

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 89-11

BY: Mrs. Zamiska, Mr. Ricco and Mrs. Hanek

AN ORDINANCE ESTABLISHING CHAPTER 1471 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK TITLED "NOTICE OF FORECLOSURE AND REGISTRATION OF VACANT BUILDINGS OR STRUCTURES"

WHEREAS: Properties within the City of Brunswick that are in foreclosure are often left vacant and in deteriorating condition; and

WHEREAS: The individuals and companies that foreclose on properties within the City have an obligation to ensure that those are adequately maintained in accordance with the City's Building and Housing Code, Property Maintenance Code and other applicable Ordinances; and

WHEREAS: Requiring notification of the commencement of foreclosure proceedings will allow the City to better monitor vacant properties in order to enforce the City's Building and Housing Code, Property Maintenance Code and other applicable Ordinances.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Chapter 1471 of the City of Brunswick Codified Ordinances is hereby established to read as follows:

1471.01 APPLICATION OF CHAPTER.

This Chapter shall be applicable to all residential, commercial and industrial properties located within the City of Brunswick.

1471.02 DEFINITIONS.

(a) "Person" means a natural person or any legal entity including, but not limited to, a corporation, firm, partnership, trust or association, and specifically the attorney and/or law firm representing a party initiating a foreclosure action.

(b) "Vacant" means that no person actually resides in any part of the building or structure on the property, or that no person conducts a lawful business in any part of the building or structure located on the property, or that there is no primary building or structure on the property.

1471.03 NOTICE TO CITY OF FORECLOSURE FILING; FEE.

(a) Any person who files a complaint in any court of competent jurisdiction for foreclosure involving real property located within the City of Brunswick shall notify the City of the filing of the foreclosure complaint and shall file a complete copy of the foreclosure complaint with the Development Director/CBO within ten (10) days after filing of the complaint with the relevant court.

1471.04 PERSON RESPONSIBLE FOR MAINTENANCE IN THE EVENT OF FORECLOSURE.

(a) If the building or structure on a property that is the subject of a foreclosure proceeding is vacant at the time the foreclosure complaint is filed with a court of competent jurisdiction, then the person filing the foreclosure complaint shall notify the City in writing of the name, address and contact information for the person who will be responsible for maintaining the property in compliance with all applicable provisions of the Codified Ordinances of the City of Brunswick.

(b) If the building or structure on the property that is the subject of a foreclosure proceeding becomes vacant at any time after the foreclosure complaint is filed with a court of competent jurisdiction, then the person filing the foreclosure notice shall notify the City in writing of the name, address and contact information for the person who will be responsible for maintaining the property in compliance with all applicable provisions of the Codified Ordinances of the City of Brunswick, and shall otherwise comply with the provisions of this Chapter.

(c) If at any time during the foreclosure proceedings there is a change in the person(s) responsible for maintaining the property, then the person filing the foreclosure complaint shall notify the City in writing of the name, address and contact person who will, or who has, assumed responsibility for maintaining the property within ten (10) days.

1471.99 PENALTY.

Whoever fails to file a complete copy of a foreclosure complaint with the City as required by this Chapter shall be deemed guilty of a misdemeanor of the fourth degree. Each day during which noncompliance continues shall constitute a separate offense.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading October 10, 2011
2nd Reading October 24, 2011
3rd Reading November 14, 2011

ADOPTED: November 14, 2011 AYES 7 NAYS 0

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC