



City of Columbus Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 0947-2004

30-Day

File Number: 0947-2004

File Type: Ordinance

Status: Passed

Version: 1

Controlling Body: Rules and Reference Committee

File Name: Neglected Property Registration

Introduced: 5/14/2004

Requester: Dev Drafter

Cost:

Final Action: 7/21/2004

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Paul Freedman 645-0704 Mike Farrenkopf 645-7759

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To create within the newly revised Title 47, a neglected property registration wherein owners of vacant properties not in compliance with city code, and after failing to comply with orders of either Code Enforcement, the Safe Neighborhood Review Board, or the Court, are required to register, for a fee, those properties and provide and maintain pertinent information with the Neighborhood Services Division, and to specify that failure to do so is a misdemeanor of the first degree.

Sponsors:

Indexes:

Attachments:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	5/17/04	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note:	Neighborhood Services Division					
1	DEVELOPMENT DIRECTOR	5/17/04	Reviewed and Approved	Dev Drafter			
	Action Note:	Mark Barbash by TAB					
1	Dev Drafter	5/17/04	Sent for Approval	Atty Inbox			
1	CITY ATTORNEY	5/18/04	Reviewed and Approved	Dev Drafter			
	Action Note:	JTC--approved as to form only					
1	Dev Drafter	5/18/04	Sent to Clerk's Office for Council	City Clerk Inbox			
1	City Clerk's Office	6/1/04	Sent back for Clarification/Correction	Dev Drafter			
	Action Note:	sent back at the request of the Drafter - Bessie Twyman 6/1/04					
1	Dev Drafter	6/1/04	Sent to Clerk's Office for Council	City Clerk Inbox			
1	Columbus City Council	6/21/04	Read for the First Time				
1	Columbus City Council	6/21/04	Waived the 2nd Reading				Pass
1	Columbus City Council	6/21/04	Tabled Indefinitely				Pass
	Action Note:	TABLED PENDING PUBLIC HEARING					
1	Columbus City Council	7/19/04	Taken from the Table				Pass
1	Columbus City Council	7/19/04	Approved				Pass
1	COUNCIL PRESIDENT	7/19/04	Signed				
1	MAYOR	7/21/04	Signed				
1	CITY CLERK	7/21/04	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

BACKGROUND:

In the continued effort to deal with vacant and abandoned houses and structures, this ordinance creates a registration

requirement for vacant structures within the recently reorganized Title 47, Nuisance Abatement.

This initiative, is derived from recommendations made by the 'Quality Neighborhoods Working Group' empowered by the city to determine the most major sources of neighborhood blight, and recommend solutions. The task group quickly determined that vacant / abandoned property within neighborhoods is a considerable blight, and made several recommendations in it's final report, including a registration requirement for nuisance buildings.

This ordinance will require owners of vacant properties to register in a "registry of neglected properties", for a fee, those properties and buildings found to be in violation of the code only after failing to comply with an order of the Code Enforcement Officer, Safe Neighborhood Review Board, or the Court. Failure to register will make the owner subject to prosecution, and may otherwise enable the city to initiate alternative action on the property to assist the community by relieving the blighting influence.

FISCAL IMPACT: No funding is required for this legislation.

Title

To create within the newly revised Title 47, a neglected property registration wherein owners of vacant properties not in compliance with city code, and after failing to comply with orders of either Code Enforcement, the Safe Neighborhood Review Board, or the Court, are required to register, for a fee, those properties and provide and maintain pertinent information with the Neighborhood Services Division, and to specify that failure to do so is a misdemeanor of the first degree.

Body

WHEREAS, vacant and abandoned houses and structures have a blighting influence on their surrounding neighborhoods and communities; and

WHEREAS, in an effort to deal with vacant and abandoned houses and structures, this ordinance creates a registration requirement for vacant structures; and

WHEREAS, the registration requirement will require owners of vacant premise and buildings found to be a nuisance, not in compliance with code requirements, and failing to come into compliance with an order issued by the Code Enforcement Officer, the Safe Neighborhood Review Board, or the Court to provide and maintain pertinent information with the Neighborhood Services Division, for a fee; and

WHEREAS, failure to register a vacant premise or building, and maintain such property in compliance with the codes has such a significant negative impact on the neighborhood, a violation of this section is established as a misdemeanor of the first degree; and

WHEREAS, the registration requirement will assist in enabling the city to prosecute owners of abandoned buildings and/or initiate other legally established actions to address the blight brought by the neglected nuisance property; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a of a new Chapter 4707, "Neglected Property Registry", consisting of five (5) sections oddly numbered 4711.01 through 4711.11 reading as follows:

Neglected Properties Registry

4711.01 Registry of Neglected Properties.

There is hereby created in the department of development a registry of neglected properties. This registry shall be available for public inspection during regular business hours of the department.

4711.03 Neglected Properties To Be Registered.

Owners of real property are required to register in the registry of neglected properties those parcels of real property they own:

1. Which are vacant land; or
2. Which have on them a vacant building or buildings; and
3. Which are public nuisances as defined in 4703.01(E); and,
4. Which public nuisances have not been abated as required by a notice of violation issued by a code enforcement officer, a court order or an order of the safe neighborhood review board.

4711.05 Owner's Affidavit

Owners who are required to register their properties in the registry of neglected properties shall submit for filing in the registry for neglected properties an affidavit in which the owner affirms as true the following information:

1. The name of the owner of the property. The definition of owner as defined in 4703.01(D) applies to this requirement.
2. A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
3. The name of an individual responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be someone other individual.
4. A current address, phone number and fax or email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
5. In those instances where the real property is vacant land or has on it a vacant building or buildings and has been found to be a public nuisance, proof that the owner has sufficient financial responsibility to abate any nuisance condition which a court or the safe neighborhood review board finds exist on the property, and proof that the property is insured against fire and casualty loss in an amount equal to the fair market value of the property with an insurance company licensed to do business in the State of Ohio. The director shall establish rules regarding what information must be contained in a proof of financial responsibility.

4711.07 Registration Fee

There shall be a \$100 fee for the filing of the original owner's affidavit. There shall be a \$100 fee for the filing of any additional or new owner's affidavit.

4707.09 Requirement To Keep Information Current

If at any time the information contained in the affidavit on file is no longer current, the owner must file within twenty days after the information becomes outdated a new affidavit listing current information.

4711.11 Criminal and Civil Penalties.

(A) Failure to file the required affidavit and failure to maintain an affidavit containing current information shall be a misdemeanor of the first degree. Each day that a required affidavit is not on file and each day that an owner fails to maintain current information in an affidavit on file shall be considered a separate offense. Strict liability is intended.

(A) In addition to any criminal penalties a court may impose on an owner found guilty of failing to file or failing to maintain, each day that an owner fails to file the required affidavit or fails to maintain current information in an affidavit

on file shall result in a civil forfeiture of \$100 for each day that the required affidavit is not filed or is not maintained with current information. The director may file a civil action styled "complaint for civil forfeiture" in the environmental division of the Franklin County Municipal Court seeking a court order to recover any accumulated civil forfeiture penalties.

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