

VILLAGE OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 10-15

PASSED: January 26, 2015

AN ORDINANCE MODIFYING SECTION 1361.06 OF THE CODIFIED ORDINANCES REQUIRING A CONDEMNATION REVERSAL PERMIT

WHEREAS, the Village of Obetz has numerous buildings that have been declared unsafe and unfit for human occupancy and therefore condemned; and,

WHEREAS, a process is needed to ensure that if a property owner wants to reverse the condemnation status of a building, premises, or equipment that all repairs are done in a workmanship like manner;

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

Section 1: Section 1361.06 of the Codified Ordinances is hereby amended to read as follows:

1361.06 UNSAFE STRUCTURES AND EQUIPMENT.

(a) General. When a structure or equipment is found by the Code Enforcement Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

(b) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(c) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(d) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Enforcement Officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(e) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(f) Dangerous Structure or Premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

- (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or is lodged.
- (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or underpinning of the building or structure is likely to fail or give way.
- (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- (7) The building or structure is neglected, damaged, dilapidated, unsecured persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such fire, building collapse or any other threat to life and safety.
- (9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Enforcement Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (10) Any building or structure, because of a lack of sufficient or proper fire-Enforcement Officer to be a threat to life or health.
- (11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(g) Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Enforcement Officer is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Enforcement Officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(h) Authority to Disconnect Service Utilities. The Code Enforcement Officer shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the other adopted codes of the Village of Oletz in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Enforcement Officer shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

(i) Notice. Whenever the Code Enforcement Officer has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1361.05(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1361.05(b).

(j) Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Enforcement Officer shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(k) Placard Removal. The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Officer shall be subject to the penalties provided by this code.

(l) Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Enforcement Officer shall be vacated as ordered by the Code Enforcement Officer. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

(m) Abatement Methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Enforcement Officer shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

(n) Record. The Code Enforcement Officer shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(o) Permit Required Prior to Repair or Rehabilitation. Prior to repairing or rehabilitating a building, premises, or equipment deemed unsafe by the Code Enforcement Officer, the owner, operator, or occupant of the building, premises or equipment shall apply for a Condemnation Reversal Permit and pay a fee as adopted by Council. The Condemnation Reversal Permit does not take the place of other permits required by the Zoning Administrator, Chief Building Official, or other outside agencies.

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PASSED: January 26, 2015

Section 2. The Fee Schedule adopted by Council Ordinance 14-06 shall be amended to include the following:

ITEM (CODE ENFORCEMENT)	FEE
A. <u>Condemnation Reversal Permit Application</u> B. <u>Condemnation Reversal Permit Inspections</u>	A. <u>\$100 fee</u> B. <u>\$75 per inspection; a \$300 deposit is required with the permit application. The deposit shall be applied to the inspection fees. These inspection fees are independent of any building and zoning permit fees.</u>

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26 day of January, 2015.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk

D. Greg Scott
D. Greg Scott, Mayor

Angela Kirk
Angela Kirk, President Pro-Tem

APPROVED AS TO FORM:

Eve M. Ellinger, Esq. Director of Law

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 10-15 was duly posted at 3:30pm (time) on the 30 day of January, 2015, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.



Stacey Boumis
Stacey Boumis, Clerk

1/30/15
Date