Township Department of Building, Planning and Zoning within thirty days from the date the notice was received or before the expiration of time for compliance stated in the notice, whichever is first.

7.3 The Colerain Township Board of Zoning Appeals shall meet within thirty days after the filing of any appeal and also periodically if the volume of its work warrants. The person taking the appeal shall be entitled to a hearing at which he or she may be represented by counsel and shall have the right to call and cross-examine witnesses and to present evidence and argument.

7.4 In exercising its powers, the Board of Zoning Appeals may reverse, affirm or modify the order.

7.5 If the Colerain Township Board of Zoning Appeals affirms the order of the Director of Building, Planning and Zoning, the owner or person in control shall have thirty (30) calendar days to comply with the order unless an appeal is filed in accordance with Ohio Revised Code Chapters 2505 and 2506.

SECTION 8: VALIDITY.

8.1 If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and the provisions of this Ordinance are hereby declared to be severable.

8.2 This Ordinance shall not affect violations of any other ordinance, code, or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of the ordinances, codes or regulations in effect at the time the violation was committed.

SECTION 9: PENALTY.

9.1 Any person being the owner or person in control of any building or premises, who fails to obtain a Vacant Building Maintenance License pursuant to Section 3 or violates any provisions of this Resolution shall face civil penalties in an amount of \$500.00. Each day such violation continues after receipt of a violation notice shall be considered a separate offense.

SECTION 10: Definitions

10.1 For the purposes of this Resolution, words and phrases shall have their ordinary meaning unless defined in the following sections.

10.2 – Person in Control – the person, persons, or entity holding title to the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including, but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a third party.