

CHAPTER 1199
Vacant Property Registration

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CROSS REFERENCES
Occupancy of vacant buildings - see BLDG. 1325.07

1199.01 PURPOSE.

The purpose of these regulations is to establish a program for identifying and registering vacant residential and commercial buildings; to determine the responsibilities of owners and/or persons of control 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 vacant buildings will be the goal of these regulations.
(Ord. 2013-89. Passed 1-21-14.)

1199.02 DEFINITIONS.

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

- (1) "Owner or person in control" means the owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; and executor; a trustee; and any person, public or private entity, lessee or holder of a lessor estate in the premises, and/or its dually authorized agent, 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, based on breach or default of mortgage agreement, until title to the premises is transferred to a third party.
- (2) "Secured by other than normal means" means a building secured by means other than those used in the design of the building.
- (3) "Unoccupied" means a building which is not being used for the occupancy authorized by the owner and/or person in control.
- (4) "Unsecured" means a building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

- (5) "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 Property Maintenance Code Official or his/her designee; or
 - D. Unoccupied or having utilities disconnected; or
 - E. Unoccupied and has property maintenance 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 notice of code violation issued by the Property Maintenance Code Official or his/her designee; or
 - H. Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed).
 - I. Unoccupied and abandoned by the property owner or person in control.
 - J. A building shall not be considered a vacant building if the building contains multiple units and any one (1) of the multiple units is considered to be occupied.
- (6) "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 or doors, 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.
- (7) "Temporarily Vacant" means an owner occupied residential building which is unoccupied by the owner for a period not to exceed six (6) months in any calendar year.
- (8) "Vacant residential building" means a vacant building with three (3) or fewer dwelling units within the structure and no commercial or other space.
- (9) "Vacant commercial building" means a vacant building with more than three (3) dwelling units within the structure or any vacant building containing commercial, industrial or other space.
(Ord. 2013-89. Passed 1-21-14.)

1199.03 VACANT PROPERTY/BUILDING REGISTRATION.

(a) The owner or person in control shall register at the Office of the Steubenville Planning and Zoning Commission not later than ninety (90) days after any residential or commercial building in the City becomes a vacant building or not later than thirty (30) days of being notified by the Property Maintenance Code Official 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 Planning and Zoning Commission and shall include the following information supplied by the owner:

- (1) The name(s) and residential and mailing address(es) of the owner or owner(s); or person in control or persons in control;
- (2) If the owner or person in control does not reside in Jefferson County, Ohio, the name and address of any third party who the owner or person in control has entered into a contract or agreement with for property management. By designating an authorized agent under the provisions of this section, the owner or person in control 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 property;
- (4) A telephone number where the owner or person in control can be reached at all times during business and non-business hours; and
- (5) A vacant building plan as described in subsection (c) hereof.

(c) The owner or person in control shall submit a vacant building plan which must meet the approval of the Property Maintenance Code Official. The plan, at a minimum, must contain information from one (1) of the following three (3) 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 completion according to plan, and does not exceed one year in accordance with applicable codes; 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 twelve (12) months from the time building permits are obtained, unless the Building Inspector grants an extension upon receipt of a written statement from the owner detailing the reasons for the requested extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, health, 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 or person in control. The owner or person in control shall notify the Property Maintenance Code Official of any changes in the information of their vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be submitted in writing and must meet the approval of the Property Maintenance Code Official and/or Building Inspector.

(e) The owner or person in control and subsequent owners or persons in control 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) or person in control shall register or re-register the vacant building with the Planning and Zoning Commission 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 Property Maintenance Code Official.

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

(h) Failure of the owner or person in control or any subsequent owner(s) or persons in control to maintain the building and premises that result in enforcement 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 Property Maintenance Code 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 as the property remains vacant.
(Ord. 2013-89. Passed 1-21-14.)

1199.04 PERMITS AND BOND FOR DEMOLITION/REMOVAL.

For each demolition of a vacant building the owner or person in control shall obtain a permit as per Section 1323.12 of the Codified Ordinances and post a bond with the City as per Section 1323.121 of the Codified Ordinances.
(Ord. 2013-89. Passed 1-21-14.)

1199.05 INSPECTIONS.

The Property Maintenance Code Official is authorized and directed to inspect any premises and grounds located within the City of Steubenville for the purpose of enforcing and assuring compliance with this Chapter, with the inspection to include only those items which can be inspected by lawful means. In the event the Property Maintenance Code Official has reason to believe that a Code violation may exist within a building, he is authorized and directed to inspect the remainder of the premises. The owner, operator or occupant of every building may, upon the request of the Property Maintenance Code Official, give the Code Official free access to the property, at reasonable times, for the purpose of inspection. In the event access to the premises is refused, the Property Maintenance Code Official with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the premises. In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an owner, operator or occupant to consent to a warrantless inspection of property except as provided by law. The following shall apply:

- (a) Vacant properties will be externally inspected by the Property Maintenance Code Official 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 or person in control;
- (c) Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner or person in control and prior to issuance of a Certificate of Occupancy. No vacant property registered under this Chapter can be reoccupied until a Certificate of Occupancy is issued by the Building Inspector;
- (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 Property Maintenance Code Official.
(Ord. 2013-89. Passed 1-21-14.)

1199.06 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 or person in control 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 increased by fifty dollars (\$50.00) over the previous year's fee amount, for a maximum annual fee equaling the five (5) year fee of four hundred dollars (\$400.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.
- (b) The owner or person in control 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 increased by seventy-five dollars (\$75.00) over the previous year's fee amount, for a maximum annual fee equaling the five (5) years fee of seven hundred dollars (\$700.00) 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, or if the registration form is not properly completed or submitted to the Steubenville Planning and Zoning Commission, the owner or person in control shall be considered in violation of the provisions of this Chapter.
- (d) The fee shall be paid in full and registration completed 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 or person in control prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.

- (f) Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or one thousand dollars (\$1,000.00), whichever is less.
- (g) All fees received under this section shall be deposited with the Director of Finance under the Property Maintenance Code Enforcement line item and used to cover the costs of implementation of this Chapter and the demolition of vacant buildings and related expenses.
(Ord. 2013-89. Passed 1-21-14.)

1199.07 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 ninety (90) days after the date of the fire or extreme weather event if the property owner or person in control submits a request for exemption in writing to the Property Maintenance Code Official. This request shall include the names and addresses of the owner or owners or person or persons in control, 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 twelve (12) months from the start of vacancy, provided that the owner or person in control submits proof to the Property Maintenance Code Official of such listing and for sale status. The owner or person in control shall provide the name and contact information for any realtor listing the property to the Property Maintenance Code Official.

(d) A building that has been granted an exemption pursuant to the following: Any owner or person in control of a vacant building may request an exemption from the provisions of this Chapter by filing a written application with the Property Maintenance Code Official who shall timely consider same. In determining whether a request for exemption should be granted, the Property Maintenance Code Official shall consider the following: The applicants prior record as it pertains to Rental 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) The application of this Chapter shall not be inconsistent with or contrary to any and all requirements for historical structures established by any City, State, or Federal Agency.

(f) This section shall not apply to any residential properties determined to be temporarily vacant as defined in this Chapter.

(g) All requests for an exemption shall be made to the Property Maintenance Code Official. The Property Maintenance Code Official shall make a decision and notify the applicant within seven (7) business days of the filing of the request for exemption.
(Ord. 2013-89. Passed 1-21-14.)

1199.08 APPEALS.

Any owner or person in control directly affected by a decision of the Property Maintenance Code Official regarding this Chapter shall be permitted to file with the Code Official, an appeal in writing to the Board of Property Maintenance Appeals in accordance with Section 111.1 of the Property Maintenance Code. An application for an appeal shall be based on a claim that the true intent of this Chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Chapter do not fully apply, or the requirements of this Chapter are adequately satisfied by other means.

(Ord. 2013-89. Passed 1-21-14.)

1199.99 PENALTY.

Any owner or person in control violating any provisions of this Chapter shall be punishable as provided by Section 106.4 of the Property Maintenance Code.

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