

City of Willoughby Hills

ORDINANCE NO. 2016-44 - AMENDED

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE ONE – STANDARDS BY THE ESTABLISHMENT OF CHAPTER 1351 – NOTICE OF FORECLOSURE FILING OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.

WHEREAS, the purpose of this chapter is to promote the health, safety and welfare of persons’ property by establishing a program for identifying and registering foreclosed properties, designating owner responsibilities, expediting the rehabilitation of the vacant dwellings, and requiring the responsible property owner(s) to pay the costs of property maintenance. This intent shall be fulfilled by establishing herein minimum safety requirements for structural integrity and utility control.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Title One of Part Thirteen of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is, amended by the establishment of **Chapter 1351 – Notice of Foreclosure Filing** which shall read and provide in its entirety as follows:

**“CHAPTER 1351
Notice of Foreclosure Filing**

1351.01	Definitions.	1351.04	Fees.
1351.02	Notice to the City of foreclosure filing.	1351.05	Late fee.
1351.03	Person responsible for maintenance.	1351.99	Penalty.

1351.01 DEFINITIONS.

As used in this Chapter:

- (a) “Person” means a natural person or any legal entity, including but not limited to a corporation, firm, partnership, trust or association, including the attorney and/or law firm representing a party initiating a foreclosure complaint.
- (b) “Vacant” means that no person actually resides in any part of the building or that no person conducts a lawful business in any part of the building.
- (c) “Property” means a parcel of land owned by a person or business whether developed or undeveloped.
- (d) “City” means the City of Willoughby Hills, Ohio.

1351.02 NOTICE TO THE CITY OF FORECLOSURE FILING.

Any person who files a complaint for foreclosure involving real property located within the City on which there is a building or structure shall notify the City of the filing of the foreclosure complaint and shall file a complete copy of the foreclosure complaint with the Building Commissioner within ten (10) days after the

filing of that complaint with the relevant court. The notice to the City shall be on a form prescribed by the Building Commissioner.

(a) The affidavit shall contain the following information:

- (1) The property address and parcel number;
- (2) The current owner of the property as reflected in the records of the Lake County Recorder and the volume and page number of the underlying deed;
- (3) The name and address of the person or agency filing the foreclosure action;
- (4) The date the foreclosure complaint was filed and case number assigned by the court; and
- (5) The name, address and telephone number of the person or agency responsible for maintaining the property if the property is vacant or becomes vacant at any time during the foreclosure action.

(b) Requirement to Keep Information Current. A new affidavit shall be filed within ten days of any change in information contained in any affidavit required by this section, and shall state the applicable new information and the volume and page number of the previous affidavit as assigned by the Recorder. A copy of the new affidavit shall be filed with the City Building Department within twenty (20) days of its recording, bearing the volume and page number as assigned by the Recorder. The copy shall be in written form, or other form as prescribed by the Building Commissioner.

1351.03 PERSON RESPONSIBLE FOR MAINTENANCE.

(a) If the building or structure on the property that is the subject of foreclosure is vacant at the time the foreclosure complaint is filed, then the person filing the foreclosure complaint shall notify the City of the name, address and contact information for the person who will be responsible for maintaining the property.

(b) If the building or structure on the property that is the subject of foreclosure becomes vacant at any time after the foreclosure complaint is filed, then the person who filed the foreclosure complaint shall notify the City of the name, address and contact information for the person who will be responsible for maintaining the property, and shall otherwise comply with this chapter.

1351.04 FEES.

(a) The fee for notice of a foreclosed residential property is seventy-five dollars (\$75.00). The fee for notice of a foreclosed commercial property is one hundred-fifty dollars (\$150.00). The fee shall be paid at the time of notification.

(b) Any filing made by the Lake County Prosecutor’s Office on behalf of the County Treasurer shall be exempt from paying a filing fee.

(c) Change Fees: Residential: \$50.00 Commercial: \$100.00

(d) Renewal Fees: Fees double each year, capping at the fifth year. See Table provided below:

Year	Residential	Commercial
1	\$75.00	\$150.00
2	\$150.00	\$300.00
3	\$300.00	\$600.00
4	\$600.00	\$1200.00
5	\$1200.00	\$2400.00

1351.05 LATE FEE.

Any person as defined in Section 1351.01(a) who fails to file a complaint of foreclosure form with the Building Commissioner within ten (10) days required in Section 1351.02 shall be charged a late filing fee in the amount of three (3) times the filing fee required in Section 1351.04.

1351.99 PENALTY.

(a) No person, firm entity or corporation including but not limited to, the owner of the property fails to file a complete copy of the foreclosure complaint as required in Section 1351.02, nor fail to identify the person responsible for such property maintenance as required by Section 1351.03. Whoever violates Section 1351.02 or 1351.03 is guilty of a misdemeanor of the third degree and fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED: _____, 2016

Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2016

Approved by the Mayor

ATTEST:

_____, 2016

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor