

ORDINANCE NO. OR200-1-4

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 1507.05 THROUGH 1507.07 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, RELATIVE TO THE REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS, AND REPEALING EXISTING SECTIONS 1507.05 THROUGH 1507.07 THEREOF.**

WHEREAS, the National Fire Protection Association (NFPA) statistics indicate that more than ten civilians die and 6,000 firefighters are injured each year operating in nearly 31,000 fires in vacant and abandoned buildings; and

WHEREAS, the purpose of the Chapter was to establish a program to identify, register and inspect vacant commercial and industrial property within the City of Hamilton that may present a fire hazard, that may provide temporary occupancy for transients, that may detract from private or public efforts to rehabilitate or maintain surrounding buildings, and that may present a hazard to the health, safety and welfare of the public; and

WHEREAS, through an effective registration, inspection, identification and monitoring program, buildings can be kept secure from trespassers and provide safe entry of police and firefighters in the event of an emergency; and

WHEREAS, registration of vacant and abandoned properties will reduce and prevent neighborhood blight, avoid the creation of public nuisance and promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and

WHEREAS, City Council enacted Chapter 1507 on October 9, 2019 through Ordinance No. OR2019-10-110. This created a registration and identification program of vacant commercial and industrial properties throughout the City. Since the passage of that ordinance it has been determined that there was an inconsistency in the fees as presented. Additionally, by request of the Department of Building, a building under construction will be considered exempt for up to one year after the first construction permit is pulled. The attached Exhibit No. 1 addresses these issues;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Codified Ordinances of the City of Hamilton, Ohio, are hereby amended and supplemented by adding to Chapter 1507 to read as set forth in the document attached hereto as Exhibit No.1 and incorporated herein by reference.

SECTION II: That existing Sections 1507.05 through 1507.07 of the Codified Ordinances of the City of Hamilton, Ohio, as legislated pursuant to Ordinance No. OR2019-10-110, adopted October 9, 2019, **be and the same is hereby repealed.**

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: January 15, 2020

Effective Date: February 14, 2020

ATTEST: Nicholas Baruch  
City Clerk

  
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Mayor

Ordinance No. OR2020-1-4 (cont'd)

**CERTIFICATE**

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. OR2020-1-4 was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: January 16, 2020

Nicholas Garuckas  
**Nicholas Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**

**EXHIBIT NO. 1**

**1507.05 REGISTRATION FEES.**

The fees imposed by this Chapter may be reasonably related to: (i) the City's administrative costs related to registering and processing the Vacant Property Registration Form; (ii) the costs incurred by the City in monitoring the Vacant Property; (iii) the City's costs to secure the Vacant Property; and (iv) the demolition, hazard abatement and repair costs the City incurs with respect to the Vacant Property. The progressive fee structure, set forth in subsection A below, for properties that continue to be vacant year-to-year is reasonably related to the progressive increase in the aforementioned costs the City incurs for properties which are continuously vacant over consecutive years.

- A. The Owner of a Vacant Property shall pay an annual fee of Four Hundred Dollars (\$400.00) for the first year the property remains vacant. For every consecutive year that the property remains vacant, the annual registration fee shall be assessed at double the previous year's registration fee amount up to a maximum annual registration fee equaling the five (5) year registration fee of Six Thousand Four Hundred Dollars (\$6,400.00), which shall be the registration fee for the fifth and all subsequent years of vacancy. The registration fee is based on the duration of time the property has been vacant, regardless of a change in ownership.
- B. The first annual fee shall be paid at the time the Vacant Property is registered. If the fee is not paid, the owner shall be subject to application penalties, as outlined in section 1507.99 of this Chapter.
- C. The fee shall be paid in full prior to the issuance of any building permits unless the Vacant Property is granted an exemption pursuant to section 1507.07 of this Chapter.
- D. The fee shall be prorated by day and a refund may be issued as set forth in 1507.06 of this chapter if the Vacant Property is no longer deemed vacant under the provisions of this Chapter.
- E. All delinquent fees shall be paid by the Owner prior to any transfer of ownership over the Vacant Property.
- F. All delinquent fees shall be paid in full prior to transfer or connection of any and all City utilities.
- G. Late fees shall be paid in addition to the annual registration fee and will be equal to one-fourth of the applicable annual fee.
- H. Fees incurred prior to the enactment of this Chapter will be assessed pursuant to the ordinance then in effect at the time the fees were incurred.

If an Owner or Person in Control of a Vacant Property fails, neglects or refuses to pay a registration fee within the time ordered pursuant to this section, the designated administrator of the registry shall notify the Finance Director. The Finance Director shall certify the registration fee to the County Auditor who shall place the costs as a charge upon the tax list and duplicate to be paid as a special assessment on the Vacant Property. In addition to the registration fee, an interest rate equal to the current rate of interest charged by the City on special assessments shall be imposed by the City for the life of the registration fee and collected as provided in this section.

**1507.06 REFUNDING OF FEES.**

The City shall refund the Vacant Property registration fee paid if the subject property is brought into compliance with the applicable standards set forth in all State and City Housing Codes, Building Codes and Property Maintenance Codes, and is reoccupied within one (1) year of payment of the annual registration fee. The refund shall be prorated by day for the fee paid during the calendar year in which the Vacant Property was brought into compliance with the aforementioned codes and reoccupied. Registration fees paid in previous years shall not be refunded.

**1507.07 PROPERTIES EXEMPT FROM REGISTRATION**

- A. Property under active construction or renovation and having a valid building permit(s) shall be exempt from registration for a period of one (1) year from the date that the first building permit is issued unless a good cause exemption is granted by the Fire Chief.
- B. Property which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event, contingent on the Owner submitting a request for the exemption in writing to the Fire Chief. This request shall include the names and addresses of the Owner(s), and a statement of intent to repair and reoccupy the property in an expedient manner, or of intent to demolish the building or other structure on the property.
- C. Property that is for sale and listed with a licensed State of Ohio realtor shall be exempt for a period of twelve (12) months from the start of the vacancy, provided that the Owner or Owner's representative submits proof to the Fire Chief of such listing and "for sale" status.
- D. Property that has been granted an exemption pursuant to a written request by the Owner for an exemption from the provisions of this Chapter and good cause shown therefore. The Fire Chief shall timely consider the request. In determining whether good cause exists to grant a request for exemption, the Fire Chief shall consider the following:
  - a. The Owner's prior record of violations of State and City Housing Codes, Building Codes and Property Maintenance Codes;
  - b. The amount of Vacant Property the Owner currently owns within the City; and
  - c. The length of time that the Vacant Property for which the exemption is sought has been vacant.