

1st - 7/9/18 - 2nd - 8-6-18 - 3rd - 9-4-18
passed - 5-0

CITY OF NORTH COLLEGE HILL

ORDINANCE NO. 17-2018

AN ORDINANCE AMENDING SECTIONS 1359.05, 1359.06 AND 1359.07 OF THE
CODIFIED ORDINANCES OF THE CITY OF NORTH COLLEGE HILL

WHEREAS, North College Hill City Council has recognized the need to preserve and promote the quality of existing housing and to provide for safe and sanitary housing conditions for Residential Tenants. To that end, on the 7th day of December, 2009, the Council adopted Ordinance 19-2009, enacting Chapter 1359 of the Codified Ordinances of the City of North College Hill.

WHEREAS, Council desires to amend certain provisions of said Ordinance in order to align the fees and fines to better reflect the costs to the City of administering the registration program and related costs.

NOW THEREFORE, be it ordained by the City of North College Hill as Follows:

SECTION I

Sections 1359.05, 1359.06 and 1359.07 of the Codified Ordinances of the City of North College Hill are hereby amended as follows:

1359.05 FEE.

The fee for Residential Rental Registration shall be payable upon submission of the Registration. The amount of the fee for registration shall be ~~ten dollars (10.00)~~ fifty dollars (50.00) per property per year. All payments are due by January 30th of the calendar year in which the registration is submitted, or thirty days after transfer of ownership.

1359.06 PENALTY FINES

(a) The fine for ~~f~~Failure to register within the required time shall be result in the imposition of an administrative penalty of one hundred and fifty dollars (\$150.00) ~~fifty dollars (\$50.00)~~ per property, with an additional ~~fifty dollars (\$50.00)~~ fine every thirty (30) days that the property remains in violation, and is subject to a separate administrative penalty of one hundred and fifty dollars (\$150.00) for each day that the subject property is not in compliance with this Chapter.

(b) Any person, who fails to register property within the required time, may be prosecuted within the limits as provided herein. Whoever is convicted of or pleads guilty to a violation of this ordinance shall be guilty of a minor misdemeanor.

(c) Whoever is convicted of or pleads guilty to a third violation of this ordinance which occurs within one year of a previous violation shall be guilty of a misdemeanor of the fourth degree.

(d) Whoever is convicted of or pleads guilty to a fifth violation of this ordinance which occurs within one year of a previous violation shall be guilty of a misdemeanor of the third degree.

CITY OF NORTH COLLEGE HILL

Ordinance Resolution
ORDINANCE NO. *47-2017*
~~47-17~~

AN Ordinance
~~RESOLUTION~~ MODIFYING CHAPTER 1195 OF THE CODIFIED ORDINANCES
OF THE CITY OF NORTH COLLEGE HILL RELATED TO VACANT AND
FORECLOSED PROPERTIES.

WHEREAS, the City of North College Hill is charged with protecting the health and safety of its citizens; and

WHEREAS, the City further desires to enhance the lives of its citizens by providing for the orderly maintenance and upkeep of the various buildings and structures within the City; and

WHEREAS, the City desires to protect the health and safety of its citizens as well as protecting property values by regulating vacant buildings.

NOW THEREFORE, be it Ordained by the City of North College Hill as Follows:

SECTION I

Chapter 1195 of the Codified Ordinances of the City of North College Hill is hereby enacted as follows:

Chapter 1195 VACANT/FORECLOSED PROPERTY REGISTRATION

§ 1195.30 FINDINGS

(A) Whereas it is hereby found and determined that insufficient vacant property guidelines, can pose a danger to the public health, safety and welfare of families and communities. Several studies have determined that vacant and foreclosed properties can quickly become blighted properties. Moreover, vacant and foreclosed properties are at greater risk of becoming abandoned properties than other properties in the City. Locating the person in control of the property or responsible for the care and maintenance of the property is often an impossible task, mired in disputes between the mortgagee, mortgagor, servicer and sub servicer. Accordingly, citations and invoices for property maintenance are routinely ignored at these properties which place these properties at increased risk for becoming unsecured, vandalized and hazardous. These properties are also responsible for thousands of dollars of unpaid invoices due to the City of North College Hill for ~~maintain~~ these properties.

maintaining

(B) The purpose of this ordinance is to ensure that vacant and foreclosed properties are protected and maintained and the city officials are alerted to the location of these vulnerable properties in a timely manner. This ordinance is enacted in order to address the problem of blighted properties that are a direct result of vacant and foreclosed properties and that pose a threat to the public health, safety and welfare.

§ 1195.31 DEFINITIONS

(A) Vacant Property - Any vacant building not involved in a foreclosure; any vacant building that is in a standard condition; a vacant building that is in a substandard condition, but is

suitable for rehabilitation; or a building that has been vacant for more than one hundred and twenty days.

- (B) Foreclosed Property - Any property that is involved in a procedure by which a party who has loaned money secured by a mortgage or deed of trust on real property (or has an unpaid judgement), forces the sale of the real property to recover the money due, unpaid interest, plus the cost of foreclosure, after the debtor fails to make payment.
- (C) 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 hold title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and executor or administrator of the estate of such person if ordered to take possession of real property by a court.

§ 1195.32 POINT OF SALE INSPECTION ON VACANT AND FORECLOSED PROPERTIES

- (A) Point of sale inspections are hereby authorized on all properties that are subject to vacant, foreclosed property registration. Mortgagees and property owners shall arrange to have all properties subject to the requirements of this Ordinance inspected by the code official within five days of filing for the property to be sold. If the mortgagees or property owner fails to arrange an inspection, the property shall be inspected by the code official prior to the property being sold at a judicial sale or pursuant to a search warrant issued by a court of competent jurisdiction.
- (B) If as a result of the above inspection, the code official determines that health code violations, property maintenance code violations, hazards or structural defects exist on the property; the code official shall notify the City Administration of the conditions. The City Administration shall provide written notice via certified mail to the mortgagee or the mortgagee's agent listed on the vacant foreclosed registration form, the owner of record and any equitable lien holders, informing the parties of the following:
 - (1). The need to repair and correct the violations, hazards or structural defects prior to judicial sale:
 - (2). If the property is not brought into compliance within thirty days of the issuance of the notice of violation, the code official may correct or repair some or all of the violations:
 - (3). If the code official corrects or repairs some or all of the violations, the City Administration shall promptly place a priority lien on the property for the total cost of abating the violations. The City Administration shall collect the priority lien from the proceeds of the judicial sale of the property, or upon subsequent sale of the property, or by methods provided in ORC 715.261. When notice is given as provided for in the section, the lien shall be a priority over liens of prior record and the lien will be effective on the date the City incurs the cost of the repairs.

(C) Property subject to the requirements of this Ordinance shall not be re-occupied without a Certificate of Occupancy from the North College Hill Building Department. The cost of the Certificate Occupancy is included in the annual registration fee stated below.

§ 1195.33 Appeal

(A) An appeal may be taken to the North College Hill Board of Zoning Appeals by any persons aggrieved by any order, requirement or decision made by the North College Hill Building Department. The request for an appeal must be submitted by the party aggrieved by the action of written notice of violations. The appeal will be heard by the ~~City Council~~ and decision will be given within thirty days. An appeal to the Board of Zoning Appeals shall stay all proceedings in the furtherance of action appealed from

20 days

Bd of zoning appeals

§ 1195.34 FEES

(A) Mortgagees shall pay any required fees until the foreclosure is dismissed or until the property is transferred to a third part. The fees for various requirements are as follows

1. Initial registration fee- \$500.00
2. Annual registration fee \$500.00

The fee is non-refundable and cannot be prorated.

§ 1195.35 MAINTENANCE OBLIGATIONS OR MORTGAGEES

(A) During the period that the property is registered, the owner shall have the obligations set forth in this section.

1. All vacant foreclosed property registrations and re-registration forms shall be accompanied by a bond to the City of North College Hill, approved as to form by the Law Director in the penal sum of \$10,000, with surety or collateral security approved by the City Administrator conditioned upon the due observance during the term of the registration of all laws, ordinances, rules and regulations which are now in force or may hereafter be adopted by duly constituted authorities applicable to vacant foreclosed property registrations
2. Vacant and foreclosed property shall be maintained free of all outward appearances of foreclosure and vacancy during the registration period including;
 - (a) No signs or placards on the exterior of the building or in the windows indicating that the property is vacant.
 - (b) Grass shall be no higher than ~~seven~~ ^{eight} inches at any time and all weeds shall be removed.
 - (c) The premises shall remain secured and locked. Broken windows and doors which ~~are~~ ⁱⁿ visible from the right-of-way may be covered with plywood. *ORC 2308*

not

as stated

in Chapter

§1195.36 REGISTRATION OF VACANT PROPERTY

(A) Within ten days the owner of any property within the City of North College Hill that falls within the definition of a vacant building as defined in this ordinance, shall submit a vacant property registration form for the property to the City of North College Hill Building Department.

(B) The vacant property registration form shall contain the following information;

1. Description of the property, including, but not limited to the street address and parcel number.
2. The name, street address and phone number of the authorized agent for court proceeding or administrative enforcement proceeding on behalf of the mortgagee.
3. On an annual basis the property owner shall pay the initial registration fee listed in this ordinance.
4. The property owner shall notify the Building Department within ten days of a change of information on the foreclosed property registration form. The property owner shall also be responsible to notify the Building Department in writing when the property is transferred to a bona fide owner-occupant or an unaffiliated third party, the property is reoccupied or the property is sold, so the property may be removed from the registry.

§ 1195.37 REGISTRATION OF FORECLOSED PROPERTY

(A) Within ten days of filing a foreclosure on property located within the City of North College Hill that is vacant at the time of filing, the owner shall submit a vacant foreclosed property registration for the property to the City of North College Hill Building Department.

(B) The vacant foreclosed property registration form shall contain the following information:

1. Description of the property, including, but not limited to the street address and parcel number.
2. The name, street address and phone number of the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of the mortgagee.
3. On an annual basis the property owner shall pay the initial registration fee listed in this ordinance.

4. The mortgagee shall notify the Building Department within ten days of a change of information on the foreclosed property registration form. The mortgagee shall also be responsible to notify the Building Department in writing when the property is transferred to a bona fide owner-occupant or an unaffiliated third party, the property is reoccupied or the property is sold, so the property may be removed from the registry.

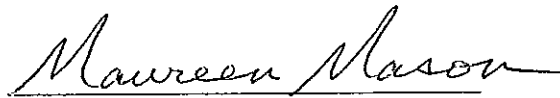
§1195.99 Penalties

- (A) Whoever violates any provision of the chapter is guilty of a misdemeanor of the fourth degree. Each day that any person continues to violate any provisions of this chapter shall constitute a separate offense.
- (B) Registration fees, not paid by the owner/mortgagee shall be charged against the real estate upon which structure is located and shall be a lien upon such property. The amount charged will include the registration fee and a \$100.00 administration fee.

SECTION II

It is found and determined that all formal actions of this Council concerning or related to the adoption of this Ordinance were adopted in an open meeting of this Council, and all deliberations of this Council and any of its committees, if any, that resulted in such formal actions were adopted in meetings open to the public, in compliance with all applicable legal requirements of the Ohio Revised Code.

Dated: 20 November, 2017.


Maureen Mason, Mayor

ATTEST:


Clerk of Council

CERTIFICATION

I, LYNDA C STROMAN, as Clerk of the Council of the City of North College Hill, Ohio, hereby certify that a true and exact copy of Ordinance No. 17-17 was passed by the Council of the City of North College Hill, Ohio at its regular meeting held on the 20 day of NOV, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of North College Hill, Hamilton County, Ohio this 20 day of November, 2017.

Anola C. Stagnan
Clerk of Council

As prepared by: William M. Deters, II, Law Director

THIS IS TO CERTIFY THAT A TRUE COPY OF
ORDINANCE OR RESOLUTION NO. 17-2017
HAS BEEN POSTED AT FIVE CONSPICUOUS
PLACES IN THE CITY OF NORTH COLLEGE
HILL OHIO AS FOLLOWS:

CITY CENTER	1500 E. GALBRAITH RD.
FIFTH THIRD BANK	6600 HAMILTON AVE.
GREATER CINCINNATI SCHOOL	
EMPLOYEES CREDIT UNION	5828 HAMILTON AVE.
UNION SAVINGS BANK	6701 HAMILTON AVE.

EACH FOR A PERIOD OF FIFTEEN DAYS COMMENCING

Anola C. Stagnan
CLERK OF COUNCIL

CONFIRMATION

CITY OF NORTH COLLEGE HILL
1500 W GALBRAITH RD
CINCINNATI OH 45231-

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>PO#</u>	<u>Payment Amount</u>	<u>Amount Due</u>
CIN-646860	0002261152	\$46.16	\$0.00	\$46.16	Invoice		\$0.00	\$46.16

Sales Rep: evandyke

Order Taker: evandyke

Order Created 07/06/2017

<u>Product</u>	<u>Placement/Classification</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
CIN-CP North West Market	CIN-Public/Legal Notices	1	07/12/2017	07/12/2017
CIN-EN Cincinnati.com	CINW-Publi/Legal Notices	1	07/12/2017	07/12/2017

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 07/06/2017

**PUBLIC HEARING
NOTICE**

Notice of Public Hearing On July 25TH, 2017 5:30 PM to 7:00 PM. In the North College Hill Senior Center located at 1586 Goodman Ave. The purpose of the hearing is to consider a recommendation from the city of north college hill planning commission to require registration of rental property and vacant/foreclosed property. Currently there is required rental registration however the recommendation made from planning commission will amend the current code requirements leading to a more extensive registration process.
HT, Jul12, '17#2261152

PUBLIC HEARING NOTICE

The City of North College City Council will be holding a Public Hearing on July 3 2017 at 6:30 in The City Council Chambers, located at 1500 W. Galbraith Rd. The purpose of the Hearing is to consider a recommendation from the City of North College Hill Planning Commission, to require registration of Rental Property and Vacant/Foreclosed Property