

Middlefield, OH Code of Ordinances

**CHAPTER 1311**  
**Vacant Property and Buildings**

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**CROSS REFERENCES**

Exterior Property Maintenance Code - see BLDG. Ch. 1309

**1311.01 PURPOSE.**

The purpose of this Chapter is to establish a program for identifying and registering vacant residential buildings; to establish the responsibilities of Owners of vacant buildings and structures; and to speed the rehabilitation of the vacant buildings. This Chapter clarifies that the cost of this burden lies with the Owners of the blighted buildings.

(Ord. 16-127. Passed 10-13-16.)

**1311.02 DEFINITIONS.**

Unless otherwise expressly stated, for the purpose of this Chapter, the following terms shall have the meanings indicated below:

- (a) "Owner." Any and all persons in whose name the property is titled, and any and all persons, agents, servicing companies, firms, third parties, or financial institutions that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or any such person or entity having an agreement with any one 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 an occupancy that is 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 residential 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 Zoning Inspector or the Geauga County Building Department; or
  - (4) Unoccupied with all utilities disconnected or shut off; or
  - (5) Unoccupied and has zoning 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 violation issued by a Zoning Inspector or the Geauga County Building Department; or

- (8) Unoccupied with a mortgage that has been or is being foreclosed; or
- (9) Unoccupied for more than 90 days after the Owner's death; or
- (10) Unoccupied and abandoned by the Owner.

(f) "Evidence of vacancy." Any condition which, on its own or combined with other conditions, would lead a reasonable person to believe the property is vacant. Such conditions may include, but are not limited to: significantly below-standard utility usage; overgrown and/or dead vegetation; an accumulation of newspapers, circulars, flyers and/or mail; an accumulation of trash, junk, and/or debris; broken or boarded up windows; the presence of abandoned vehicles, auto parts or building 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.  
(Ord. 16-127. Passed 10-13-16.)

### **1311.03 VACANT PROPERTY/BUILDING REGISTRATION.**

(a) The Owner shall register with the Zoning Inspector not later than 90 days after any building located in an area zoned for, or abutting an area zoned for, residential use in the Village becomes vacant. If the Owner does not so register, the Owner shall register not later than 30 days after being notified by the Zoning Inspector of the requirement to register based on evidence of vacancy.

(b) The registration shall be submitted on forms provided by the Zoning Inspector and shall include the following information supplied by the Owner:

- (1) The name(s) and address(es) of all Owners;
- (2) If the Owner does not reside in Geauga County or within 25 miles of the Middlefield Village municipal limits, the names and addresses of any and all third parties 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;
- (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 or numbers 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 paragraph (c) of this Section.

(c) The Owner shall submit a vacant building plan which must meet the approval of the Zoning Inspector. The plan, at a minimum, must contain information from one of the following two choices:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition. The demolition shall commence within 30 days of acceptance of the proposed demolition timeline and shall not exceed one year, and shall be in accordance with the Ohio Building Code; or
- (2) If the building is to be re-occupied, rehabilitation plan for the building and grounds. The rehabilitation described in the plan shall be completed within 12 months from the time the plan is approved by the Zoning Inspector, unless the Zoning Inspector grants an extension upon receipt of a written statement from the Owner detailing good cause and the reasons for the requested extension. Any repairs, improvements or alterations to the property must comply with all applicable zoning, housing, historic preservation, and building codes, and the property must be secured throughout the period of the rehabilitation.

(d) The Owner shall comply with all applicable laws and codes. The Owner shall notify the Zoning Inspector of any changes in the information contained in the 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 first receive the approval of the Zoning Inspector.

(e) The Owner and all subsequent Owners shall keep the building secured and safe and shall comply with all building, property maintenance and zoning regulations.

(f) If a vacant residential structure continues to remain vacant after transfer of ownership, the new Owner shall register or re-register the vacant building with the Zoning Inspector within 30 days of the transfer of ownership. The new Owner shall comply with the approved plan and timetable submitted by the previous Owner until any proposed changes are submitted to and approved by the Zoning Inspector.

(g) The failure of a new 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 new 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 Village shall be ground for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

(i) The Zoning Inspector shall include in the file any written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of the vacant building.

(j) The registration and all associated processes must be completed in their entirety annually for as long the property remains vacant.

(Ord. 16-127. Passed 10-13-16.)

#### **1311.04 ESCROW.**

Each demolition of a vacant building requires that the Owner deposit in escrow with the Village ten thousand dollars (\$10,000). If the amount to be paid into escrow cannot be paid in full, the Village will place a lien on the property for the full ten thousand dollar deposit amount. The Village will use these funds to complete the plans submitted by the Owner in the event that the Owner does not comply with the deadlines in the Owner's approved vacant building plan or, in the Village's discretion, to pay for demolition of the building. Any remaining escrow funds will be released upon completion of the work, minus any and all fees owed to the Village.

(Ord. 16-127. Passed 10-13-16.)

#### **1311.05 INSPECTIONS.**

The Zoning Inspector shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this Chapter. Upon the request of the Zoning Inspector, 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 Zoning Inspector, or his or her designee, in order to enable such inspection. The Zoning Inspector 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 Zoning Inspector a minimum of twice per year to ensure the compliance with the zoning and 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 and prior to an issuance of an Occupancy Permit as outlined in Section 1140.10 of the Zoning Code;

(Ord. 16-127. Passed 10-13-16.)

#### **1311.06 VACANT BUILDING FEES.**

A yearly Vacant Building Fee is hereby assessed to pay the Village's administrative costs for registering and processing the vacant building, the costs incurred by the Village in monitoring and inspecting the vacant building site, and all costs incurred by the Village performing any maintenance of the property necessary for the health, safety and welfare of the Village's residents.

- (a) Upon registration, the Owner of a vacant residential building shall pay a fee of two hundred dollars (\$200.00) for the first year the building remains vacant.
- (b) For every consecutive year that the building remains vacant, the yearly fee will be assessed at double the previous year's fee amount, with for a maximum yearly fee equaling the five-year fee of three thousand two hundred dollars (\$3,200). The fee for the sixth year and each year thereafter shall be three thousand two hundred dollars (\$3,200).
- (c) The first yearly fee shall be paid at the time the building is registered. The fees for subsequent years shall be due and payable on the anniversary of the building registration.
- (d) The Village shall deposit all yearly fees in a segregated account, and such fees shall be used solely to defer and reimburse the Village's costs in administering this Chapter, including any costs in maintaining or demolishing vacant properties that are not reimbursed by the Owner.
- (e) Unless exempted, the yearly fee shall be paid in full prior to the issuance of any zoning permits or the institution or resumption of any Village utility service..
- (f) 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. The Village may decline to transfer or activate Village utilities until all delinquent fees have been paid.
- (g) If, subsequent to the payment of the yearly fee, the building becomes occupied, and if the building then is no longer deemed vacant under the provisions of this Chapter, any yearly fees paid for that property and not expended by the Village shall be refunded to the Owner of the property within thirty days of a written request for such refund.
- (h) A late fee on any yearly fee that remains unpaid for more than 30 days after the date due is hereby assessed. The amount of the late fee shall be the amount of the unpaid yearly fee, up to a maximum late fee of one thousand dollars (\$1,000) per year.

(Ord. 16-127. Passed 10-13-16.)

#### **1311.07 EXEMPTIONS.**

(a) A residential building under active construction/renovation and having valid building and zoning permits 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 Zoning Inspector. This request shall include the names and addresses of all 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 realtor licensed by the State of Ohio shall be exempted for a period of 12 months from the start of vacancy, provided that the Owner submits proof to the Zoning Inspector 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 Zoning Inspector, who shall timely consider same. In determining whether a request for exemption should be granted, the Zoning Inspector shall consider the following: the applicant's prior record as it pertains to the Zoning Code and the Property Maintenance Code, any outstanding Geauga County Building Code violations; the amount of vacant property the applicant currently has within the Village; and the length of time that the building for which the exception is sought has been vacant.

(Ord. 16-127. Passed 10-13-16.)

#### **1311.08 APPEALS.**

Any Owner who is served a notice requiring a vacant property registration may, within ten calendar days of receipt of such notice, either apply for an exemption or appeal the findings of the Zoning Inspector to the Village Administrator. In considering the appeal, the Village Administrator may, but is not required to, consult with the Planning Commission.

(Ord. 16-127. Passed 10-13-16.)

#### **1311.99 PENALTY.**

Any person, firm or corporation or his/her/its agent who violates any provisions of this Chapter or who fails or refuses to obey a lawful order of the Zoning Inspector issued pursuant to this Chapter is guilty of a misdemeanor in the fourth degree for each offense. A separate offense shall be deemed committed each day during which a violation continues.

(Ord. 16-127. Passed 10-13-16.)

## **CODIFIED ORDINANCES OF MIDDLEFIELD**