

EXHIBIT A

1767.01. Definitions.

The following definitions shall apply to this Chapter:

- (a) "Agent" means the individual designated by the owner as the person authorized by the owner to perform any duty imposed upon the owner by the terms of this chapter.
- (b) "Boarded" means a sheet or sheets of plywood or similar material covering all exterior doors, other than a storm door and all exterior windows in accordance with any rules and regulations issued by the Director of the Department of Neighborhoods under subsection 1767.05(b) of this chapter.
- (c) "Dwelling Unit", as defined in this Section, means (1) any residential unit constructed as a single family home and built prior to 1978, and (2) any residential unit constructed as a duplex and built prior to 1978, (3) any residential unit, or other unit modified to be a residential unit consisting of between one and four residential units built prior to 1978. May also be referred to as "rental unit" within this Section.
- (d) "Exterior maintenance and major systems" mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive-way, if any, area of the lot, as applicable and as enforced by the Toledo-Lucas County Health Department, Department of Neighborhoods, and the Department of Economic and Business Development particularly in connection with Part Thirteen (Building Code) and Part Seventeen (Health Code) of this section of this code.
- (e) "Foreclosure" means the filing of a complaint in a court of competent jurisdiction and obtaining a judgment of foreclosure against a lien on property and the subsequent sale of the property through sheriff's auction which may cause the occupants of the property to vacate.
- (f) "Immediate Family" for the purpose of this Chapter includes father, mother, brother, sister, spouse, child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, grandmother, grandfather and grandchild.
- (g) "Inspection" means a physical investigation at a property to obtain evidence of occupancy or vacancy and/or to verify compliance with this chapter and any other applicable code or law. Interior inspections are not required. A curbside or "drive-by" property inspection is not sufficient.
- (h) "Lead-Safe Certificate" is a certificate issued by the Health Department that indicates that a Residential Rental Property has been certified as lead-safe pursuant to TMC Chapter 1760.
- (i) "Occupied" means that one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or maintains continual natural gas service in all or any part of the building, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual gas service; a valid city business license, or the most recent, federal, state, or city income tax statements indicating that the subject residential building is the official business or residence address of the person or business claiming occupancy; or current lease.
- (j) "Open". A building shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and/or closed but without a properly functioning lock to secure

it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(k) "Owner" means any legal entity or person who has legal title to the Residential Rental Property as shown on the records of the Lucas County Auditor.

(l) "Parcel" means a parcel of real property identified as an individual parcel or tract of land by the Lucas County Auditor, through the Auditor's Real Estate Information System, or otherwise.

(m) "Person" means all persons or entities set forth in subsection 1726.01(b)(1) and all persons required to register under section 1767.02.

(n) "Registrant" means any person who holds legal or equitable title to the building, is a mortgagee, a land installment contract vendee/vendor-in-possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent, or any other person, firm, corporation, limited liability company, partnership, trust or other business association that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below including, but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a third party. Under this definition, there may be more than one registrant of a building and any owner as defined under Section 1726.01. "Registrant" does not include the State of Ohio or a political subdivision of the State of Ohio, including, but not limited to, the Lucas County Land Reutilization Corporation, the Lucas County Treasurer or the City of Toledo.

(o) "Residential Building" means any building or structure that has at least one residential unit within it for the purpose of Chapter 1767.

(p) "Residential Rental Property" means a "Dwelling Unit," as defined by this Chapter/Section, or any part of a "Dwelling Unit" being used or occupied, or intended to be used or occupied as a private residence, including attached structures such as porches or stoops, occupied by any person or persons other than the owner and/or members of the Owner's "Immediate Family," as defined by this Chapter/Section, regardless of whether or not the owner occupies another unit in the structure.

(q) "Secure" means maintaining the exterior shell of a vacant and unoccupied structure in a closed condition which prevents the unwarranted entry by the public. Exterior walls, foundations, roof, doors, windows, door and window frames, cornices, siding, masonry, porches, trim, balconies, decks, exterior staircases and accessory structures shall be made whole, covered, closed, locked, blocked, anchored or otherwise put in a physical state of closure which prevents access into, onto or through the structure.

(r) "Unimproved" means that no building or structure is located on a parcel.

(s) "Utilities" include natural gas service, electrical service, and water service for the purpose of Chapter 1767.

(t) "Vacant " means any residential building or structure, as defined in subsection 1767.01(j), in which no person or persons actually conducts a lawfully licensed business or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) on a permanent, non-transient basis. A structure may be deemed vacant when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was vacant, including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, mail, past due utility notices, or other means of notice by publication, the accumulation of junk, litter, trash, or debris, absence of windows or window treatments, absence of furnishings and personal items, statements of neighbors, delivery agents or similarly situated persons that the property is vacant.

1767.02. Registration; Local Agent.

The requirements of this section shall be applicable to any registrant who owns a vacant residential building or files a complaint for foreclosure on a vacant residential building or a vacant residential building that has an outstanding housing, building, health or zoning order or orders, no matter how long the residential building shall have been vacant. The registrant shall within thirty (30) days after the structure first becomes vacant, within thirty (30) days of receiving notice that a structure is vacant, or within thirty (30) days after the effective date of this Chapter, whichever is later, file a vacant residential building registration statement for each such building with the Department of Neighborhoods on form prescribed or approved by the Director of the Department of Neighborhoods for such purposes and pay a vacant residential building registration fee of two hundred dollars (\$200.00) at the time of filing of the vacant residential building registration statement, (except registrants of vacant residential buildings who received a waiver of vacant building registration fee pursuant to provisions of Section 1767.04 of this chapter. The registration and fee shall be valid for one (1) calendar year or the remaining portion of the calendar year in which the registration was initially required. Subsequent registration and fees are due January 1st of each year and must be received no later than January 31st of the year due. Registration fees will not be prorated or refunded. Obtaining a waiver of vacant residential building registration fee does not relieve a registrant of a property covered by this Chapter of the requirement to file a vacant residential building registration statement.)

The vacant residential building registration statement shall remain valid for one year. A vacant residential building registration fee, as required by Section 1767.03 of this chapter, is due on January 1st to the Department of Neighborhoods and shall be paid no later than January 31st. A vacant residential building registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the registrant or registrants of the building.

For purposes of this section, a vacant residential building registration statement shall include the following on a form prescribed by the Director of the Department of Neighborhoods:

(a) If the registrant is a corporation, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of all officers and directors of the corporation and the Statutory Agent for the corporation;

(b) If the registrant is an estate, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of the executor, administrator or commissioner of the estate;

(c) If the registrant is a trust, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of all trustees, grantors, and beneficiaries;

(d) If the registrant is a partnership, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of all partners with an interest of ten percent (10%) or greater;

(e) If the registrant is a limited liability corporation, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of all officers and directors of the corporation and the statutory agent of the corporation;

(f) If the registrant is any other form of unincorporated association, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of all principals with an interest of ten percent (10%) or greater; and

(g) If the registrant is a natural person or persons, the vacant residential building registration statement shall include the names, addresses, and working phone numbers of each person listed as owner of record.

If a complaint for foreclosure has been filed, a copy of the complaint seeking the foreclosure of the vacant building shall be submitted with the registration at the time of filing.

The addresses listed on the vacant residential building registration statement must include a street number, street name, city, state/province, country and zip code of the location where the registrant resides or where his or her place of business is located. Post office addresses are not acceptable as addresses for the purpose of this chapter.

In addition to other information required by the Department of Neighborhoods, the vacant residential building registration statement shall include the name, address, and a working telephone number of a natural person twenty-one (21) years of age or older, designated by the registrant as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such registrant in connection with the enforcement of this Code. Post office addresses are not acceptable as addresses for the purpose of this chapter. The agent must maintain an office in Lucas County, Ohio or any county adjacent to Lucas County, Ohio, or must actually reside within Lucas County, Ohio or any county adjacent to Lucas County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent for purposes of this chapter. By designating an authorized agent under the provisions of this subsection, the registrant is consenting to receive any and all notices of code violations concerning the registered vacant residential building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered vacant residential building by service of the notice or process on the authorized agent. Any registrant who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the registrant notifies the Director of the Department of Neighborhoods of a change of authorized agent or until the registrant files a new annual vacant residential building registration statement. Any registrant who fails to register a vacant residential building under the provisions of this subsection shall further be deemed to consent to receive, by posting at the vacant residential building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

In no instance shall the vacant residential building registration of a vacant residential building and the payment of vacant residential registration fees be construed to exonerate the person filing the vacant residential building registration statement, an owner, agent or responsible party from responsibility for compliance with any other health code, zoning code, building code or housing code requirements.

Registrants with more than one vacant residential building shall file a separate vacant residential building statement for each vacant residential building.

(Ord. 138-15. Passed 3-31-15.)

1767.03. Vacant Residential Building Registration Fees.

The registrant, as of January 1 of each calendar year, shall be responsible for the payment of the non-refundable vacant residential building registration fee of two hundred dollars (\$200.00). Said fee shall be paid at the Department of Neighborhoods no later than January 31st.

All vacant residential building registration fees received under Chapter 1767 shall be deposited in the Nuisance Abatement Trust Fund, which vacant residential building registration fees shall be used by the Department of Neighborhoods for purposes not inconsistent with this chapter, with the exception of court costs which will be deposited as required by law.

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(Ord. 138-15. Passed 3-31-15.)

1767.04. Waivers of Vacant Residential Building Registration Fee.

(a) A waiver of one hundred dollars (\$100.00) of the vacant building registration fee for up to 180 days shall be granted by the Director of the Department of Neighborhoods upon application of the registration and demonstration of compliance with the following subsections 1767.04(a)(1), 1767.04(a)(2) and 1767.04(a)(3). One hundred dollars (\$100.00) of the vacant building registration fee shall be required of all registrants as a non-refundable processing fee regardless of the registration fee waiver. If denied by the Director of the Department of Neighborhoods upon appeal to the Board of Nuisance Abatement/ Housing Appeals pursuant to Section 1767.08 of this chapter, the registrant shall:

(1) Submit at least one of the following to the satisfaction of the Director of the Department of Neighborhoods every 90 days:

i. An "Authorization to Sell" contract with a licensed real estate agent or an affidavit, on a form prescribed or approved by the Director of the Department of Neighborhoods, stating that the registrant is actively attempting to sell the property by posting and maintaining a sale sign with contact information including a working phone number visible from the street, by producing and distributing marketing materials with contact information including working phone number, or by advertising property location and contact information including working phone number through either print or electronic media; or

ii. A contract with a rental/leasing agent to market rental units or an affidavit, on a form prescribed or approved by the Director of the Department of Neighborhoods stating that the registrant is actively attempting to lease/rent the property by posting and maintaining a "for rent" or "for lease" sign with contact information including working phone number visible from the street, by producing and currently distributing marketing materials with contact information including working phone number, or by advertising the location and contact information including working phone number through either print or electronic media; or

iii. An affidavit stating that the vacant building is part of a probate proceeding or foreclosure action; or

iv. A copy of a current valid building permit or demolition permit; or

v. An affidavit, on a form prescribed or approved by the Director of the Department of Neighborhoods, attesting to the fact that the registrant is in the active process of preparing the vacant building for occupancy, including a schedule for completion that is acceptable to the Director of the Department of Neighborhoods; or

vi. A copy of a current valid building permit for new construction or an affidavit stating that a building is under construction, including a schedule for completion that is acceptable to the Director of the Department of Neighborhoods; or

vii. An agreement transferring the vacant building to the Lucas County Land Reutilization Corporation established under R.C. 5722.02 - R.C. 5722.15; or

viii. An offer to purchase the vacant building signed by the registrant and a prospective purchaser, and

(2) Submits an affidavit, on a form prescribed or approved by the Director of the Department of Neighborhoods attesting to the fact that said vacant building is in habitable condition (unless subsection 1767.04(a)(1)(iv) or subsection 1767.04(a)(1)(vi) of this chapter applies) and does not currently have any outstanding city orders, county orders or court judgments to correct any nuisance, housing, building or zoning code violations; and

(3) Submits an affidavit, on a form prescribed or approved by the Director of the Department of Neighborhoods attesting to the fact that there are not any delinquencies owed by the registrant for vacant building registration fees, civil fines, and all other financial obligations and/or debts owed to the Lucas County and the City of Toledo which are associated with said vacant building, except for real estate taxes on said property, and attesting to the fact that the registrant is not more than six months delinquent on the real estate tax on said vacant building.

(Ord. 138-15. Passed 3-31-15.)

1767.05. Vacant Residential Building Registrant's Responsibility.

(a) The registrant of any residential building that has become vacant shall, within 30 days that the building becomes vacant, do the following:

(1) Enclose and secure an open building; and

(2) Maintain the building in a secure and closed condition until the building is again in accordance with this chapter.

(3) Permit the Director of the Department of Neighborhoods or his or her designee access to the vacant building at least one time per year to verify compliance with Chapters 1726 and 1767 of the Municipal Code.

(b) The Director of the Department of Neighborhoods may issue rules and regulations for the administration for subsection 1763.05(a) of this chapter. These rules may designate board-up materials and methods which must be used when securing a building so that the boarding is reasonably incapable of being removed by trespassers or others acting without the building owner's consent.

(Ord. 138-15. Passed 3-31-15.)

1767.06. Duty to Amend Registration Statement or Affidavit.

If there is any information on a current vacant residential building statement or affidavit that becomes inaccurate or untrue at any time including during a period of waiver under Section 1767.04 of this chapter, it is the responsibility of the registrant to notify the Director of the Department of Neighborhoods, within 30 days of the occurrence of any change in the vacant residential building registration information by filing an amended registration statement or affidavit on a form provided by the Director of the Department of Neighborhoods for such purposes.

(Ord. 138-15. Passed 3-31-15.)

1767.07. Prohibitions; Notice of Liability.

(a) No person required to file a vacant residential building statement shall fail to file said statement or statements for each such vacant residential building(s) with the Director of the Department of Neighborhoods, on forms prescribed or approved by the Director of the Department of Neighborhoods or shall fail to pay a vacant residential building registration fee, except registrants of vacant residential buildings who have a current waiver of a vacant residential registration fee pursuant to provisions of Section 1767.03 of this chapter, at the time of the vacant residential building registration statement within the specified period of time and on a form prescribed in Section 1767.02 of this chapter.

(b) No person required to file a vacant residential building registration statement shall fail to provide the names, street address numbers, address and working telephone numbers of an authorized agent that meets all qualifications specified in Section 1767.02 of this chapter for the purpose of receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code.

(c) No person required to file a vacant residential building registration statement of any residential building that has become vacant, and any person maintaining, operating or collecting rent for any residential building that has become vacant shall fail, within 15 days, to do the following:

(1) Enclose and secure an open residential structure in accordance with any rules and regulations issued by the Director of the Department of Neighborhoods for the administration of Section 1767.05 of this chapter; and

(2) Maintain the building in a secure and closed condition in accordance with any rules and regulations issued by the Director of the Department of Neighborhoods for administration of Section 1767.05 of this chapter until the building is again occupied or until repair or completion of the building has been undertaken.

(d) No person required to file a vacant residential building registration statement shall knowingly provide incorrect information on the vacant residential building registration statement form, application for a waiver of a vacant residential building registration fee or renewal of waiver of a vacant residential building registration fee.

(e) No person required to file a vacant residential building registration statement of the vacant residential building shall fail to make payment of the initial vacant residential building registration fee at the time of the filing the vacant residential building registration statement, except owners of vacant residential buildings who have a current waiver of a vacant residential building registration fee pursuant to provisions of Section 1767.04 of this chapter, and by January 1 of each successive calendar year, in the amount prescribed in Section 1767.03.

(f) No person required to file a vacant residential building registration statement shall fail to notify the Director of the Department of Neighborhoods of vacant buildings, within 30 days of the occurrence of any change of the information on the previously filed vacant residential building registration statement or affidavit, by filing an amended vacant residential building registration statement or affidavit on a form prescribed or approved by the Director of the Department of Neighborhoods of buildings for such purposes.

(g) The owner of any vacant residential building who fails to file a vacant residential building registration statement for each such structure within the timeframes established by this Chapter or who fails to update a change in registration information within the timeframes established by this Chapter shall be subject to a fifty dollar (\$50.00) per day administrative penalty per residential unit with a maximum penalty of one thousand dollars (\$1,000) per residential unit.

(h) In addition to any other penalty and/or notice of liability provided for in Chapter 963, Chapter 1367, Chapter 1393, Chapter 1725, Chapter 1726 or Chapter 1763, the Director of the Department of Neighborhoods or his or her designee may issue a Notice of Liability to the owner of a vacant residential building who violates any required action as prescribed in this chapter. Said notice shall describe the location and nature of the violation, the time and date it was observed and the fine assessed to the owner. No notice of liability may be issued to an owner more than once during any thirty-day (30) period for the same violation at the same premises.

(1) The Notice of Liability provided for by this section shall be served upon the person required to file a vacant residential building registration statement or his or her authorized agent by certified United States mail return receipt requested or by personal service. In the event of failure of certified mail service on the basis that the return receipt is endorsed "unclaimed" or "refused", service shall be perfected by sending the notice to the address where certified mail was attempted by United States First Class postage.

(2) The following rebuttable presumption shall apply to violations of this section: the owner of the premises whose name is listed in the records of the Lucas County Auditor or, the Lucas County Recorder and/or whose name is listed on the vacant residential building registration statement is presumed, for purposes of this section, to be the person required to file a vacant residential building registration statement of said premises.

(i) Any person required to file a vacant residential building registration statement charged with a Notice of Liability may appeal said notice as provided by Section 1726.08. The failure to file an appeal shall constitute a waiver of the right to contest the Notice and shall constitute an admission of the Notice of Liability.

(j) Any person required to file a vacant residential building registration statement found liable pursuant to subsections 1767.07(a) through 1767.07(f) shall result in a civil fine of up to two hundred fifty dollars (\$250.00). A second violation within two years shall result in a civil fine of up to five hundred dollars (\$500.00). A third and any subsequent violation within two years shall result in a civil fine of up to one thousand dollars (\$1,000.00). Nothing in this chapter prohibits the Board of Nuisance Abatement/a court to take testimony as to the financial condition of any person required to file a vacant residential building registration statement who appeals said notice or the amount of the Notice of Liability pursuant to provisions in T.M.C. Chapter 1726, in this TMC Chapter 1767, and the laws of the State of Ohio and to reduce the amount of the fine.

(k) Payment of any fine authorized under this code section may be enforced by means of a civil action or any other method provided for by the Ohio Revised Code or the Toledo Municipal Code.

(Ord. 138-15. Passed 3-31-15.)

1767.08. Appeals.

(a) The person required to file a vacant residential building registration statement of a vacant residential building shall have the right to appeal the imposition of the vacant residential building registration fee to the Nuisance Abatement Housing Appeals Board by filing an application in writing with the Nuisance Abatement Housing Appeals Board and the applicable fifty dollar (\$50.00) filing fee no later than thirty (30) calendar days from the filing date of the vacant residential building registration statement or January 30th of the year, whichever is later. The person required to file a vacant residential building registration statement shall have the right to appeal the imposition of the Notice of Liability to the Nuisance Abatement Housing Appeals Board by filing an application in writing with the Nuisance Abatement Housing Appeals Board with the applicable fifty dollar (\$50.00) filing fee within thirty (30) calendar days from the date of the Notice of Liability.

(b) Notice of Violations of the rental registry may be appealed to the Nuisance Abatement Housing Appeals Board by filing an application in writing with the Nuisance Abatement Housing Appeals Board with the applicable fifty dollar (\$50.00) filing fee within thirty (30) calendar days from the date of Notice of Violation.

(Ord. 396-20. Passed 10-20-20.)

1767.09. Residential rental registration required.

(a) Owners of one or more Rental Units and/or Rental Property located within the City of Toledo shall comply with all requirements of the Lucas County Residential Rental Property Registration program enabled by Ohio Revised Code Chapter 5323 through the Department of Neighborhoods and the Lucas County Auditor's Office by June 30, 2021.

(b) There is no fee associated with registration.

(c) A late fee and civil fines as set forth in TMC 1726.99 shall be instituted for failure to comply with the registration requirements of this Section and shall be paid by the Owner or Responsible Agent who is responsible for correcting the violations. Notice shall be accompanied by a statement of the cost incurred, and in the event the same is not paid within thirty (30) days after the mailing of the notice, then such amount shall be certified to the County Auditor for collection of the same as other taxes and assessments are collected.

(d) Nothing in this chapter prohibits the Nuisance Abatement Housing Appeals Board from taking testimony as to the financial condition of any person required to register residential rental buildings who appeals pursuant to TMC 1767.08, and the laws of the State of Ohio and to reduce the amount of the fine.

(e) Payment of any fine authorized under this code section may be enforced by means of a civil action or any other method provided for by the Ohio Revised Code or the Toledo Municipal Code.

(Ord. 396-20. Passed 10-20-20.)

1767.99. Penalty for vacant residential building registry.

(a) All fines for citations and non-compliance fees issued in accordance with the Vacant Residential Building Registry of Chapter 1767 shall be deposited in the Nuisance Abatement Trust Fund, which fines and fees shall be used by the Department of Neighborhoods for purposes not inconsistent with this chapter, with the exception of court costs which will be deposited as required by law.

(b) Whoever violates the Vacant Residential Building Registry of Chapter 1767 shall in addition to any other civil fine be guilty of a misdemeanor third degree on the first offense, a misdemeanor of the second degree for a second subsequent offense or a misdemeanor of the first degree for a third subsequent offense.

(Ord. 396-20. Passed 10-20-20.)