CHAPTER 155 – VACANT BUILDINGS AND HISTORIC PRESERVATION DISTRICT VACANT COMMERCIAL OVERLAY

155.01 PURPOSE AND INTENT. This chapter supplements the Village Property Maintenance Code ("PMC") to protect the public health, safety, and welfare by regulating vacant buildings, to deter blight and deterioration, and to provide enforcement tools to prevent unsafe conditions. In addition, Subchapter 155A establishes heightened requirements for vacant commercial and mixed-use buildings in the Historic Preservation District to protect economic vitality and historic character and to prevent demolition by neglect.

155.02 APPLICABILITY AND RELATIONSHIP TO PMC. All vacant buildings within the Village are subject to this chapter and the PMC. Where this chapter imposes additional requirements, it shall control. Subchapter 155A applies only to properties within the overlay area described in 155A.02 and shall apply in addition to the requirements of this Chapter 155 and the PMC.

155.03 DEFINITIONS. Terms not defined herein shall have the meanings assigned in the PMC. As used in this chapter:

- **Code Official.** The official designated by the Village to enforce the PMC and this chapter.
- **Owner.** Any person or entity with legal or equitable control of a structure or premises, including a record owner, contract purchaser, mortgagee in possession, receiver, or other person having charge, care, or control.
- **Responsible Agent.** A natural person or entity authorized by the Owner to accept notices and comply with this chapter on the Owner’s behalf, with a physical address and telephone number where the Agent may be reached during normal business hours.
- **Vacant Building.** Any structure that is unoccupied for thirty (30) consecutive days or more, or is unsecured, or is vacant due to foreclosure, abandonment, condemnation, or similar circumstances as determined by the Code Official.
- **Vacant Commercial or Mixed-Use Building.** A Vacant Building that is used or intended for commercial use, or a building with both commercial and residential uses.

155.04 REGISTRATION AND ANNUAL FEE. Owners shall register each Vacant Building with the Code Official within thirty (30) days after the building becomes a Vacant Building and shall renew the registration annually until lawful occupancy is restored. Registration shall be on a form approved by the Code Official and shall include, at a minimum, the Owner's name and contact information, the Responsible Agent's name and contact information (if any), and such additional information as the Code Official reasonably requires for administration of this chapter. The annual registration fee shall be as set forth herein and shall continue until lawful occupancy is restored.

(A) Residential property shall have an annual registration fee of $100.

(B) All other property outside of the Historic Preservation District shall have an annual registration fee of $300.

155.05 SECURING REQUIREMENTS. Vacant Buildings shall be secured against unauthorized entry and maintained in compliance with the PMC. Doors, windows, and other openings shall be kept closed, locked, and intact, or otherwise secured in a manner approved by the Code Official.

155.06 MAINTENANCE. The exterior premises of a Vacant Building shall be kept free of debris, hazards, infestation, and unsafe conditions. Yards, accessory structures, and exterior surfaces shall be maintained in accordance with the PMC.

155.07 INSPECTIONS. The Code Official may conduct interior and exterior inspections of Vacant Buildings upon registration, upon complaint, or upon reasonable belief that a violation exists, subject to applicable law regarding entry and inspection.

155.08 NOTICE AND COMPLIANCE. When the Code Official determines that a violation exists, the Code Official shall provide notice to the Owner and Responsible Agent (if any) and shall allow a reasonable time to comply unless emergency conditions exist, in which case the Village may take immediate action as permitted by law.

155.09 ABATEMENT AND COST RECOVERY. The Village may abate violations of the PMC and this chapter and recover its costs as permitted by Ohio law, including certification of costs to the county auditor for collection in the same manner as taxes, and/or other lawful collection methods.

155.10 PENALTIES. Violations of this chapter constitute violations of the PMC. Each day a violation continues shall constitute a separate offense. Nothing in this chapter limits the Village's authority to seek injunctive relief or other remedies authorized by law.

155.11 APPEALS. Appeals from actions of the Code Official shall follow the appeal procedures established in the PMC.

155.12 SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions.

SUBCHAPTER 155A –HISTORIC PRESERVATION DISTRICT VACANT COMMERCIAL OVERLAY

155A.01 PURPOSE. To protect the economic vitality, historic character, and public welfare of the Historic Preservation District by discouraging prolonged commercial vacancy and preventing demolition by neglect.

155A.02 APPLICABILITY. This Subchapter 155A applies only to Vacant Commercial or Mixed-Use Buildings located within the Historic Preservation District (the "Overlay Area").

155A.03 REGISTRATION AND ANNUAL FEE. In addition to registration under 155.04, each Vacant Commercial or Mixed-Use Building in the Overlay Area shall be registered with the Village within thirty (30) days after vacancy and shall be renewed annually. The annual registration fee, payable at the time of registration and each subsequent renewal, shall be one thousand dollars ($1,000.00) for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual registration fee shall be assessed at double the previous year's registration fee amount for a maximum annual registration fee equaling the five-year registration fee of sixteen thousand dollars ($16,000), which shall be the registration fee for the fifth and all consecutive subsequent years of vacancy.

155A.04 VACANT BUILDING PLAN OF ACTION. At the time of registration and upon annual renewal, the Owner shall submit a written plan of action in a form approved by the Code Official that includes, at a minimum:

1. The cause of vacancy;
2. The intended future use of the building;
3. A timetable with milestones for re-occupancy or rehabilitation;
4. Interim maintenance and security measures to be implemented while the building is vacant; and
5. The identity and contact information of a local Responsible Agent.
6. Proof of general liability insurance covering the vacant building and property in an amount not less than one million dollars ($1,000,000). The insurance policy shall provide written notice to the Village Manager within 30 days of any lapse, cancellation, termination or any change in coverage.
7. Demonstration of active marketing efforts if the sale or lease of the property is the stated intent.

The Code Official shall have the authority to require revisions or supplements to the plan of action required herein if the plan of action fails to demonstrate a good faith effort toward re-occupancy and/or rehabilitation. Failure to submit a plan of action or any revisions or supplements required by the Code Official, or failure to comply with an approved plan of action, constitutes a violation of this Subchapter 155A.

155A.05 MINIMUM MAINTENANCE STANDARDS. Vacant Commercial or Mixed-Use Buildings in the Overlay Area shall be maintained to remain weather-tight and structurally sound and to prevent water intrusion, mold, infestation, and decay. At a minimum, Owners shall maintain windows, doors, masonry, roofing, and foundations, and shall prevent deterioration of historic architectural elements. Failure to meet these standards constitutes demolition by neglect.

155A.06 INSPECTIONS. The Village may conduct interior and exterior inspections of a building subject to this Subchapter 155A upon registration, annually, and upon complaint or observed deterioration, subject to applicable law regarding entry and inspection.

155A.07 CIVIL PENALTIES; LIEN. In addition to any other remedies available under this chapter and the PMC, an Owner who violates this Subchapter 155A shall be subject to a civil penalty of one hundred dollars ($100.00) per day per violation. Each day a violation continues constitutes a separate offense. Unpaid registration fees, civil penalties, and Village abatement costs may be certified for collection as a lien and/or collected as permitted by Ohio law.

155A.08 APPEALS. Appeals from actions of the Code Official shall follow the appeal procedures established in the PMC.

155A.09 FINDINGS AND POLICY STATEMENT. The Village Council finds that prolonged vacancy in the Overlay Area uniquely threatens the Village's core economic and historic district. This Subchapter 155A is intended to protect that district and is not intended to punish vacancy elsewhere in the Village.

155A.10 HARDSHIP EXEMPTION OR REDUCTION OF VACANT BUILDING REGISTRATION FEE

(A) Purpose.
This section authorizes a limited hardship exemption or reduction of the vacant building registration fee required by section 155A.03 when strict application of the fee would create an undue financial hardship and when the purposes of this Chapter can still be adequately protected.

(B) Eligibility.
An owner may apply for a hardship exemption or reduction of the registration fee upon demonstrating, by clear and convincing evidence, that:

1. Payment of the full registration fee would impose an undue financial hardship; and
2. The hardship is not the result of the owner's willful neglect or failure to maintain the property; and
3. The owner is acting in good faith to bring the property into compliance or return it to productive use; and
4. Granting the exemption will not adversely affect public health, safety, or welfare.

(C) Qualifying Circumstances.
Hardship may include, but is not limited to:

1. The owner is an individual of limited financial means and the property is not income-producing;
2. The owner is experiencing documented medical hardship, disability, or similar extraordinary personal circumstance;
3. The property is subject to probate, foreclosure, bankruptcy, or title litigation outside the owner's control;
4. The property is owned by a nonprofit organization actively seeking rehabilitation funding;
5. Other extraordinary circumstances as determined by the Village Manager.

(D) Application Requirements.

1. Application shall be made in writing on a form provided by the Village.
2. The owner shall submit documentation supporting the hardship claim, which may include tax returns, financial statements, probate filings, court documents, medical verification, or other relevant evidence.
3. The Village may require execution of a financial disclosure affidavit.
4. The burden of proof shall be on the applicant.

(E) Scope of Relief.
The Village may grant:

1. A partial reduction of the registration fee;
2. A temporary waiver not to exceed twelve (12) months;
3. A payment plan; or
4. A deferral conditioned upon compliance with an approved rehabilitation plan.

A full waiver shall be granted only in extraordinary circumstances.

(F) Conditions.

Any hardship relief may be conditioned upon:

1. Submission and compliance with a rehabilitation or maintenance plan;
2. Securing the structure and maintaining insurance;
3. Timely compliance with all applicable building, zoning, and safety codes;
4. Revocation of the exemption upon failure to comply.

(G) Duration and Renewal.

1. Hardship relief shall expire after twelve (12) months unless renewed.
2. Renewal requires reapplication and updated documentation.
3. No exemption shall extend beyond three (3) consecutive years without approval of Council.

(H) Appeal.
Any denial may be appealed pursuant to § 155A.08.

(I) No Automatic Relief.
Hardship relief is discretionary and shall not be construed as creating a right to exemption.