

**VILLAGE OF CHAUNCEY
STATE OF OHIO
ORDINANCE –2025-02**

**An Ordinance to Provide for Vacant Building Registration and Repealing
Ordinance 2023-8**

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Whereas, the Council of the Village of Chauncey finds and determines that the orderly and uniform regulation of vacant properties is in the best interest of the residents and businesses of the Village; and

Whereas, the Council finds reducing the number of vacant buildings is critical to reducing crime, fire, and delayed development of the community; and

Whereas, in the interest of protecting the public fisc and avoiding unnecessary costs to the public treasury it is important to implement a system of regulations that ensure property owners bear the costs of keeping their property in proper and well-kept condition; and

Whereas, the Council finds the vacant property regulations need to be updated and adjusted to provide for an enlarged and more convenient renewal process and timeframe,

THEREFORE, BE IT ORDAINED by the Council of the Village of Chauncey, State of Ohio:

1 PURPOSE

The purpose of this ordinance is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners; and to facilitate and encourage and incentivize the rehabilitation of vacant buildings.. Shifting the cost of burden from the general citizenry to the owners of the blighted buildings will be the result of this ordinance.

2 DEFINITIONS

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

(a) "Owner." Any person, in whose name the property is titled, and any person, agent, servicing company, firm, third party, financial institution or bank that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or 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 the occupancy 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 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 Village Code Inspector; or

(4) Unoccupied and having utilities disconnected; or

(5) Unoccupied and has housing or building code violations; or

(6) Illegally occupied, which shall include loitering and vagrancy; or

(7) Unoccupied for a period of time over 180 days and having an existing code violation issued by Village Code Inspector; or

(8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or

(9) Unoccupied and abandoned by the property owner.

(f) "Evidence of vacancy." 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.

3 VACANT BUILDING REGISTRATION

(a) The owner shall register with the Village of Chauncey not later than 180 days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the City becomes a vacant building or not later than 30 days of being notified by the Village of Chauncey 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 Village of Chauncey and shall include the following information supplied by the owner:

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

(2) 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 building;

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

(c) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Code Inspector of any changes in information of their 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 meet the approval of the Code Inspector.

(d) A written plan by the owner and subsequent owners or banks/agents to keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable codes, including smoke alarms, lighting, and secured entryways. As well as a plan if the building is to be reoccupied or demolished.

(e) A new owner(s) shall register or re-register the vacant building with the Code Inspector within 180 days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. If fees were paid upon or prior to the transfer of an ownership interest, the new owner(s) will not be required to pay for re- registering the property until such time that the registration fee is due based on the original date of vacancy. This does not mean they do not have to register within 180 days as specified above.

(f) The failure of the 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 property owner from registering the property.

(g) Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be subject to any applicable penalties provided by the law.

(h) The Code Inspector 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.

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

4 DEMOLITION

Each demolition of a building requires that the owner receives a demolition permit according to Ordinance 2021-5 or other applicable Ordinances or regulations duly adopted by Council from time to time.

5 INSPECTIONS

The Village of Chauncey Code Inspector may 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 Code 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 Code Inspector or their designee in order to enable such inspection. The Code 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 Code Inspector a minimum of twice per year to ensure the compliance of any related codes;

(b) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of the Code Inspector.

6 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 Village in monitoring the vacant building 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 buildings, as well as the continued normal administrative costs stated above.

(a) The owner of a vacant residential building shall pay an annual fee of one hundred dollars (\$100.00) for the first year the building remains vacant. For every consecutive year that the building 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 one thousand six hundred dollars (\$1,600) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(b) The owner of a vacant commercial 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 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) 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, the owner shall be subject to late fees, and then prosecution. Any subsequent annual fee shall be paid on or before January 31 of the applicable calendar year.

(d) The fee shall be paid in full 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 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 building. A hold may be placed on the transfer or activation of utilities (water) until all delinquent fees have been paid.

(f) Late fees shall be paid in addition to the annual registration fee and will be equal to one-fourth of the annual fee. Fees incurred prior to the modification above will be assessed under the ordinance at the time they were reviewed.

7 EXEMPTIONS.

(a) A building under active construction/renovation and having a valid zoning certificate shall be exempt from registration until the expiration of the longest running, currently active zoning certificate.

(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 Code Inspector. This request shall include the names and addresses of the owner or 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 licensed State of Ohio realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner or owner's representative submits proof to the Code Inspector of such listing and for sale status.

(d) A building that has been granted an exemption pursuant to the following. Any owner of a vacant building may request an exemption from the provisions of this chapter by filing a written application with the Code Inspector who shall timely consider the same. In determining whether a request for exemption should be granted, the Code Inspector shall consider the following: the applicant's prior record as it pertains to Village Zoning 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.

(e) Any building or structure acquired by the Athens County Land Bank for the purpose of demolition or rehabilitation shall be exempt from registration and any fees set forth in this chapter.

8 APPEALS

Any owner who is served a notice of vacant property registration may, within ten calendar days of receipt of such notice, apply for an exemption or appeal the findings of the Code Inspector with the Village of Chauncey Board of Zoning Appeals.

9 PENALTY

Any owner violating any provision of the Vacant Building Registration Ordinance shall be penalized according to Section 13 of the Village of Chauncey Zoning Code.

10 Ordinance Repealed

Ordinance 2023-8 is hereby repealed and abolished.

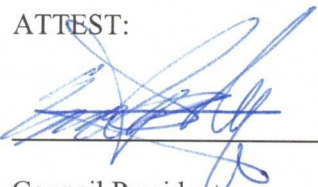
11. Emergency

It is the purpose of this Ordinance to continue without interruption the regulation of vacant buildings within the Village of Chauncey and to provide additional time until January 31 for permits to be applied for and to avoid applicants incurring unnecessary late fees and therefore this Resolution is deemed an emergency measure necessary to protect the safety, health and welfare of the Village residents and shall take effect immediately upon passage.

This Resolution is passed on suspension of the three readings requirement set forth in ORC 731.17 by vote of three-fourths of Council members, and shall take effect immediately upon passage.

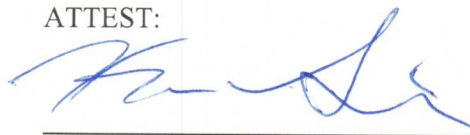
ORDAINED this 9th day of January, 2025.

ATTEST:



Council President

ATTEST:



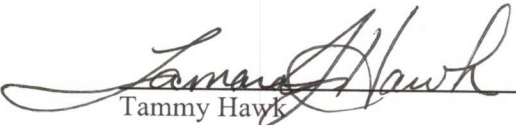
Kevin Simons
Fiscal Officer

APPROVED AS TO FORM:



Jonathan Robe
Solicitor

ACKNOWLEDGED:



Tammy Hawk
Mayor

First Reading: _____

Second Reading: _____

Third Reading: _____

CERTIFICATION OF FISCAL OFFICER AS TO
POSTING OF ORDINANCE

The foregoing is a true copy of the original Ordinance No. 2025-2.

Publication of this ORDINANCE was made by posting a copy on the Village's website at <https://villageofchauncey.com/> and the Village's social media page at <https://www.facebook.com/VillageofChauncey> on _____.

Publication of this ORDINANCE was also made by posting this copy at five public locations within the Village as follows:

Location

Date Posted:

Village Hall

Chauncey Marathon

Cee Dee

Post Office

Library

ATTEST:

Date: _____

Kevin Simons
Fiscal Officer