

# RECORD OF ORDINANCES

Ordinance No. 23-12

Passed April 23, 2012

3/20/12-han  
(Housing Review)

## Ordinance No. 23-12

An ordinance amending PART 17 – HOUSING CODE of the Codified Ordinances of the City of North Canton, to include Chapter 1703 – Registration of Vacant Buildings and Certificates of Occupancy for Vacant Buildings.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK STATE OF OHIO:

Section 1. That PART 17 – HOUSING CODE of the Codified Ordinances of the City of North Canton, be, and is hereby amended to read as follows:

**"Chapter 1703. REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF OCCUPANCY FOR VACANT BUILDINGS.**

**1703.01 DEFINITIONS.**

For the purpose of this chapter, words and phrases shall have the following meanings:

(a) "Vacant building" shall be defined for the purposes of this section, as a building which is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful business operations or residential occupancy has ceased, or which is substantially devoid of content.

**1703.02 DUTIES OF OWNER.**

(a) The owner, lessee, or party in control of any vacant building, or a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building shall maintain the vacant building as follows:

- (1) Grass and weeds shall be kept at a maximum height of eight (8) (6) inches. Shrubbery must be kept trimmed and neat and kept from encroaching on or touching the building.
- (2) All building exteriors shall have adequate weather protection, including paint, siding, and or similar finishes in good condition.
- (3) All buildings and grounds must be secured against trespassers and rodents. This includes maintaining all exterior doors, windows and yard fencing in a good and secured condition. No boards, plywood or similar means or materials may be used to secure windows and doors. Doors, and/or windows that are deemed insecure shall be secured by their replacement with similar, new doors or window units equipped with locking hardware.
- (4) Roofs on all buildings shall be in good, weather tight condition with no leakage.
- (5) Any accumulated trash or debris must be removed from the property immediately.
- (6) Graffiti, tagging or similar markings must be immediately removed or painted over with an exterior grade paint that matches the exterior color of the structure.
- (7) Pools and spas shall be drained and kept dry. Properties with pools and spas must comply with the minimum security fencing requirements of the City.
- (8) Adherence to this section does not relieve the owner or agent in control of the property of any obligations set forth in any covenants, conditions, restrictions, homeowners' association rules and regulations and/or codified ordinances or building codes which may apply to the property.

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(b) Registration Required.

(1) The owner, agent, lessee, or party in control of any vacant building, or a mortgagee that has filed a foreclosure action that is currently pending regarding any vacant building shall register the building with the Superintendent of Permits & Inspections, and maintain the registration up to date.

(2) An application for registration of a vacant building shall include all of the following information on forms provided by the City:

A. The name of the owner, agent, lessee or party in control of the property and/or foreclosing entity submitting the registration application;

B. The direct mailing address of the applicant. P.O. boxes are not an acceptable address;

C. A contact name, telephone number and e-mail address for the applicant;

D. In the case of an applicant whose home or business address is located outside Stark County, the applicant shall provide the name and mailing address of a local property management company as well as the contact name, telephone number and e-mail address of the person responsible for the security, maintenance, and marketing of the property; and

E. The fee required by this section.

(3) Registration shall remain valid for twelve months from the date of issuance. The owner, agent, lessee or party in control, or mortgagee in foreclosure, shall renew the registration upon expiration for as long as the property remains vacant.

(4) The owner, agent, lessee, party in control, or mortgagee in foreclosure of any vacant building, shall inspect the property at least one time each month on the interior and exterior of the property to verify that the requirements of this section, the Codified Ordinances of the City, and any other applicable laws are being met. A written report of such inspections shall be provided to the City upon request.

(5) Fees: The annual fee for registering a vacant building shall be two hundred dollars (\$200.00).

(c) Exemptions. Waivers exempting compliance with the provisions of this chapter can be obtained in writing on a form provided by the City under the following circumstances as long as the property is kept in safe, secure, and habitable condition in the owner's absence:

(1) Fire damaged buildings provided clean up, repair or demolition is initiated within ninety days from the date of the fire.

(2) Residents on an extended vacation or in an alternative temporary living arrangement, with the intention of re-occupying the property.

(3) A former owner-occupant who has moved and is actively attempting to sell a vacant home.

(4) Estate of a deceased homeowner that is actively attempting to sell the vacant home.

**1703.03 CERTIFICATE REQUIRED.**

(a) The owner, agent, or party in control of any vacant building, shall apply for and obtain a certificate of inspection from the Superintendent of Permits & Inspections within thirty (30) days of the premises becoming a vacant building and annually thereafter.

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(b) Upon selling, transferring or conveying an interest in property or entering into an agreement to sell, transfer or otherwise convey an interest in such property the owner shall provide the Certificate of Inspection to the purchaser or transferee. The certificate of inspection shall list thereon all known violations of City Ordinances found as a result of an exterior and interior inspection.

(c) The owner shall deposit in escrow a statement signed by the purchaser or transferee acknowledging receipt of the certificate of inspection, and such statement shall list thereon the date the certificate was given to the purchaser or transferee.

#### **1703.04 CERTIFICATE OF INSPECTION APPLICATION; INSPECTION; AND ISSUANCE.**

An application for a certificate of inspection required by this chapter shall be made upon forms supplied by the Superintendent of Permits & Inspections.

(a) The Superintendent of Permits & Inspections shall cause a general exterior and interior inspection for the dwelling structure and premises to be made.

(b) The certificate of inspection shall contain the following information:

- (1) The street address or other identifying characteristics of the dwelling structure;
- (2) The name and address of the owner(s); lessee or party in control;
- (3) The authorized use and occupancy of the dwelling structure; and
- (4) The listing of all known violations of the building code existing at the time of such inspection.

(c) Once a certificate of inspection is issued, it shall be valid for a period of one year from the date of the inspection required herein, and that certificate of inspection is only good for one transfer. In the event of resale within the one-year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

#### **1703.05 FEES.**

(a) Fee for a certificate of inspection shall be two hundred dollars (\$200.00).

(b) There shall be no fee for one re-inspection requested by the same owner within twelve months from the date of the initial inspection to verify correction of violations stated within the certificate of inspection. All subsequent re-inspections may be billed at twenty-five dollars (\$25.00) per inspection.

(c) In the event of resale within the one-year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

#### **1703.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE.**

(a) If all violations listed on the certificate of inspection are not corrected prior to transfer of title, an escrow account shall be established by a party to the transfer, in an amount not less than one thousand dollars (\$1,000) and equal to 100 percent of the estimated cost of repairs, shall be deposited therein to pay for the cost to correct all remaining violations. No party to a transfer of a vacant building shall authorize or accept such transfer without ensuring compliance with this section.

(b) The amount to be held in escrow shall be determined by a party of the transfer procuring written estimates from at least two companies capable of performing the work, which are currently registered to do business in the City. The amount deposited into escrow shall be 100 percent of the higher of the two estimates.

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(c) If the party establishing the escrow can demonstrate to the Superintendent of Permits & Inspections that after a good faith effort he/she is unable to obtain two written estimates, the Superintendent of Permits & Inspections shall establish the amount to be placed in escrow.

(d) If, under the terms of an agreement to sell, transfer or otherwise convey an interest in a vacant building, the party obligated to correct the specified violations is listed on the certificate of inspection: A written statement agreed upon by the obligated party, the Building Department and the party's escrow agent setting forth an agreed sum of money, which is compliant with Section 1703.07 to cover the cost of correcting the specific violations listed on the certificate of inspection, which remain uncorrected.

## **1703.07 CORRECTION OF VIOLATIONS.**

Any violations found upon inspection of the premises shall be corrected prior to issuance of the certificate of occupancy. Violations that cannot be corrected due to seasonal conditions shall not preclude the issuance of a certificate of occupancy provided that issuance of such certificate shall be upon written acknowledgment of all violations and agreement to correct all violations within six months of the inspection date. In addition, written notice must be received by the City that funds are being held in an escrow account in a sufficient amount to correct all violations, but in no case less than one thousand dollars (\$1,000). Such account shall be held by an independent escrow agent and be closed only upon written notice by the Superintendent of Permits & Inspections.

## **1703.08 DISPERSAL OF FUNDS BY ESCROW AGENTS.**

No person acting in the capacity of an escrow agent in any real estate transaction involving the sale or transfer of a vacant building shall disperse any funds held in escrow in compliance with Section 1703.06 unless there has been compliance with Section 1703.07.

(a) Funds shall be disbursed only upon written authorization from the Superintendent of Permits & Inspections as follows:

(1) The Superintendent of Permits & Inspections or his/her designee may authorize a release of funds from the escrow account established per Section 1703.06 as payment in full to a contractor as each violation is corrected, provided the amount due does not exceed the written estimate; or

(2) The Superintendent of Permits & Inspections or his/her designee may authorize a release of funds from the escrow account established per Section 1703.06 as payment in full to a contractor as each violation is corrected, provided that when the amount due does exceed the written estimate such release can only be made upon the Superintendent of Permits & Inspections or his or her designee's written finding that sufficient funds will remain in escrow to correct all other remaining violations.

## **1703.09 CERTIFICATE OF OCCUPANCY.**

At the request of the owner of property or his/her agent, the City shall issue a letter or other written document signed and dated by the Superintendent of Permits & Inspections stating that all violations listed on the certificate of inspection have been completed to the City's satisfaction, and the property is eligible for occupancy. No vacant building can be occupied until this certificate of occupancy is obtained.

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## 1703.99 PENALTY.

Any person who violates any provision of this chapter is guilty of a Fourth Degree Misdemeanor. Every day that a violation continues shall constitute a separate and distinct offense. Unpaid registration fees and fines shall be an assessment on the property enforceable in the same manner as assessments for delinquent property taxes."

Section 2. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

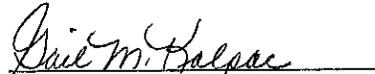
North Canton, OH  
Passed: 4/23/12



MAYOR

SIGNED: 4/23, 2012

ATTEST:

  
CLERK OF COUNCIL