

ORDINANCE NO. 3012

AN ORDINANCE ESTABLISHING A PROCEDURE TO INSPECT, REPAIR, AND IF NECESSARY DEMOLISH UNSAFE, INSECURE, OR STRUCTURALLY DEFECTIVE STRUCTURES OR BUILDINGS.

WHEREAS, it is the opinion of this Council that a procedure to inspect, provide for the repair, or demolish unsafe, insecure, or structurally defective structures or buildings is necessary to protect the health and safety of residents and preserve the Village tax base, and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution as well as Ohio Revised Code Sections 715.26, 715.261, 715.44 and 715.49 authorize the adoption of these regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CRESTLINE, OHIO:

SECTION 1. That for the purpose of this Ordinance, the term "unsafe, insecure, or structurally defective structure or building" shall be defined as follows:

UNSAFE, INSECURE, OR STRUCTURALLY DEFECTIVE STRUCTURE OR BUILDING DEFINED.

All buildings or structures which are determined structurally unsafe, insecure, or structurally defective by reason of listing, leaning or buckling to such an extent that when a plumb line drawn through the center of gravity falls outside of the middle third of the base of the structural parts supporting loads, or those which, exclusive of the foundation, show thirty-three percent of damage or deterioration of the supporting members, or fifty percent of damage or deterioration of the nonsupporting enclosing walls or covering, or those which have improperly distributed loads upon the floors or in which the floors are overloaded, or which do not provide adequate egress, or which are vacant, open and unsecured against trespass, or which otherwise constitute a hazard or are dangerous to

human life, or which in relation to existing use or nonuse constitute a hazard to the safety, health or public welfare by reason of such use or nonuse, dilapidation, obsolescence or abandonment, are especially susceptible to use for illegal activities or present unusual fire hazards, are for the purpose of this chapter declared unsafe buildings and thereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure of this chapter.

That the term "total costs of demolition" shall be defined as follows:

TOTAL COSTS OF DEMOLITION DEFINED.

All costs incurred due to the use of employees' time, materials or equipment of the Village, costs of necessary title examinations, any costs arising out of contracts for labor, materials and equipment used in the demolition of the building, and the costs of service of notices or publication required by this Ordinance.

SECTION 2. That the Village Administrator is hereby authorized and directed to inspect every structure or building brought to his attention which may be unsafe, insecure, or structurally defective. He shall document his finding, including an itemized list of defects and shall take photographs showing them, and shall provide written notice to the owners of record and holders of legal or equitable liens of record of his intention to demolish the structure or building.

SECTION 3. That the notice provided under Section 2 shall be given by personal service or certified U.S. mail to the owners of record or holders of legal or equitable liens on the premises. In the event that a current address of an owner or lien holder cannot be determined, notice shall be given by publication in a newspaper of general circulation within the Village once a week for two consecutive weeks. No action to demolish any structure or building shall be commenced sooner than thirty (30) days after the service of notice described in this Section or thirty (30) days of the last date of publication of the notice.

SECTION 4. That within thirty (30) days of the receipt of the notice or last date of publication, the owner or any lien holder of record may enter an

agreement with the Village to repair or demolish the structure or building provided that all agreements to repair or demolish shall be fully performed within sixty (60) days or the agreement shall be void and the Village may proceed as described in Section 6 below.

SECTION 5. That the owner or lien holder may also appeal to the Village Board of Zoning Appeals by delivering a written notice of appeal to the Village within thirty (30) days of the receipt of the notice or last day of publication. The appeal shall be heard at a meeting not less than seven (7) nor more than twenty-one (21) days after the notice of appeal is received and shall be limited to a determination of whether the structure or building in question is unsafe, insecure, or structurally defective or whether a proposed agreement to repair the structure or building rejected by the Village Administrator should be approved. The Board of Zoning Appeals shall by motion affirm, modify or reverse the decision of the Village Administrator at the end of the hearing or at a subsequent meeting held within seven (7) days. The filing of an appeal under this Section shall constitute a stay of the demolition process until the decision on the appeal is rendered.

SECTION 6. That upon the expiration of the time limit provided in Section 3, the failure of the owner or lien holder to fully perform an agreement entered into under Section 4, or the affirming of the determination to demolish the structure or building as provided in Section 5, the Village Administrator shall arrange for the demolition of the structure or building by Village employees or by hiring a demolition contractor to do so. The total costs of demolition as defined in Section 1 shall be paid from the Village General Fund and shall constitute a lien upon the property which shall be certified to the Crawford County Auditor who shall place said costs upon the tax duplicate for collection as other taxes. The Village may also institute a civil action against the owner to collect the total costs of demolition.

SECTION 7. That the Village Administrator shall immediately, upon determining a structure or building unsafe, insecure, or structurally defective, cause a notice to be posted at each entrance to such building or upon such structure reading as follows: "DO NOT ENTER – UNSAFE TO OCCUPY. By order of the Village of Crestline." Such notice shall remain posted until the repairs, alterations, demolition or removal of such building or structure have been completed. Such notice shall not be removed except by permission of the Village Administrator. No person shall enter the structure or building thereafter except for the purpose of making the required repairs or in the process of demolishing or removing the building or structure.

SECTION 8. In the case of a genuine emergency presented by a structure or building which is an immediate risk to persons or property based upon a well-founded belief that it is on the verge of collapsing, the Village Administrator may cause it to be demolished without compliance with Sections 2 to 7 of this Ordinance.

SECTION 9. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

DATE: _____

Aye_____ Nay_____ Abstain_____

David Sharrock, Mayor

Attest:

Annette Johnston, Clerk of Council

Approved as to form:

Harry M. Welsh, Law Director