

**Ordinance #25-12-1**  
**Village of Clifton**  
**Blight Control Ordinance**

Section A. Title

This ordinance shall be known as the Blight Control Ordinance of the Village of Clifton and may be so pleaded and cited.

Section B. Purpose

This ordinance is intended to replace previous ordinances that dealt with blight situations in the Village of Clifton as a comprehensive control and remedy.

Section C. Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section D. Repeal of Conflicting Ordinances

All ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section E. Effective Date

This ordinance shall become effective thirty (30) days from and after the date of its approval and adoption, as provided by law.

Section F. Terms of the Ordinance

**1 Definitions.**

**2 Purpose.**

**3 Maintenance of buildings.**

**3.1 Vacant building registration.**

**4 Maintenance of premises.**

**4.1 Curbside garbage placement.**

**5 Maintenance of accessory buildings and fences.**

**6 Removal of miscellaneous debris.**

**7 Steps, walks and driveways.**

**8 Notices of violation; noncompliance; remedies of Village.**

**9 Correction of violations by Village; costs; liens.**

**10 Reports of violations.**

**11 Appeals.**

**12 Penalty.**

## CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715-26(B), 715.261

Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.

Public nuisances - see Ohio R.C. Ch. 3767

## 1 DEFINITIONS.

As used in this Ordinance:

(a) "Blighting influence" means that a building or other structure is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitutes an unsanitary condition; lends itself to habitation or infestation by rodents, termites or other vermin; represents a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area; or unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the area.

(b) "Accessory building" means any structure located on the same lot as, or on a lot adjacent to a lot occupied by, a principal building, and its use is incidental and subordinate to that of the principal building.

(c) "Portable storage" means any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.

(d) "Construction dumpster" means a container, collection bin, collection box, tub, roll-off box, roll-off container, or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored.

## 2 PURPOSE.

The purpose of this chapter is to protect the public health, safety and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of structures and premises; to prevent blighting problems and enhance property values; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to provide for penalties for violations of this chapter. This Blight Control Chapter shall apply to all structures and premises within the Village.

## 3 MAINTENANCE OF BUILDINGS.

The exterior and condition of all buildings and structures on any premises shall be maintained so that the appearance thereof reflects a level of maintenance in keeping with the standards of the Village and so as to avoid blighting influences and hazards to health and safety.

### 3.1 VACANT BUILDING REGISTRATION.

(a) Definitions. As used in this section:

(1) "Owner" means any person, in whose name the property is titled, and any person, agent, servicing company, firm, third party, financial institution or bank that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or having an agreement with any one of the above for the purpose of securing and/or managing the property.

(2) "Secured by other than normal means" means a building secured by means other than those used in the design of the building.

(3) "Unoccupied" means a building, or any portion of a building, which is not being used for the occupancy authorized by the owner.

(4) "Unsecured" means a building, or any portion of a building, which is open to entry by unauthorized persons without the use of tools or ladders.

(5) "Vacant building" means a building (excluding government-owned buildings) which is:

A. Unoccupied and unsecured; or

B. Unoccupied and secured by other than normal means; or

C. Unoccupied and an unsafe building as determined by the Village, County Department, Health District; or

D. Unoccupied and having utilities disconnected; or

E. Unoccupied and having housing or building code violations; or

F. Illegally occupied, which shall include loitering and vagrancy; or

G. Unoccupied for a period of time over ninety (90) days and having an existing code violation issued by the Village Zoning Inspector/Code Enforcement Officer (VZI/CEO); or

H. Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or

I. Unoccupied and abandoned by the property owner.

(6) "Evidence of vacancy" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the building is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by Village Council Members (s) that the building is vacant.

(b) Purpose. The purpose of this section is to establish a program for identifying and registering vacant residential and commercial buildings, to determine the responsibilities of owners of vacant buildings, to speed the rehabilitation of vacant buildings, and to shift the cost burden from the general Village residents to the owners of vacant buildings.

(c) Vacant Building Registration.

(1) The owner shall register with the VZI/CEO not later than ninety (90) days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the Village becomes a vacant building or not later than thirty (30) days of being notified by the Village Zoning Inspector (VZI/CEO) of the requirement to register based on evidence of vacancy,

whichever event occurs first. For the purposes of this registration, the Owner must register separately each part and/or address of building which is unoccupied and/or unsecured, and this registration must be made annually thereafter if the vacant building status continues. The registration shall be accompanied by the applicable vacant building fee.

(2) The registration shall be submitted on forms provided by the VZI/CEO and shall include the following information supplied by the owner:

A. The name and address of the owner;

B. If the owner does not reside in Greene or Clark County, Ohio or within twenty (20) miles of Village limits, the name and address of any third party who the owner has entered into a contract or agreement for property management. By designating an authorized agent under the provisions of this section, the owner is consenting that the third party is authorized to receive any and all notices relating to the property and conformance to all requirements under this chapter;

C. The names and addresses of all known lien holders and all other parties with an ownership interest in the building;

D. A telephone number where a responsible party can be reached at all times during business and non-business hours; and

E. A vacant building plan as described in division (3) below.

(3) The owner shall submit a vacant building plan which must meet the approval of the VZI/CEO. The plan, at a minimum, must contain information from one of the following three choices:

A. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within thirty (30) days of acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or

B. If the building is to remain vacant, a plan for ensuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

C. If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the building and grounds. The rehabilitation plan shall not exceed twelve (12) months from the time the owner obtains permits, unless the VZI/CEO grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes and the property must be secured during the rehabilitation.

(4) All applicable laws and codes shall be complied with by the owner. The owner shall notify the VZI/CEO of any changes in information of their vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must be approved in writing by the VZI/CEO.

(5) The owner and subsequent owner shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable property maintenance codes.

(6) Any new owner shall register or re-register the vacant building with the VZI/CEO within thirty (30) days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner shall comply with the approved plan and

timetable submitted by the previous owner until any proposed changes are submitted and are approved by the VZI/CEO.

(7) The failure of the owner of the vacant building to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the property owner from registering the vacant building under this section.

(8) The registration process under this section must be completed annually for every vacant building for as long as the building remains vacant.

(d) Escrow. Each demolition of a vacant building requires that the owner hold in escrow with the Village a deposit of ten thousand dollars (\$10,000) for a residential building and twenty-five thousand dollars (\$25,000) for a commercial building. If the amount to be set up in escrow cannot be paid in full, the Village will place a lien on the property for the amount previously specified. The Village will use these funds to demolish the building/dwelling if it is not completed by the property owner. Escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign a form accepting responsibility for completing the demolition.

(e) Inspections. The VZI/CEO shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this section. Upon the request of the VZI/CEO, an owner may provide access to all interior portions of an unoccupied building to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the VZI/CEO to enable such inspection. The VZI/CEO shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

(1) Vacant properties will be externally inspected by the VZI/CEO a minimum of twice per year to ensure compliance with property maintenance codes;

(2) Vacant properties will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;

(3) Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner;

(4) The timing and frequency of inspections in addition to those listed under this section shall be conducted at the sole discretion of the VZI/CEO.

(f) Vacant Building Fees. The fees established herein shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the Village in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the Village for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

(1) The owner of a vacant residential building shall pay a fee of two hundred dollars (\$200.00) for each residential unit with the building which is unoccupied and/or unsecured for the first year. For every consecutive year that the building remains vacant thereafter, the fee for each residential unit that is vacant will be assessed at double the previous year's fee amount for a maximum annual

fee equaling the five-year fee of three thousand two hundred dollars (\$3,200.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(2) The owner of a vacant commercial building shall pay a fee of four hundred dollars (\$400.00) for each part and/or address of building which is unoccupied and/or unsecured, for the first year. For every consecutive year that the building is vacant, the fee for each part and/or address of building which is unoccupied and/or unsecured will be assessed at double the previous year's fee for a maximum annual fee equaling the five-year fee of six thousand four hundred dollars (\$6,400.00) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(3) The first annual fee shall be paid at the time the building is registered. If the fee is not paid, the owner shall be subject to late fees assessed under this section and applicable penalties under this chapter.

(4) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption by the VZI/CEO. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this section within 180 days of its registration.

(5) 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.

(6) Late fees shall be paid in addition to the annual registration fee and shall be equal to one-fourth of the applicable annual fee amount.

(g) Exemptions.

(1) A building under active construction/renovation and having a valid building permit(s) shall be exempt from registration until the expiration of the longest running, currently active building permit.

(2) A building 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 if the property owner submits a request for exemption in writing to the VZI/CEO. This request shall include the name and address of the owner, and a statement of intent to repair and reoccupy the building in an expedient manner or intent to demolish the building.

(3) A building that is for sale and listed with a licensed State of Ohio realtor shall be exempted for a period of seven (7) months from the start of vacancy, provided that the owner submits proof to the VZI/CEO of such listing and "for sale" status.

(4) Any owner of a vacant building may request an exemption from the provisions of this section by filing a written application with the VZI/CEO who shall timely consider same. In determining whether a request for exemption should be granted, the VZI/CEO shall consider the following: the applicant's prior record as it pertains to any violations of the Village's Building Code; the amount of vacant property the applicant currently has within the Village; and the length of time that the building for which the exemption is sought has been vacant.

(h) Appeals. Any owner who is served a notice requiring vacant property registration may, within 10 (ten) calendar days of receipt of such notice, apply for an exemption under this section or appeal the findings of the VZI/CEO as set forth under Section 11.

#### **4 MAINTENANCE OF PREMISES.**

(a) The owner, lessee or agent or tenant of the owner having charge of the premises shall keep the exterior of all buildings and other structures on the premises, including, but not limited to, walls, gutters, downspouts, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings and marquees, in good repair, and all surfaces thereof shall be kept protected for the purpose of preservation and avoiding a blighting influence to adjoining properties. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated, and adjoining properties and neighborhoods protected from blighting influences.

(b) All premises shall be appropriately maintained, and lawns, hedges, bushes, trees, and other vegetation shall be kept trimmed and from becoming overgrown as provided for in VILLAGE ORDINANCE #17-10-01, where exposed to public view or where such vegetation may constitute a blighting influence. However, this subsection shall not preclude the maintenance of undeveloped or underdeveloped land in its natural state.

(c) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies and similar overhanging or protruding extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, rotting, ripping, tearing or other holes or breaks.

(d) No furniture (except lawn furniture in good repair), bicycles, children's toys, tools, ladders, lawn equipment, items/goods/materials/products for rent or sale, mattresses, household furnishings, rugs, appliances, unused posts, abandoned, unregistered or unlicensed vehicles, dilapidated or junk vehicles or vehicle parts, discarded or abandoned machinery, equipment, construction equipment, construction material, brush, broken glass, railroad ties, telephone poles, roots, stumps, logs, filth, garbage, trash, drums, debris, boats, trailers or recreational vehicles in a condition of disrepair or deterioration shall be placed or stored outside on any premise within the Village over a period in excess of forty-eight hours.

(e) Construction dumpsters may not remain on a property for more than ninety (90) consecutive days. An initial notification will be given upon identification to the property owner. The construction dumpster must be removed within thirty (30) days of completion or cessation of construction.

If necessary, a request for an extension of up to ninety (90) days may be made by the property owner to the VZI/CEO.

(f) Portable storage units may not remain on a property for more than twenty (20) consecutive days. An initial notification will be given upon identification to the property owner.

(1) No more than one (1) portable storage unit on a lot at any given time without the express permission of the Village.

(2) No storage unit can obstruct traffic vision when parked on a property.

(3) All portable storage units in use on a lot shall be in a condition free from rust, peeling paint and other visible forms of deterioration.

(4) During construction, a portable storage unit may be used to store on site tools and materials to be used. The portable storage unit must be removed within fifteen (15) days of final cessation of construction or any thirty (30) day stop of construction.

(5) As used in this section, “cessation” means a temporary or final stopping of all construction action.

(g) As used in this section, “junk motor vehicle” means a motor vehicle that meets all of the following criteria, (ORC § 505.173):

- (1) Three model years old, or older;
- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

#### **4.1 CURBSIDE GARBAGE PLACEMENT.**

(a) As used in this section:

(1) "Curbside" means that portion of the right-of-way adjacent to paved or traveled Village roadways, including the end of a driveway, curb line or alley line.

(2) "Garbage" means all putrescible waste approved for scheduled collection by the Village's contracted waste hauler.

(3) "Container" means the containers or receptacles into which garbage is placed for scheduled collection by the Village's contracted waste hauler.

(b) No person shall place any Garbage or Container on the curbside of any residential or commercial property for collection more than 24 hours before the scheduled collection time. After the actual collection time, all Containers shall be removed, from curbside, and placed at the front build line of any structure by no later than midnight on the scheduled collection date. All Garbage and Containers shall be so timely removed, whether or not actually collected during the scheduled collection time.

#### **5 MAINTENANCE OF ACCESSORY BUILDINGS AND FENCES.**

(a) All accessory buildings on any property that are a blighting influence shall be removed or rehabilitated. All accessory buildings which are to remain shall provide weather-proofed usable space and shall not harbor termites or other vermin, such as rats and mice or otherwise, directly or indirectly, threaten the health and safety of the general public.

(b) Fences, retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, shall be maintained so that such fences, retaining walls or similar structures shall always be in a state of good structural repair and shall not constitute a threat to the health and safety of the general public and/or a blighting influence. In the alternative, such fences, retaining walls or similar structures shall be removed or replaced. If necessary, in such cases where the structural repair is in question, the Village Engineer will be notified to provide a professional opinion.

## **6 REMOVAL OF MISCELLANEOUS DEBRIS.**

All yards, courts or lots shall be kept free of debris which may cause a fire hazard or act as a breeding place for vermin or insects, unsightly material not appropriate to the area and/or which have a blighting influence on the area.

## **7 STEPS, WALKS AND DRIVEWAYS.**

All steps, paths, walkways, and off-street parking, including spaces, parking lots, parking area, drives, driveways, aisles and circulation drives shall be constructed to promote safety, kept free from deterioration and blighting influences, and maintained free of chuck holes/pot holes, litter, glass, nails or other dangerous materials. If any such area, by reason of its state of repair, violates this Section, it shall be repaired or replaced immediately. Hazards and unsanitary conditions shall be eliminated immediately. All driveways and walks which exist within the public right of way which are now paved shall be maintained as described above by and at the expense of the owner of the fee simple title to the property.

## **8 NOTICES OF VIOLATION; NONCOMPLIANCE; REMEDIES OF VILLAGE.**

(a) When any premises is in violation of this chapter, the VZI/CEO or his/her designee shall issue a notice of violation to the owner, lessee or agent or tenant of the owner having charge of the premises, by certified mail, return receipt requested, or by personal service by a Municipal employee designated by the VZI/CEO to perform such service. This notice of violation shall specify the violation committed and contain an order to conform to this chapter within a certain number of days, not to exceed thirty (30). If weather or other unforeseen circumstances prevents correcting or abating the violation, the VZI/CEO, at his/her sole discretion, may extend the time set forth herein. If there is a failure of delivery of the certified mail, the VZI/CEO then may serve the notice of violation by posting the notice in a conspicuous place on the property which is the subject of the notice.

(b) If the owner, lessee or agent or tenant of the owner having charge of the premises, does not comply with the order contained in the notice of violation, then the VZI/CEO or his/her designee may, at his/her discretion, have the provisions of this chapter enforced and cause the violation to be corrected. The Village Council may employ the necessary labor and equipment to perform such task, together with any cleanup work required. All expenses incurred shall be paid out of any money in the treasury of the Village not otherwise appropriated.

(c) In addition, the owner shall be liable for the penalties and/or expenses provided in this chapter.

## **9 CORRECTION OF VIOLATIONS BY VILLAGE; COSTS; LIENS.**

(a) Whenever any violation of this Ordinance is corrected by the Village, upon completion of the work, the Village shall give five (5) days notice (a), to the owner, lessee or agent or tenant of the owner having charge of the premises in violation, at the last known address of such person to pay the charges incurred. Such notice shall be accompanied by a statement of the amount of charges incurred, including the following:

- (1) Administration and supervision;

- (2) Transportation of equipment;
- (3) Equipment rental;
- (4) Equipment operator;
- (5) Incidental labor;
- (6) Materials provided; and
- (7) Legal fees incurred.

(b) If such charges are not paid within thirty (30) days after the mailing of the notice, then council shall make a written return to the County Auditor of its action under this chapter, with a statement of the approved charges, the amount paid for the performing of labor, the fees of the officers who made the service of the notice and return and a proper description of the premises by legal description or permanent parcel number. Such amounts, as approved by Council, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund.

## **10 REPORTS OF VIOLATIONS.**

Any resident or employee of the Village may report violations of this Chapter to the VZI/CEO for appropriate actions.

## **11 APPEALS.**

(a) Any person directly affected by a decision of the VZI/CEO or a notice of order issued under this code Section shall have the right to appeal to the Village Council within twenty (20) days of the date of the notice or order by filing a written notice with the VZI/CEO and the Board of Zoning Appeals.

(b) An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of the Code do not fully apply, the requirements of this Code are adequately satisfied by other means, and/or the strict application of any requirement of this Code would cause an undue and unnecessary hardship

(c) The Village Council shall hear such appeal in accordance with the provisions of this Section; and if denied, the court of common pleas can hear such appeal under Ohio Revised Code Chapter 2506

## **12 PENALTY.**

(a) Whenever the person responsible under this Chapter with the maintenance of a structure or premises fails to comply with any final order as provided in this Chapter, the Solicitor may file an action seeking injunctive relief or any other remedies as provided by law.

(b) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined as follows:

(1) For the first offense, not less than ten dollars (\$10.00) or more than one hundred fifty dollars (\$150.00) each day during or on which a violation or noncompliance occurs or continues.

(2) If the defendant has been convicted or pled guilty once before under the Blight Control Ordinance, not less than fifty dollars (\$50.00) or more than one hundred fifty dollars (\$150.00) each day during or on which a violation or noncompliance occurs or continues.

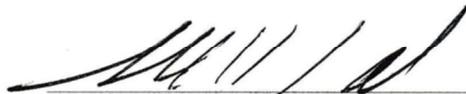
(3) If the defendant has been convicted or pled guilty twice before under the Blight Control Ordinance, not less than one hundred dollars (\$100.00) or no more than one hundred fifty dollars (\$150.00) each day during or on which a violation or noncompliance occurs or continues.

(4) If the defendant has been convicted or pled guilty three previous times under the Blight Control Ordinance, not less than one hundred fifty dollars (\$150.00) each day during or on which a violation or noncompliance occurs or continues.

Section G. Declaration of Emergency

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, welfare and morals, such emergency arising out of the necessity to control blight in the Village.

Passed: 12/1/2025



Steve McFarland, Mayor

Attest:



Sue Chasnov, Clerk-Treasurer