

IN THE COUNCIL OF THE  
VILLAGE OF NEW CONCORD, OHIO

Ordinance No.     C-4-89-1    

AN ORDINANCE DEFINING "UNSAFE BUILDINGS" AND  
PROVIDING FOR THE ABATEMENT OF UNSAFE BUILDINGS  
FOR THE PRESERVATION OF THE PUBLIC PEACE, HEALTH,  
SAFETY AND WELFARE.

WHEREAS, in order to preserve and promote the public health, safety and welfare of the inhabitants of the Village of New Concord and of the public generally, and to encourage and facilitate the adequate maintenance and upkeep of all buildings and structures located in the Village of New Concord, the Council for the Village of New Concord does hereby establish an ordinance for the abatement of unsafe buildings.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of New Concord, State of Ohio:

Section 1: Application of Provisions.

In their interpretation and application, the provisions of this code for the abatement of unsafe buildings shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare, and shall be interpreted so as to effectuate the purpose of these requirements. To protect the public, among other purposes, such provisions are intended to provide for the adequate maintenance, construction, quality of materials, condition, and use and occupancy of all buildings and structures within the Village.

Section 2: Purpose

This code for the abatement of unsafe buildings is enacted to preserve and promote the public health, safety and welfare of the inhabitants of the Village and of the public generally, and to encourage and facilitate the maintenance, quality of materials, structural integrity and use and occupancy of all buildings and structures within the Village. The provision of this code for the abatement of unsafe buildings shall supplement any and all laws of the State of Ohio relating to buildings.

Section 3: Scope

It is not intended by this code for the abatement of unsafe buildings to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances. All buildings and structures located within the Village and buildings

and structures moved into or within the Village shall conform to the requirements of this ordinance. Additions, alterations, repairs and changes in all buildings and structures shall comply with the provisions of this ordinance. Where this ordinance imposes greater restriction upon buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

Section 4: Definition; Nuisance

All buildings or structures which are a menace to the public health, welfare or safety or 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 section "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 5: Enforcement; Authorized Officials

The Building Official, Fire Inspector, Health Commissioner and Housing Inspector of or retained by the Village are each individually authorized and charged with the duty to enforce the provisions of this chapter. Such officials may act jointly or independently in performing such duties; however, each such official is specifically authorized to make such order and take such action authorized by this section for the enforcement of this section as may, in the judgment of such official, be necessary in the preservation of the public peace, health, safety and welfare; and each such official is fully authorized and empowered to enforce the provisions of this chapter. The term "enforcing official" as used in this chapter shall refer to the Building Official, Fire Inspector, Housing Inspector, or Health Commissioner, as the case may be, engaged in the enforcement of this section; or to two or more of such officials acting jointly in the enforcement of this ordinance.

Section 6: Notice to Owner

The enforcing official 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 4. He shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying such building, if they are not owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe, and shall state that the work shall commence within thirty days and continue work, either to complete the

specified repairs or improvements, or to demolish and remove the building or structure, or portion thereof, leaving the premises in a clean, safe and sanitary condition, such condition being subject to the approval of the enforcing official, excepting that in cases of emergency making immediate repairs necessary, the enforcing official may order the changes or demolition to be made within a shorter period. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof, if any.

#### Section 7: Service of Notice

Proper service of notice required in Section 6 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. If any of the parties cannot be located, nor 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 thirty-day period within which such owner is required to comply with the order of the Building Official shall begin as of the date he received such notice as evidenced by the return receipt. If certified mail service is refused or unclaimed as evidenced by the return of such certified mail with an endorsement showing such refusal or that the envelope was unclaimed, the enforcing official shall reissue the notice by ordinary mail retaining the certified mail envelope and endorsement as evidence of such failure of certified mail service; and service of the notice shall be deemed completed upon mailing of the ordinary mail notice. The enforcing official shall note the fact of ordinary mail service and the date thereof in the records of such enforcement proceeding. If an emergency exists, as determined by the Village, notice may be given less than thirty days prior to any removal or repair of the property. If for any reason notice is not given, the lien provided for herein and by Ohio Revised Code § 715.261 as a result of such removal or repair is subordinate to any liens of prior record.

#### Section 8: Posting of Signs

The enforcing official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. BUILDING OFFICIAL, VILLAGE OF NEW CONCORD". Such notice shall remain posted until the required repairs are made or demolition is completed. No person shall remove such notice without permission of the enforcing official, or enter the building, except for the purpose of making the required repairs or of demolishing same.

### Section 9: Permits

In all cases of construction, repair or removal pursuant to orders of an enforcing official hereunder, permits covering such work shall be obtained as required by the ordinances of the Village.

### Section 10: Right to Demolish

In case the owner of record, or the purchaser under a land contract if that be the case, fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove such building 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 provisions of this section and the enforcing official 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 the property on which the building or structure is located and shall be collected in the manner provided for special assessments. Such certification shall not, however, preclude other methods of recovery of such cost as may be authorized generally by law.

### Section 11: Penalty

Whoever violates any provisions of this section or any order made by an enforcing official made pursuant to this section is guilty of a minor misdemeanor upon the first offense and a misdemeanor of the fourth degree upon each subsequent offense and shall be punished as provided in Ohio Revised Code §2929.21. Each day of a continuing violation after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed to be a separate offense.

### Section 12: Saving Clause

Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

### Section 13: Date of Effect

The Village Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in full force from and after its approval as required by law.

Cross References:

Removal of unsafe structures - R.C. 715.26; 715.261

Passed: April 10, 1989

W. Michael Kruzan  
W. MICHAEL KRUZAN  
President of Council

Approved: April 10, 1989

R. Gregory Adams  
R. GREGORY ADAMS, Mayor

Attest:

Beryl L. Hammer  
Village Clerk - Treasurer

I hereby certify that the above Ordinance No. C-4-89-1 was posted per Ordinance No. L-1-84-1 from May 11, 1989 to September 14, 1989.

Beryl L. Hammer, Clerk

CAC:msb  
Villagel  
A:CAC2