

IN THE COUNCIL OF THE
VILLAGE OF NEW CONCORD, OHIO

Ordinance No. C-7-89-2

AN ORDINANCE FOR THE WRECKING AND RAZING OF
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 the safe wrecking, razing or dismantling of buildings adjacent to public lands, the Council of the Village of New Concord does hereby establish an ordinance for the wrecking and razing of buildings.

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

Section 1: Purpose.

This ordinance for the wrecking and razing of buildings is enacted 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 safety and financial responsibility in wrecking, dismantling, demolishing or razing any building within the Village. The provisions of this ordinance for the wrecking and razing of buildings shall supplement any and all laws of the State of Ohio relating to buildings.

Section 2: Permit Required; Exceptions.

No person shall alter, wreck, dismantle, demolish, remove or raze any building within the Village, which is within fifteen feet of any public lands, buildings or rights of way, without first making application for a permit to the Mayor.

This section shall not apply to any person wrecking or dismantling his own garage or other accessory building not more than one story in height and not more than 500 square feet in area, provided such garage or accessory building is not within fifteen feet of any public lands, buildings or right of way.

Section 3: Permit Fee and Term.

The fee for the permit required by Section 2 shall be Twenty-five Dollars (\$25) for residential buildings and One Hundred Dollars (\$100) for commercial buildings.

Where more than one building is being wrecked or razed on the same lot or contiguous lots for the same owner, only one permit shall be required.

Permits shall be issued for a period not to exceed six (6) months.

Section 4: Liability Insurance, Demolition Insurance or Bond Required; Exceptions.

Before a permit may be issued to any person for the wrecking or dismantling of any building, the application for the permit shall be accompanied by a policy of liability insurance, demolition insurance or a bond for the purposes of the demolition or razing a building or other structure with the Village as a named insured.

Liability insurance shall be in the amounts as follows:

- (a) Single family residence, duplex or double house, five hundred thousand dollars (\$500,000) bodily injury to more than one person in any one accident and three hundred thousand dollars (\$300,000) property damage;
- (b) Business, commercial, public or semi-public buildings, five hundred thousand dollars (\$500,000) bodily injury to more than one person in any one accident and five hundred thousand dollars (\$500,000) property damage.

Demolition insurance and bonds shall be in the amounts and terms and conditions specified by the Building Officials.

Such amounts shall be acceptable to and approved by the Building Official and written by an insurance company authorized to carry on business and write such policy in the State. The Building Official shall have the discretion to amend the insurance required with the issuance of each permit when the facts and circumstances, in his discretion, warrant an alteration of the requirements of this section. A certificate of insurance, a bond, or other evidence of insurance deemed adequate by the Building Official shall be filed with the Building Official prior to the commencement of any work on the premises for which the permit is issued. Such property damage insurance shall cover damage to streets, sidewalks, utility services or other property of the Village.

This section shall not apply to any person wrecking or dismantling his own building, provided such building is not within fifteen feet of any public lands, buildings or rights of way. If the building is within fifteen feet of any public lands, buildings or rights of way, the Building Official may require and approve a policy of liability insurance, demolition insurance or a bond.

Section 5: Permit Expiration for Lapse of Insurance Policy.

The permit of the applicant shall expire if no work is commenced for six months after the issuance of the permit or work is not completed within thirty days from the date work is commenced, whichever first occurs. If the policy of liability insurance expires prior to the expiration of the permit under the periods previously specified, the permit shall expire upon the lapse or termination of the policy of liability insurance.

If the permit expires, no fees shall be refundable. The Building Official may, within three months of the expiration of any permit, reinstate it, but shall not be obligated to do so. If a permit is reinstated, an additional fee of fifteen dollars (\$15) shall be charged for residential buildings and forty dollars (\$40) for commercial buildings.

Section 6. Posting of Permit.

A copy of the permit shall be kept on the premises during the prosecution of the work and until the completion of the same.

Section 7. Demolition.

Demolition shall be commenced within six months of the issuance of the permit and shall continue, without interruption, until demolition is completed. Demolition shall be completed within thirty days of the date of the commencement of demolition. The Building Official shall have the authority to alter or extend these time periods in his discretion.

Section 8: Safety Precautions; Debris on Public Ground.

No building shall be razed or dismantled in such a manner as to endanger persons using the public streets and sidewalks, nor shall any debris be permitted to remain upon a public street or sidewalk. No building shall be razed or dismantled in such a manner as to leave the property in an unsafe or hazardous condition or any condition which endangers public health and safety. The property from which a building is removed must be restored to a safe condition which condition must be approved by the Building Official upon the expiration of the permit or upon notification of the completion of the work, whichever first occurs.

The Building Official shall have the authority to impose any additional requirements necessary to secure the safety of the property during demolition.

Section 9. Inspection; Stop Work Order.

The premises for which a permit is requested shall be inspected by the Building Official upon the application of the permit. The permit holder shall, following the issuance of a permit, notify the Building Official of the progress on wrecking and razing in accordance with the terms of the requirements of the permit. The premises shall be inspected by the Building Official during the course of wrecking and razing in accordance with the terms of the permit, and shall be inspected by the Building Official at the expiration of the permit or upon notification of the permit holder that the work has been completed.

In the event that a permit holder fails to comply with the findings and orders of the Building Official, or in the event that an individual fails to obtain a permit when required, the Building Official shall have the authority to issue a stop work order requiring the permit holder to comply with the findings and orders of the Building Official or requiring an individual operating without a permit to apply for and receive a permit from the Village of New Concord.

Section 10: Barricades and Lights Required.

Whenever a building is being wrecked or dismantled within fifteen feet of a public street or sidewalk, barricades shall be erected and lights provided at such barricades at night. Barricades six feet in height and of solid construction shall be required where wrecking or dismantling is to be done on main thoroughfares or business districts.

Section 11: Removal of Debris from Wrecking Site.

No rubbish, debris, lumber, glass or other materials from a wrecked or dismantled building shall be allowed to remain on the lot or tract of land longer than ten days after such building has been wrecked or dismantled. No material of any kind shall be burned on the premises.

Section 12: Protection of Sewer Lines.

Any sewer lines left exposed as a result of wrecking or dismantling of any building shall be capped or plugged with concrete in a manner sufficient to prevent gases or injurious matter from entering the sewer line prior to inspection by the Building Official.

Section 13: Fire-Damaged Structures; Repair, Removal or Securing Fund.

(a) No insurance company doing business in the State shall pay a claim of named insured for fire damage to a structure located

within the Village where the amount recoverable for the fire loss to the structure, under all insurance policies exceeds five thousand dollars (\$5,000) and is greater than or equal to sixty percent (60%) of all fire insurance policy monetary limitation unless there is compliance with the following procedures:

- (1) When the loss agreed to between the named insured or insureds and the insurance company or insurance companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Ohio Revised Code §715.26(F) shall transfer from the insurance proceeds to the Village Clerk in the aggregate amount of one thousand dollars (\$1,000) for each twenty thousand dollars (\$20,000) and each fraction of that amount of a claim or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate. There shall be a minimum transfer of one thousand dollars (\$1,000).

Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the Village may be disbursed in accordance with the policy terms. The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Village Clerk, after notifying the Building Official, shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the Village has not commenced to remove, repair or secure the building or other structure.

- (2) Upon receipt of proceeds by the Village as authorized by this section, the Village Clerk shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing any building or other structure incurred by the Village pursuant to Ohio Revised Code §715.261

When transferring the fund as required in subsection (a)(1) hereof, an insurance company shall provide the Village with the name and address of the named insured

or insureds whereupon the Village shall contact the named insured or insureds, certify that the proceeds have been received by the Village and notify them that the following procedures will be followed:

The fund shall be returned by the Village Clerk to the named insured or insureds when repairs, or removal or securing of the building or other structure have been completed and the required proof is received by the Fire Marshall or Building Official, provided that the Village has not incurred any costs for such repairs, removal or securing the building or other structure. If the Village has incurred any costs for repairs, removal or securing the building or other structure, such costs shall be paid from the fund and if excess funds remain, the Village shall transfer the remaining funds to the named insured or insureds after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the Village to recover any deficiency under Ohio Revised Code §715.261.

Nothing in Ohio Revised Code §3929.86(C) and (D) as adopted herein, shall be construed to prohibit the Village and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(b) The Village Clerk is hereby designated as the officer authorized to carry out the duties of this section provided that no funds so held under this section shall be released without notification of such intent to the Building Official.

(c) The Clerk of Council is hereby directed to send a certified copy of this section to the Superintendent of Insurance for the State of Ohio.

Section 14. Compliance Required; Failure to Comply.

No person shall wreck, raze, alter, remove or demolish a building, structure or part thereof in violation of any of the provisions of this ordinance.

Whenever the owner of property fails to comply with the findings and orders of the Building Official or a stop work order of the Building Official or any other provision of this ordinance, the Building Official may cause the structure or part thereof to be razed and removed, either through an available public agency or by

contract with private persons, and the cost of such razing and removal, including but not limited to the fees of the Building Officla, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. The Clerk of Council shall certify the total cost of such to the County Auditor, who shall place the cost on the tax duplicate as provided in Ohio Revised Code §715.261.

Section 15: Penalty.

Whoever violates any provision of this ordinance is guilty of a minor misdemeanor upon the first offense and a misdemeanor in the fourth degree on each subsequent offense and shall be punished as provided by Ohio Revised Code §2929.21.

Section 16: 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:

Erection, inspection and numbering of buildings - R.C. §715.26;

Recovery from owner of building of total cost of correcting hazardous condition or abating nuisance - R.C. §715.261;

Fire laws, claims and municipal requirements - R.C. §3929.86

Ordinance No. C-4-89-1 Abatement of Unsafe Buildings

Ordinance No. C-7-89-1 Building Official

Passed: July 24, 1989

W. Michael Krizan
W. MICHAEL KRIZAN
President of Council

I hereby certify that the above Ordinance No. C-7-89-2 was posted per Ordinance No. L-1-84-1 from July 27, 1989 to September 14, 1989.

Beryl L. Hammer, Clerk

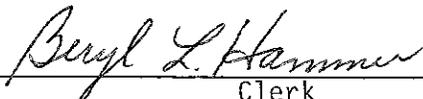
Approved: July 24, 1989


R. GREGORY ADAMS, Mayor

Attest:


Village Clerk - Treasurer

I hereby certify that the above Ordinance No. C-7-89-2 was posted per Ordinance No. L-1-84-1 from July 27, 1989 to September 14, 1989.


Clerk

CAC:msb
Village3
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