

AN ORDINANCE DEFINING A DANGEROUS BUILDING  
DECLARING SAME A NUISANCE AND SETTING PRO-  
CEDURES FOR ABATEMENT OF SUCH NUISANCE AND  
SETTING STANDARDS FOR BUILDINGS TO BE FIT  
FOR OCCUPANCY.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOUTH POINT, OHIO:

SECTION 1: DANGEROUS BUILDING OR STRUCTURES DEFINED.

All buildings or structures or parts thereof which have any of the following defects shall be deemed "Dangerous Buildings or Structures" and shall be condemned as unfit for human habitation or occupancy:

- A. Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckel to such extent as to weaken structural support they provide.
- B. Those which, exclusive of the foundation, show thirty-three percent or more, or damage or deterioration of the supporting member or members, or fifty percent or more of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads on the floors or roof or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to no longer provide shelter from the elements and have become dangerous to life, safety, morals or the general health and welfare of the occupants or of the people of the Village.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or vermin infested, or which so utterly fail to provide the facilities essential to decent living and are likely to cause sickness or disease, or injury to the health, morals, safety or general welfare of those occupying same or of people at large.
- F. Those which have parts thereof which are so attached that they may fall and injure occupants or the public or property.

SECTION 2: DECLARATION OF NUISANCE AND ORDERS.

All dangerous buildings or structures or parts thereof within the terms of Section 1 above, and those structures that are vacant and not secured or adequately fastened so as to prevent ready entrance by an unauthorized person or persons are hereby declared to be public nuisances and shall be vacated and repaired or secured or demolished as hereinafter provided:

If a dangerous building or structure is in such condition as to make it dangerous to the health, morals, safety and general welfare of its occupants, it shall be ordered to be vacated and repaired or demolished.

In any case where a dangerous building or structure is fifty percent damaged or decayed or deteriorated from its original structure, it shall be ordered to be vacated and demolished, and in all cases where a building or structure cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered vacated and demolished.

Buildings or structures ordered vacated shall be vacated in accordance with the provisions of Section 25.

### SECTION 3: NOTICES

Whenever the Village Administrator, upon the investigation of the Fire Chief, determines that a building or structure is a dangerous building or structure as defined in Section 1 above, or if unoccupied is inadequately secured from ready entrance by unauthorized persons, he shall:

- A. Affix to such building or structure or portion thereof, on the door or entrance thereto a placard on which is to be printed a declaration that such building or structure or portion thereof is unfit for human habitation and ordered vacated. No person shall deface, remove the placard from any building or structure or part thereof which has been condemned as unfit for human habitation and placarded as such. The Village Administrator shall remove such placard whenever the defect or defects upon which the condemnation and placarding section were based have been eliminated.
- B. Notify the owner, occupant, lessee, mortgagee or other person having an interest in the building or structure as shown by the records of Lawrence County, Ohio, of any of the building or structures found by him to be a dangerous building or structure within the standards set forth in this Ordinance. The owner must vacate, repair or demolish the building or structure in accordance with the terms of the notice and this ordinance. The occupant or lessee must vacate the building or structure or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession.

The mortgagee or other person having an interest in the building or structure, as shown by the records of Lawrence County, Ohio, may, at his own risk, vacate and repair or demolish the building or structure or have such work or act done.

- C. Service of the notice shall be made in accordance with Section 23.

### SECTION 4: APPEAL

Any person affected by any notice and order provided for in Section 3 may, within ten days after the date of such notice and order, request and shall be granted a hearing on the matter pursuant to the provisions of Section 24.

### SECTION 5: VACATION AND DEMOLITION

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Village Administrator, provided for in Section 3, or the action of the Village Council after hearing where a hearing has been requested, the Village Administrator shall cause such structure or part thereof, to be vacated, and may cause the same to be repaired or demolished if the facts indicate that a delay will be dangerous to the health, morals, safety and general welfare of the people and shall cause the cost of such repair or demolition to be charged against the land on which the building or structure existed as a municipal lien as provided in Section 7, or to be recovered in a suit at law against the owner.

### SECTION 6: EMERGENCY DEMOLITION AND VACATION

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building or structure, as defined in Section 1, is immediately vacated and repaired or demolished, the Village Administrator, upon the investigation of the Fire Chief, shall cause the immediate vacation and repair and demolition of such dangerous building or structure. The cost of such emergency repair

or demolition of such dangerous building or structure shall be collected in the same manner as provided in Section 3.

#### SECTION 7: CERTIFICATION TO COUNTY AUDITOR FOR COLLECTION

The total cost, whether the same is incurred due to the use of employees, materials and equipment of the Village, or be contract for labor, materials and equipment, or both, of removing insecure, unsafe and structurally defective buildings, dangerous dwellings or other structures, regardless of whether such removal is authorized under ordinances of the Village of South Point, Ohio Revised Code Section 715.26 or Section 3, Article XVIII of the Ohio Constitution, including the cost of service or publication notice, together with a proper description of the premises shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate. Such cost shall be a lien upon such land on and after the date of the entry and shall be collected as other taxes and returned to the Village of South Point.

#### SECTION 8: EXCEPTIONS FOR URBAN RENEWAL AREA

The cost of removing a building or other structure which is located within an area determined by Council to be an urban renewal area included within an urban renewal plan shall not be certified to the County Auditor to be placed upon the tax duplicate.

#### SECTION 9: GENERAL PROVISION

No person shall occupy or let to another for occupancy for any purpose any building or structure which does not comply with the requirements of this Ordinance.

#### SECTION 10: STRUCTURAL SOUNDNESS OF MEMBERS

Every foundation, floor, outer wall, ceiling or roof shall be so constructed and maintained as to make all occupied rooms weather tight, water tight and rodent proof, shall be capable of affording privacy and shall be kept in good repair.

#### SECTION 11: STRUCTURAL SOUNDNESS OF OPENINGS

Every window, exterior door and basement hatchway or stairway shall be weather tight, water tight and rodent proof and shall be kept in good working repair and condition.

#### SECTION 12: STRUCTURAL SOUNDNESS OF STAIRS OR PORCHES

Every inside and outside stair and handrail and every porch and rail shall be so constructed as to be safe to use and capable of supporting the maximum load that normal use may cause to be placed thereon shall be kept in good, sound condition and repair.

#### SECTION 13: MECHANICAL SOUNDNESS OF PLUMBING

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary condition and free from defects, leaks and obstructions.

#### SECTION 14: FOUNDATIONS

The foundation elements shall adequately support the building at all points.

#### SECTION 15: FLOORS

Every floor shall be free of holes and wide cracks which might admit rodents or which constitute a possible accident hazard. Every floor shall be free of loose, warped, protruding and rotting floor boards.

#### SECTION 16: EXTERIOR WALLS

Every exterior wall shall be free of holes, breaks, loose or rotting boards and timbers and any other condition that might admit rodents, birds,

insects, rain or dampness to the interior portion of the wall or to the interior spaces of the structure.

#### SECTION 17: INTERIOR WALLS AND CEILINGS

Every interior wall and ceiling shall be free of holes and large cracks. Every interior wall shall be free of loose plaster and other structural material, the collapse of which might constitute an accident hazard.

#### SECTION 18: ROOF

The roof shall be tight and have no defects which could admit rain.

#### SECTION 19: CHIMNEYS

All chimneys shall be adequately flashed or sealed at the point of junction with the roof to prevent leakage, free from loose brick, open mortar joints, plumb with the vertical and structurally safe.

#### SECTION 20: WINDOWS

Every window shall be fully supplied with window panes which are without open cracks or holes.

#### SECTION 21: BASEMENT HATCHWAY CONSTRUCTION

Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

#### SECTION 22: ENTRY AND INSPECTION OF DWELLINGS AND OTHER BUILDINGS AND STRUCTURES

The Fire Chief is hereby authorized and directed to make inspections to determine the condition of all structures and premises located within the Village so that he may perform his duties, safeguarding the health and safety of occupants of the structures and the general public. For the purpose of making such inspections and upon showing appropriate identification, the Fire Chief is hereby authorized to enter, examine and survey, at any reasonable hour, all buildings and structures in the Village. The owner or occupant of any building or structure or person in charge thereof shall give the Fire Chief access to such building or structure at any reasonable hour for the purpose of inspecting, examination and survey. If refused, the Fire Chief may apply to competent authority for a search warrant. Every occupant of a building or structure shall give the owner thereof, or his agent or employee, access to any part of said building or structure at any reasonable hour for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or any lawful order issued pursuant to the provisions of this Ordinance. Authorization to enter pertains to any structure in question only.

#### SECTION 23: NOTICE OF VIOLATIONS

Whenever the Village Administrator, upon the investigation of the Fire Chief, determines that there has been a violation of any provision of this Ordinance, he shall give notice of such violation to the person or persons responsible therefor and order compliance with the Ordinance as hereinafter provided. Such notice and order shall:

- A. Be in writing on an appropriate form.
- B. Include a list of violations, refer to the section or sections of this Ordinance violated and order remedial action, which, if taken, effect compliance of the provisions of this Ordinance.
- C. Specify a reasonable time for performance, of at least thirty (30) days.
- D. Advise the owner, operator or occupant of the procedure for appeal.
- E. Be served upon the owner, occupant or agent, or any other person having an interest in the property, whether legal or equitable, which interest is a matter of record in

accordance with the provisions of the service of summons as set forth in the Ohio Rules of Civil Procedure.

#### SECTION 24: HEARINGS

Any person affected by any notice or order which has been issued in connection with the enforcement of any provisions of this Ordinance may request and shall have granted a hearing on the matter before the Village Council, provided that such person shall file in the Office of the Village Administrator, a written petition requesting such hearing, setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for such hearing or for the mitigation of any order of the Village Administrator. Said petition shall be filed within ten (10) days after the notice and order is served. Upon receipt of such petition, the chairperson of the Village Council shall set a time and place for hearing and shall give the petitioner written notice thereof. The hearing shall be commenced within a reasonable time after the petition has been filed. At such hearing the petitioner shall be given the opportunity to be heard, and show cause why such notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed. The Village Administrator and Fire Chief shall appear before the Village Council and first present to the Council any and all notices, orders and other material facts regarding violation of any sections of this Ordinance from which the Petitioner is appealing.

After a hearing, the Council shall sustain, modify or withdraw the notice and order by majority vote, depending upon its finding as to whether the provisions of the Ordinance have been complied with. The Petitioner and the Village Administrator shall be notified in writing of such findings.

The proceedings at such hearing, including the findings and decision of the Village Council and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the Village Administrator's office. Such record shall also include a copy of every notice and order issued in connection with the matter. The Village Council shall also provide a complete stenographic transcript of all proceedings on each and every case brought before it.

#### SECTION 25: ORDER TO VACATE

Where a notice of violation and order to comply has been served pursuant to this Ordinance, and upon reinspection at the end of the time specified for compliance, and if no petition for hearing has been filed, it is found that the violation or violations have not been remedied, the Village Administrator may order the building or structure or parts thereof affected by the continued violation vacated in accordance with the following procedure:

- A. Buildings or structures shall be vacated within a reasonable time not to exceed sixty (60) days.
- B. Vacated building or structures shall have all doors firmly locked and basement, cellar and first story windows barred or boarded to prevent entry.
- C. Vacated buildings or structures shall not again be used for occupancy until compliance has been effected and written approval secured from the Village Administrator.
- D. If a structure or building or part thereof is not vacated within the time specified in such vacation order, the Village Administrator shall seek a Court order in a court of common jurisdiction for the vacation of such structure or building or part thereof.

SECTION 26: EMERGENCY ORDER

Whenever the Village Administrator, upon the investigation of the Fire Chief, finds that an emergency exists which requires immediate action to protect the health and safety of the residents or the public, he may issue a written order reciting the existence of the emergency and specify that immediate action shall be taken that is necessary to meet the emergency. Copies of such written order shall be mailed to all parties in interest; notwithstanding any other provisions of this Ordinance such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately. Upon petition to the Village Council, the petitioner shall be afforded a hearing pursuant to Section 24.

SECTION 27:

Whenever the Village Administrator becomes aware of any violation of any of the provisions of this Ordinance and serves notice upon the violator in the manner provided for in Section 23, and such violator fails to comply with any order directive of the Village Administrator which will affect compliance with the provisions of this Ordinance as provided, or after the time for appeal to the Village Council has expired, or if the appeal having been made to the Council in accordance with Section 24 fails, the Village Administrator or his authorized deputy shall make a report in triplicate, which report shall contain the following information:

- A. The street name and building address of each building declared a violation.
- B. The section of this Ordinance which has been violated.
- C. The date of such notice of violation.
- D. The date of any order or directive of the Council which was not complied with.
- E. Any other facts, knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.
- F. All appeals regarding this Ordinance will be held at either Special or Regular Council Meetings.

The Village Administrator shall send a copy of such report to the Solicitor, with a request to take appropriate action.

SECTION 28: PENALTY

Whoever violates any of the provisions of this Ordinance or permits any such violation or fails to comply with any requirements thereof shall be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during, or in which a violation occurs beyond the date set for compliance under Sections 3 and 23.

SECTION 29: ESTABLISHING RULES AND REGULATIONS FOR PROCEDURE

The Village Council shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Ordinance or Section 121.22 of the Revised Code of Ohio.

SECTION 30:

This Ordinance shall go into effect on and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 6th DAY OF NOVEMBER, 1984.

ATTEST:

1st Reading 10/2/84  
 2nd Reading 10-16-84  
 3rd Reading 11-6-84

*Ralph E. Early*  
 CLERK OF COUNCIL

*Robert R. ...*  
 PRESIDENT OF COUNCIL

APPROVED: *William A. ...*  
 MAYOR