

VILLAGE OF TIMBERLAKE

ORDINANCE NO. 29-2021

AN ORDINANCE ENACTING CHAPTER 1463 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF TIMBERLAKE, OHIO, PERTAINING TO THE REGULATION OF VACANT STRUCTURES WITHIN THE VILLAGE OF TIMBERLAKE, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, Council has been advised of the need to enact legislation pertaining to the regulation of vacant structures within the Village; and

WHEREAS, Council has been advised, and finds, that the periodic inspection and regulation of “Vacant Structures” will contribute to a healthier and safer living environment for the residents of the Village; and

WHEREAS, Council finds, to provide for a safer and healthier living environment in the Village, that it is necessary to enact fair and reasonable standards and requirements relating to the above; and

WHEREAS, Council finds it to be in the best interest of the residents of the Village to enact same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TIMBERLAKE, COUNTY OF LAKE, AND STATE OF OHIO, AS FOLLOWS:

Section 1. That “Chapter 1463 – REGISTRATION OF VACANT STRUCTURES” of the Codified Ordinances of the Village of Timberlake, Ohio is hereby enacted to read as follows:

CHAPTER 1463 Registration of Vacant Structures

1463.01 Purpose.

1463.02 Definitions.

1463.03 Vacant Property/Structure Registration.

1463.04 Escrow.

1463.05 Inspections.

1463.06 Vacant Structure Fees.

1463.07 Exemptions.

1463.08 Appeals.

1463.99 Penalty.

1463.01 PURPOSE.

The purpose of this Chapter is to establish a program for identifying and registering vacant residential and commercial structures; to determine the responsibilities of owners of vacant structures and structures; and to speed the rehabilitation of the vacant structures. Shifting the cost of burden from the general citizenry to the owners of the blighted structures will be the result of this Chapter.

1463.02 DEFINITIONS.

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

(1) "Secured by other than normal" means a structure secured by means other than those used in the design of the structure.

(2) "Unoccupied" means structure that is not being used for the occupancy authorized by the owner.

(3) "Unsecured" means a structure or portion of a structure that is open to entry by unauthorized persons without the use of tools or ladders.

(4) "Vacant structure" means a structure (excluding government-owned structures) which is:

- A. Unoccupied and unsecured; or
- B. Unoccupied and secured by other than normal means; or
- C. Unoccupied and an unsafe structure as determined by the Mayor or his designee; or
- D. Unoccupied and having utilities disconnected; or
- E. Unoccupied and has housing or structure 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 code violation issued by the Mayor or his designee; or
- H. Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- I. Unoccupied and abandoned by the property owner.

(5) "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, 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.

1463.03 VACANT PROPERTY/STRUCTURE REGISTRATION.

(a) The owner shall register with the Mayor or his designee not later than ninety (90) days after any structure located in an area zoned for, or abutting an area zoned for, residential or commercial use in the Village becomes a vacant structure or not later than thirty (30) days of being notified by the Mayor or his designee 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 Mayor or his designee and shall include the following information supplied by the owner:

(1) The name and address of the owner or owners;

(2) If the owner does not reside in Lake County or within ten miles of the Village of Timberlake limits, the name and address of any third party who 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 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 structure;

(4) A telephone number where a responsible party can be reached at all times during business and non-business hours; and

(5) A vacant structure plan as described in division (c) of this section.

(c) The owner shall submit a vacant structure plan, which must meet the approval of the Mayor or his designee. The plan, at a minimum, must contain information from one of the following three choices:

(1) If the structure 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 does not exceed sixty (60) days in accordance with the Ohio Structure Code; or

(2) If the structure is to remain vacant, a plan for the ensuring the structure is secured as required by the Mayor or his designee, along with the procedure that will be used to maintain the

property, and a statement of the reasons why the structure will be left vacant (e.g., structure is for sale, etc.); or

(3) If the structure is to be returned to appropriate occupancy or use, a rehabilitation plan for the structure and grounds. The rehabilitation plan shall not exceed twelve (12) months from the time they obtain permits, unless the Mayor or his designee grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or structure codes, and the property must be secured during the rehabilitation.

(d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Mayor or his designee of any changes in information of their vacant structure registration within 30 days of the change. If the plan or timetable for the vacant structure is revised in any way, the revision(s) must be in writing and must meet the approval of the Mayor or his designee.

(e) The owner and subsequent owners shall keep the structure secured and safe and the structure and grounds properly maintained in accordance with all applicable Property Maintenance Codes.

(f) A new owner(s) shall register or re-register the vacant structure with the Property Maintenance Officer within thirty (30) days of any transfer of an ownership interest in the vacant structure if the structure 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 Structure Commissioner.

(g) The failure of the owner of the vacant structure to obtain a deed for the property or to file the deed with the Lake County Recorder shall not excuse the property owner from registering the property.

(h) Failure of the owner or any subsequent owners to maintain the structure and premises that result in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

(i) The Mayor or his designee 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 structure.

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

1463.04 ESCROW.

Each demolition of a vacant structure requires that the owner hold in escrow with the Village a deposit of ten thousand dollars (\$10,000) for a residential structure and seventy-five thousand dollars (\$75,000) for a commercial structure. If the amount to be set up in escrow cannot be paid in full, the Village will place a lien on the property for the amount previously specified. The Village will use these funds to complete the plans submitted by the owner if the owner does not comply with the deadlines as previously submitted in the owner's vacant structure plan. Escrow

funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign a form accepting responsibility for completing the demolition.

1463.05 INSPECTIONS.

The Mayor or his designee 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 Mayor or his designee, an owner may provide access to all interior portions of an unoccupied structure 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 the Mayor or his designee to enable such inspection. The Mayor or his designee 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 Mayor or his designee 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;
- (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 provided by law.
- (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 Mayor or his designee.

1463.06 VACANT STRUCTURE FEES.

The fees shall be reasonably related to the administrative costs for registering and processing the vacant structure owner registration form and for the costs incurred by the Village in monitoring the vacant structure site. The annually increased fee amounts shall be reasonably related to the costs incurred by the Village for demolition and hazard abatement of or repairs to vacant structures, as well as the continued normal administrative costs stated above.

- (a) The owner of a vacant residential structure shall pay an **annual fee of two hundred dollars (\$200.00) for the first year** the structure remains vacant. For every consecutive year that the structure remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the **five-year fee of three thousand two hundred dollars (\$3,200.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.**
- (b) The owner of a vacant commercial structure shall pay an annual fee of four hundred dollars (\$400.00) for the first year the structure remains vacant. For every consecutive year that the structure remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the **five-year fee of six thousand four hundred dollars (\$6,400) 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 structure is registered. If the fee is not paid, the owner shall be subject to prosecution as prescribed herein.

(d) The fee shall be paid in full prior to the issuance of any structure permits unless the property is granted an exemption. The fee shall be prorated, and a refund may be issued if the structure 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 prior to any transfer of an ownership interest in the vacant structure. 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), whichever is less.

1463.07 EXEMPTIONS.

(a) A structure under active construction/renovation and having a valid structure permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active structure permit.

(b) A structure 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 submits a request for exemption in writing to the Mayor or his designee. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the structure in an expedient manner, or the intent to demolish the structure.

(c) A structure 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 submits proof to the Mayor or his designee of such listing and for sale status.

(d) A structure that has been granted an exemption pursuant to the following. Any owner of a vacant structure may request an exemption from the provisions of this Chapter by filing a written application with the Structure Commissioner who shall timely consider same. In determining whether a request for exemption should be granted, the Director shall consider the following: the applicant's prior record as it pertains to Village Zoning Code or Property Maintenance Code violations; the amount of vacant property the applicant currently has within the Village; and the length of time that the structure for which the exception is sought has been vacant.

1463.08 APPEALS.

(a) Any owner who is served a notice of vacant property registration may, within 14 calendar days of receipt of such notice, apply for an exemption as set forth in Section 1463.07 herein.

(b) Any person adversely affected by a decision of any Village official made in the enforcement of this chapter or any ordinance for which the Board of Building Code Appeals is designated as the Board of Appeals, shall have the right to appeal to the Planning and Zoning Commission from

such decision. Such appeal must be filed in writing and upon forms provided by the Commission. The time and place of the appeal hearing shall be fixed by the Commission. The Commission shall have the power to approve, amend, modify or reverse any decision of such Village official. The decision of the Commission shall be final.

The provisions of Chapter 1201 of the Planning and Zoning Code, establishing the Planning and Zoning Commission, shall also be applicable, to the extent that such provisions are not in conflict with the provisions of this section.

1463.99 PENALTY.


Any person violating any provision of the Vacant Structure Registry or providing false information to the Structure Commissioner shall be punished as provided by Law.

Section 2.

It is found and determined that all actions of Council concerning and relating to the adoption of this Ordinance were so adopted in meetings open to the public and Council and its committees acted in full compliance with Section 121.22 of the Ohio Revised Code.

Section 3.

This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public peace, property, health and safety of the citizens of the Village of Timberlake, and therefore, provided that the Ordinance receives the requisite vote, it shall take effect and be in force after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



Mayor John Marra

Adopted: December 21, 2021

Attest: _____
Joanne Clapp, Fiscal Officer