

**ORDINANCE NO. 2018-6 (AMENDED)
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE SUPPLEMENTING THE BUILDING
AND HOUSING CODE OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDHURST BY
ENACTING NEW CHAPTER 1395 RELATING TO
NOTIFICATION OF VACANT BUILDINGS**

WHEREAS, recent studies have shown that there has been a drastic rise in vacant buildings in Cuyahoga County, Ohio; and

WHEREAS, vacant buildings are often an early warning signal that real property is in decline and is headed toward disrepair; and

WHEREAS, immediate notice of vacant buildings would enable the City of Lyndhurst and the public to monitor specific properties in an effort to address potential problems before the structure on the property becomes in disrepair and a potential nuisance; and

WHEREAS, the Legislative Committee of Council met on March 5, 2018, and recommended several changes to the draft Ordinance which are incorporated herein. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. The Building and Housing Code of the Codified Ordinances of the City of Lyndhurst be and is hereby supplemented by enacting Chapter 1395 as follows:

**CHAPTER 1395
VACANT BUILDINGS**

1395.01 APPLICABILITY.

This Chapter shall be applicable to all residential and commercial buildings located within the City.

1395.02 DEFINITIONS.

The following shall apply to this chapter:

- (a) "Building Commissioner" means the Chief Building Official of the City of Lyndhurst or his designee.
- (b) "Owner" means any person who alone or jointly or severally with others has the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of the owner and any purchaser or assignee under a certificate of sale pursuant to mortgage foreclosure. The term owner includes corporations and limited liability companies (whether chartered in Ohio or in another state), and partnerships and other unincorporated associations. Any individual owner, regardless of whether he shares ownership responsibility with other persons, and any general partner of a partnership and any officer of a corporation or limited liability company or unincorporated association, shall have direct and personable responsibility and liability for compliance with the provisions of this chapter.
- (c) "Vacant Building" means any structure that is unoccupied.

**1395.03 REGISTRATION OF VACANT BUILDINGS; COMPLIANCE
AND REQUIREMENTS.**

- (a) All buildings presently located within the City which are vacant, as defined in this Chapter, or which hereafter become vacant, shall be registered by the owner thereof with the Building Commissioner within thirty (30) days from the date of their last occupancy. The registration requirement of this Section shall not apply to vacant buildings in which an owner has listed the vacant building with a realtor to lease or sell, so long as the building is vacant for no longer than ninety (90) days from the date of the last occupancy.

(b) Registration shall be made on forms supplied by the Building Commissioner and shall include:

- (1) A description of the premises including address.
- (2) The names and addresses of the owners of the premises.
- (3) The names and addresses of the person or persons who shall be responsible for compliance with this Chapter.
- (4) The period of time for which the premises are anticipated to remain vacant.
- (5) A floor plan of each floor of the building.
- (6) A plan for conforming the premises to applicable minimum housing, health, fire and safety laws and regulations.
- (7) Such other information as the Building Commissioner may require.

(c) Upon a complaint of any person that a vacant building exists, or when any such vacant building comes to his attention, the Building Commissioner shall cause inspections to be made of the premises to determine the condition of such building and premises, and whether there exists any fire, safety or health hazards upon the premises. The Building Commissioner shall then provide notices to the owners thereof to comply with the provisions of this Chapter.

(d) As a minimum requirement, all vacant buildings as defined in this Chapter shall conform to the following requirements:

- (1) The interior of the building, including the garage area, shall be cleaned and free of debris; and
- (2) The interior and exterior of the building shall conform to all building code requirements; and
- (3) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed when necessary to avoid a nuisance; and
- (4) No junk cars shall be parked on the premises.

(e) All buildings found to be vacant as defined herein, that are also open and unsecured to trespass, shall additionally meet the following requirements, which shall require approval by the Lyndhurst Building Department:

- (1) All doors on the ground floor area, including basement and garage, shall be secured per the requirements of the Lyndhurst Building Department so as to prevent/discourage illegal entry.
- (2) All windows and doors shall be repaired, if necessary, and secured from within.
- (3) If the City is required to perform any of these tasks, the costs incurred therein by the City will become a lien on the real estate pursuant to the applicable provisions of the Ohio Revised Code, and will be collected as taxes are collected.

(f) The fee for each year or fraction thereof for which such vacant building units are registered shall be \$100.00 per building. The owner of any building that is required to be registered by this Chapter may, upon the showing of financial hardship, have the payment of registration fees waived or deferred by the Mayor upon recommendation by the Building Commissioner.

(g) The registration fee shall not apply to any vacant building in which an owner is seeking to lease or sell the vacant building, so long as the building is vacant for no longer than ninety (90) days from the date of the last occupancy.

(h) No registration shall be assignable. If the names or addresses of any of the person required as a part of the registration statement change, a new registration statement shall be properly made within ten (10) days from the date of such change in the same manner and form as herein prescribed.

1395.04 NO ABROGATION OF OTHER PROVISIONS.

This Chapter does not in any manner abrogate the other provisions of the Building and Housing Code of the City pertaining to the abatement of public nuisances or unsafe buildings.

1395.99 PENALTY.

(a) No person shall own a vacant building as defined in this Chapter unless the building is registered with the Building Commissioner in accordance with the requirements of this Chapter.

(b) A notification letter will be sent informing the owners of registration requirements. Failure to make registration within fifteen (15) business days from the date of notice shall result in the assessment of a \$50.00 penalty per unit.

(c) Failure to make registration within fifteen to thirty (15-30) business days from the date of notice shall result in the assessment of a \$100.00 penalty per unit.

(d) Failure to make registration within thirty to sixty (30-60) business days from the date of notice shall result in the assessment of a \$200.00 penalty per unit.

SECTION 2. All prior legislation inconsistent herewith in whole or in part is repealed to the extent necessary to avoid conflict with this legislation.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

PASSED: March 19, 2018

MAYOR

VICE MAYOR

ATTEST: _____

Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on March 29, 2018 and April 5, 2018.

Clerk of Council

First Reading: February 5, 2018

Second Reading: February 19, 2018

Third Reading: March 5, 2018