

ORDINANCE NO. 252

AN EMERGENCY ORDINANCE PROVIDING FOR
INSPECTION, REPAIR OR REMOVAL OF UNSANITARY,
UNSAFE, INSECURE OR DILAPIDATED STRUCTURES
WITHIN THE VILLAGE OF OTTOVILLE, OHIO.

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution provides that municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws, and

WHEREAS, Sections 715.26 and 715.261 of the Ohio Revised Code provide for the repair or removal of unsanitary, unsafe, insecure or dilapidated structures and recovery of the total cost of abating dangerous property conditions,

NOW THEREFORE, be it ordained by the Council of the Village of Ottoville, Ohio, three-fourths of its members concurring:

SECTION 1. Definition: Nuisance. All buildings are structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence, are for the purpose of this Ordinance, "unsafe buildings". All such unsafe buildings are declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this Ordinance.

SECTION 2: Notice to Owner. The Village Review Board, hereinafter referred to as the "Board", shall consist of the Village Building Inspector, who shall be the Mayor, one member from Council appointed by Council, and the Fire Chief. If the Fire Chief is unable to perform in respect to this Ordinance, then the Assistant Fire Chief shall be a member of the Board. The Board shall examine or cause to be examined every building

or structure or portion thereof reported as or believed to be an unsafe building as defined in Section 1. It shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying said building, if they are not the owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe. The notice shall state that a hearing will be held before the Board at a place therein fixed not less than ten days nor more than 30 days after the serving of the notice; that the owner and parties in interest may file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the notice, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

SECTION 3. If, after the notice and hearing, the Board determines that the structure under consideration is unfit for human habitation, occupancy or use, or is an unsafe building, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the owner:

(A) Within the time specified in the order, to repair, alter or improve the structure to render it fit for human habitation, occupancy or use, or at the option of the owner, to vacate and close the structure if the repair, alteration or improvement of the structure can be made at a cost that is not more than 50% of the value of the structure; or

(B) Within the time specified in the order, to remove or demolish the structure if the repair, alteration, or improvement of the structure cannot be made at a cost that is not more than 50% of the value of the structure.

SECTION 4. Service of Notice. Proper service of such notice shall be by personal service, residence service, or by registered mail; provided, however, that such notice shall be deemed to be properly served, if a copy thereof is sent by registered mail to the last known address of the owner of record. If any of the parties cannot be located, nor can his address be ascertained, this notice shall be deemed to be properly served if a copy thereof is placed in a conspicuous place in or about the building or structure affected by this notice. If such notice is by registered mail, the period within which such owner is required to comply with the order of the Board shall begin as of the date he received such notice.

SECTION 5. Posting of Signs. The Board shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. VILLAGE OF OTTOVILLE, OHIO". Such notice shall remain posted until the required repairs are made

or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the Board or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

SECTION 6. Permits. In all cases of construction or repair pursuant to orders of the Board, permits covering such work shall be obtained as required by other sections of this Ordinance.

SECTION 7. Right to Demolish. In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish and remove such buildings or structure or portion thereof, such party, either the owner of record or the purchaser under a land contract, shall be subject to the penal provision of this Ordinance and the Board shall proceed to have the building or structure or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe, and sanitary condition and the cost of such work shall be paid by the Village. If the Village is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Treasurer and levied as a special assessment against said property on which the building or structure is located and shall be collected in the manner provided for in Section 715.261 of the Ohio Revised Code.

SECTION 8. Unsafe Conditions; Reports. Any owner, manager, lessee or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall, within twenty-four hours after such discovery, report the existence of such dangerous condition to the Board, who shall forthwith take such steps as may be necessary to protect the public safety and welfare. If the Board cannot be located, such report shall be made to the Mayor. No person who is an owner, manager, lessee, or occupant of a building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the Board or the Mayor with twenty-four hours after such knowledge is obtained or should have been obtained.

SECTION 9. Appeal. Any person, firm or corporation which feels aggrieved by any order or finding hereunder may appeal same to the Village Council by filing with the Clerk of Council a written notice of appeal setting forth the grounds therefore. Said appeal shall be filed within 20 days of receipt of the order under Section 3 hereof. Said appeal shall then be heard

by Village Council within 15 days of the filing of an appeal. The Village Council, after hearing, may alter, revoke or amend any order or finding previously issued.

SECTION 10. Penalty. A violation of this Ordinance shall constitute a fourth degree misdemeanor.

SECTION 11. This ordinance repeals Ordinance No. 201-A.

SECTION 12. This ordinance shall become effective at the earliest date allowed by law.

Date passed: January 3, 1994

APPROVED:

ATTEST:

Patricia A. Horstman
Mayor

Virginia M. Kemmet
Clerk-Treasurer