

**ORDINANCE NO: 12 – 1074**

**AN ORDINANCE TO ENACT CHAPTER 1319 OF THE RUSSELLS POINT CODIFIED ORDINANCES TO REQUIRE REGISTRATION OF ABANDONED PROPERTIES IN THE VILLAGE OF RUSSELLS POINT, OHIO**

**WHEREAS**, the Village Code Enforcement Officer has recommended that a registration program be established for all current and future vacant/abandoned residential properties throughout the Village;

**WHEREAS**, this program is being established to develop a mechanism to protect the residential neighborhoods from becoming blighted through lack of adequate maintenance and security of abandoned properties;

**WHEREAS**, the Village’s Property Maintenance Code includes the establishment of minimum standards to govern the condition, maintenance and rehabilitation of all existing structures; and

**WHEREAS**, the Village’s Property Maintenance Code also fixes certain responsibilities and duties of owners and occupants of structures; and

**WHEREAS**, requiring registration of abandoned properties within the Village will allow the Village to better monitor and address said properties and assist in enforcement of the Village’s Property Maintenance Code.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of Russells Point, Ohio:

**SECTION I:** That Chapter 1319 of the Codified Ordinances of the Village of Russells Point, Ohio is hereby enacted as follows:

**CHAPTER 1319  
REGISTRATION OF ABANDONED PROPERTIES**

- 1319.01 Purpose/scope.**
- 1319.02 Definitions.**
- 1319.03 Registration Requirements.**
- 1319.04 Inspection Requirements**
- 1319.05 Maintenance Requirements.**
- 1319.06 Security Requirements.**
- 1319.07 Additional Authority.**
- 1319.08 Appeals**
- 1319.99 Penalty.**

**§1319.01 PURPOSE/SCOPE.**

The purpose of this chapter is to establish an abandoned properties program as a tool to protect and preserve our neighborhoods from becoming blighted through the lack of adequate maintenance and security concerns at abandoned structures. The Village of Russells Point believes the presence of abandoned properties can lead to neighborhood decline, create public

nuisances, contribute to lower property values, and discourage potential buyers from purchasing a home in neighborhoods with abandoned properties.

**§1319.02 DEFINITIONS.**

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

(a) "Abandoned" means a property that is vacant and is under a current notice of default with any foreclosing entity and/or notice of trustee's sale, is subject to a current foreclosing action, a finding of foreclosure has been issued relative to the property, properties that have been the subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, is pending tax assessor's lien sale, has been sold at a sheriff sale, is owned by a foreclosing entity, or has been transferred via a deed in lieu of foreclosure.

(b) "Accessible property" means a property that is accessible through a compromised or breached gate, fence, wall, or other opening proving access.

(c) "Accessible structure" means a house, building or other structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

(d) "Boarding" means a method of securing an opening to prevent entry.

(e) "Buyer" means any person, partnership, co-partnership, association, corporation, fiduciary or other entity that agrees to transfer anything of value in consideration for property.

(f) "Deed in lieu of foreclosure" means a recorded document that transfers ownership of a property from the mortgagor to the mortgagee.

(g) "Default" means the failure to fulfill a contractual obligation, whether monetary or conditional.

(h) "Distressed" means a property that is the subject of a pending foreclosure suit, has been foreclosed upon by the foreclosing entity, is set for sheriff's sale, has been sold at a sheriff's sale or has been conveyed to the mortgagee via a deed in lieu of foreclosure.

(i) "Evidence of vacancy" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnection of utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishing or personal items, statements based on observations by neighbors, passersby, delivery agents or government employees that the property is vacant.

(j) "Foreclosing entity" means an entity holding a note secured by a mortgage, an entity holding a lien recorded with Logan County Recorder's Office, a non-government entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff's sale, a government entity that accepts property as a result of a government insured mortgage or loan.

(k) "Foreclosure" means the process by which a foreclosing entity seeks a decree of foreclosure from the Logan County Common Pleas Court.

(l) "Mortgage" means an agreement between a mortgagor and a mortgagee by which a mortgagee retains an interest in real estate title as collateral for a loan. This definition applies to any and all subsequent mortgages, i.e., second mortgage, third mortgage, etc.

(m) "Mortgagee" means the person, partnership, co-partnership, association, corporation, lender, fiduciary or any other entity holding a mortgage on a property.

(n) "Mortgagor" means a borrower under a mortgage.

(o) "Out of Area Foreclosing Entity" means a foreclosing entity that has its principal place of business located beyond 50 miles of the Village Corporation Limits.

(p) "Owner" any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(q) "Property" means any unimproved or improved real property or portion thereof, situated in the Village including any house, building or other structures that may be located on the property regardless of condition.

(r) "Securing" means such measures as may be directed by the Village Code Enforcement Officer that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repair or replacement of doors, windows, or other openings.

(s) "Vacant" means a house, building or other structure shall be deemed to be vacant if no person or persons actually or currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s).

### **§1319.03 REGISTRATION REQUIREMENTS.**

For any abandoned real property located within the Village of Russells Point, any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff Sale, or accepts property as result of a government insured mortgage or loan, shall register the abandoned property with the Village Code Enforcement Officer within ten days after property becomes vacant.,

(a) The foreclosing entity shall pay a registration fee of one hundred dollars (\$100.00). If the foreclosing entity is a government agency, the registration fee shall be waived.

(b) It is the responsibility of the foreclosing entity making the initial application for registration and any subsequent applications for registration to provide the following required information:

(1) The name of the foreclosing entity.

(2) The direct mailing address of the foreclosing entity, excluding P.O. boxes.

(3) The statutory agent, address, telephone number and email address for the foreclosing entity.

(4) A foreclosing entity that is a corporation or an out of area foreclosing entity shall provide the name, mailing address of a local property management company (excluding P.O. boxes), telephone number and email address of the person responsible for the security, maintenance and marketing of the said property.

(c) Registration shall remain valid for twelve months. Should the property remain vacant upon expiration of the initial registration, the foreclosing entity shall complete another application to register the property as an abandoned property and pay an additional fifty dollars (\$50.00) registration fee.

(d) Any person, firm, partnership, co-partnership, association, fiduciary, beneficiary, lender, corporation or any legal entity that has registered a property under this chapter must report any change in registration information required by this chapter, within ten days of the change.

(e) If an abandoned property is identified and found not to be registered with the Village of Russells Point, orders will be issued to the foreclosing entity giving ten days to register with the Village Code Enforcement Officer.

(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.

#### **§1319.04 INSPECTION REQUIREMENTS.**

At the time of registration an exterior property maintenance inspection shall be scheduled with the Village Code Enforcement Officer to be conducted within twenty business days from date of registration. Orders to correct shall be issued for any found property maintenance violations.

#### **§1319.05 MAINTENANCE REQUIREMENTS FOR FORECLOSING ENTITIES.**

While abandoned properties are required to be registered with the Village of Russells Point pursuant to this Chapter, such properties are required to be maintained in accordance with the Village of Russells Point Codified Ordinances including but not limited to:

(a) Being kept free of grass and weeds in excess of twelve inches in height, trash, junk, debris, building materials, any accumulation of newspapers, discarded personal items, indoor furniture, appliances or any other items that give the appearance that the property is abandoned.

(b) Maintained free of graffiti, tagging or similar markings by removing or painting over.

(c) Pools, spas and decorative ponds shall be maintained in a sanitary condition and in accordance with the Codified Ordinances of the Village.

#### **§1319.06 SECURITY REQUIREMENTS FOR FORECLOSING ENTITIES.**

While abandoned properties are required to be registered with the Village of Russells Point pursuant to this Chapter, such properties are required to be maintained in a secure manner so as not to be accessible to any unauthorized persons. Secure manner includes but is not limited to:

(a) Closure and locking of windows, doors, gates and any other opening that may allow access to the interior of the property and/or structure(s).

(b) In the case of damaged or broken windows, doors and other openings, they must be repaired or properly boarded to meet the boarding specifications of this Chapter, to prevent entry by unauthorized persons.

(c) Minimum specifications for properly boarding an unsecured opening shall be as followed:

(1) Boarding sheet material shall consist of plywood or OSB with a minimum thickness of half (1/2) inch.

(2) The boarding sheet material shall be cut to fit the opening neatly or shall be cut to provide an equal overlap at the perimeter of the opening

(3) Boarding sheet material shall be painted to match primary color of structure.

**§1319.07 ADDITIONAL AUTHORITY.**

In addition to the specific enforcement remedies established in this Chapter, the Village Code Enforcement Officer shall have the authority to require the foreclosing entity or owner of any property affected by this Chapter to implement additional maintenance and/or security measures including but not limited to securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

**§1319.08 APPEALS.**

Any person aggrieved by any of the requirements of this Chapter may appeal to the Board of Zoning Appeals insofar as such appeal is allowed under Chapter 1157 of the Village of Russells Point Codified Ordinances.

**§1319.99 PENALTY.**

Violation of the provisions of this Chapter shall constitute a minor misdemeanor. Any person who violates this Chapter shall upon conviction thereof be fined not more than one hundred fifty dollars (\$150.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.

**SECTION II:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

**SECTION III:** That this ordinance shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

\_\_\_\_\_  
Dave Leonard  
President Pro Tem of Council

\_\_\_\_\_  
Robin Reames  
Mayor

Attested: \_\_\_\_\_  
Jeff Weidner  
Fiscal Officer

Approved as to Form:  
Robert N. Eshenbaugh Jr.  
Village Solicitor