

**ORDINANCE NO. 2020 - 2**

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-4 ESTABLISHING  
OBLIGATIONS OF OWNERS OF VACANT BUILDINGS  
AND DECLARING AN EMERGENCY**

**WHEREAS**, Council did adopt Ordinance No. 2019-4 setting forth the obligations of owners of vacant buildings; and

**WHEREAS**, in the initial enforcement of such Ordinance, many of the property owners who received notice requiring a vacant property be secured have ignored such notice making enforcement difficult without further adding criminal penalties for the failure to comply; and

**WHEREAS**, Council and the Administration want to expand the enforcement powers delegated to the Building Official under Ordinance No. 2019-4, and therefore to amend Ordinance No. 2019-4 in its entirety to read as set forth herein.

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

**SECTION I.**        **Vacant Building Definition / Notice.** The owner of a Vacant Building, defined as either a building ordered in whole or in part to be vacated or kept vacant by the Property Maintenance Code Official (“Code Official”) or a building determined by the Code Official to be vacant as defined below, shall apply for a Vacant Building Maintenance License, cause the premises to conform to the minimum standards of safety and structural integrity set forth in Section IV herein, and obtain a Vacant Building Maintenance License. A Notice requiring compliance (Initial Notice) shall be sent by ordinary U.S. Mail to the owner of such building as identified in the records of the Hamilton County Auditor, and a copy of such Notice shall be posted in a conspicuous place upon the property at the Vacant Building. A building shall be determined to be vacant if such building does not have identifiable utility connections necessary for safe use and occupancy, or upon inspection by the Code Official the building appears to be abandoned and not occupied by the owner or any family member of the owner or tenant.

**SECTION II.**        **Insurance Requirements for Vacant Buildings.** The owner of a Vacant Building 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 by the owner as required herein shall provide for written notice to

the Code Official and/or the 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 Code Official. The owner of a Vacant Building shall not be required to obtain or otherwise maintain fire/casualty insurance on the structure.

**SECTION III.**

**Time For Compliance.** An owner subject to this Ordinance shall apply for a Vacant Building Maintenance License and obtain liability insurance in the amount required by Section II within 30 days from the date of issuance of the Initial Notice as provided in Section I. 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 IV within 60 days of the application date. The Code Official may extend the time in writing, upon the owner showing good cause for such 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 IV.**

**Vacant Building Maintenance Standards.** A Vacant Building must be minimally maintained to be safe and secure to prevent further waste and deterioration consistent with these maintenance standards. A Vacant Building shall be deemed minimally maintained and 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 V.**

**Revocation and Refusal of Permits.** The Code 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 VI.**

### **Fees for Vacant Building Maintenance Licenses.**

- A. **Application Fee.** The fee for application for a Vacant Building Maintenance License is based on the duration of time the building has been ordered vacated or kept vacated, or determined to be vacant by the Code Official as provided herein, measured from the effective date of the Initial Notice from the Code Official:
- \$900 for properties that have been vacant or ordered vacated and kept vacant during the first year of licensing from the Initial Notice date.
  - \$1,800 for properties that have been vacant or ordered vacated and kept vacant more than one year, but less than two years from the Initial Notice date.
  - \$2,700 annually for properties that have been vacant or ordered vacated and kept vacated for at least two years but less than five years from the Initial Notice date.
  - \$3,500 annually for properties that have been vacant or ordered vacated and kept vacated for at least five years from the Initial Notice 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 Vacant 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 Initial Notice of determination of vacancy and/or the 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 Vacant Building Maintenance License, as provided under Sections VI (A) and (B), the Code 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 Vacant

Building Maintenance License within the time provided herein or if the owner fails to apply for a renewal of a Vacant Building Maintenance License before the annual renewal date. The annual renewal date shall be the anniversary date of the Initial Notice as provided in Section I.

- D. **Fee as a Lien.** If the owner fails to pay the amount due for the Vacant Building Maintenance 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 Code Official shall refund the fees for a Vacant 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 VII.**

**Penalty.** Any owner who violates any provision of this Chapter shall be guilty of a Misdemeanor of the Fourth Degree. Each day of such violation shall be considered a separate violation.

**SECTION VIII.**

**Miscellaneous.**

- A. The Village shall maintain a list of Vacant Building properties identifying, as appropriate, the street address, Auditor parcel number, date of initial Vacant Building Maintenance 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 contractors endorsed by the Village. The list shall be updated from time to time as a supportive resource to property owners.

**SECTION XI.**

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.

**SECTION X.**

This Ordinance is an update of a previous Ordinance setting forth the procedure to properly license vacated or Vacant Buildings within the Village. To close the gap on enforcement so that the Village Administrator may

immediately proceed to identify such properties and to enforce this section of the Code to maintain the safe inventory properties within the Village of Golf Manor, this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare, and shall take effect immediately upon passage.

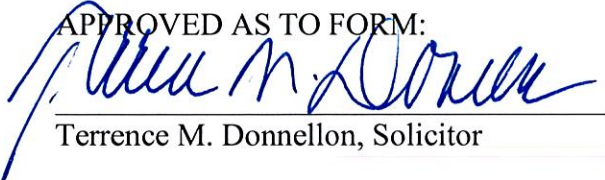
PASSED this 24<sup>th</sup> day of February, 2020.

  
Mayer Stefan C. Densmore

ATTEST:

  
Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:

  
Terrence M. Donnellon, Solicitor