

ORDINANCE # 106-16

AN ORDINANCE ENACTING AN EXTERIOR PROPERTY MAINTENANCE CODE FOR THE VILLAGE OF MIDDLE POINT, OHIO AND REPLACING ANY EXISTING ORDINANCE CONTROLLING EXTERIOR MAINTENANCE

BE IT HEREBY ORDAINED BY THE COUNCIL of the Village of Middle Point, State of Ohio,

SECTION ONE: That the following shall be known as the Exterior Property Maintenance Code of the Village of Middle Point, Ohio:

DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

PUBLIC NUISANCE:

Any underground container or storage tank, fence, wall, garage, shed, house, lot, building, structure, tree, pole, smokestack, or any excavation, basement, cellar, well, cistern, sidewalk subspace, walk, driveway, step or stairwell, or the ground itself, which has any or all of the following conditions, defects, activities, or uses:

- a. The physical condition or use of any premises in a condition or manner regarded as a public nuisance at common law;
- b. Any premises designated unsafe for human habitation or use;
- c. Any premises which is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb, or property;

Any structure or building or portion or fixture thereof that is in a state of dilapidation, deterioration, or decay; faulty construction; open, vacant, or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure, and is dangerous to anyone on or near the premises.

Should the Village Administrator find that a nuisance does exist, it shall be the duty of the Village Administrator to report these findings. A notice shall be issued stating the findings with respect to the existence of a public nuisance and that unless the owner thereof abates the public nuisance within 30 days, the village may abate the public nuisance at the owner's expense. The Village Administrator may also order the owner to take such measures as are reasonably necessary to lessen the severity of the public nuisance. If the owner fails or refuses to comply with such order, the village may abate or lessen the public nuisance's severity through rehabilitation, repair, or removal of the building, structure, or nuisances at the owner's expense.

ABATEMENT OF NUISANCE BY THE VILLAGE

Should a nuisance as defined by this Ordinance not be abated at the expiration time set in the notice:

The village shall have the authority to demolish, remove the structure, or take other such actions appropriate to abate or lessen the severity of the public nuisance. The village may also contract for services to take such other action as may be deemed appropriate to abate or lessen the severity of the public nuisance. The cost of the contract will be paid for from village funds specifically authorized for that purpose.

The village shall recover the cost of abating, lessening the severity of such public nuisance, or of such other action taken by the village pursuant to this Ordinance in the following manner:

- a. The village shall bill the owner directly by certified mail for the cost of abating or lessening the severity of such public nuisance. The owner shall pay the bill within 60 days after receipt of the same.
- b. If the bill is not paid within 60 days, the village may collect the cost by any of the following methods:
 - i. The village may levy as an assessment and recover in accordance with R.C. 715.261 the cost of abating or lessening the severity of such public nuisance;
 - ii. The village may bring a civil action to recover the cost from the owner, as provided in R.C. 715.261.

VIOLATION OF THIS ORDINANCE A MISDEMEANOR

Pursuant to Ohio Revised Code Section 715.67, failure to abate a public nuisance is subject to a misdemeanor punishable by a fine of not more than five hundred dollars and a jail term not to exceed six months.

PRIOR ORDINANCES AND EFFECTIVE DATE

- A. Any portion or portions of ordinances or resolutions heretofore approved by the Village of Middle Point which are in conflict or inconsistent with any provisions of this chapter are hereby repealed as of the effective date of this Ordinance.
- B. Pursuant to R.C. 731.30, the village council finds that this Ordinance is necessary for the immediate preservation of the public peace, health, or safety of the village of Middle Point, and shall go into immediate effect.

PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF MIDDLE POINT, OHIO THIS 13th DAY OF DECEMBER, 2016;

Brenda Mengerink, President of Council

Approved by me this 13th day of December, 2016;

Mark Dickman, Mayor

Attested:

Lynn Stoffel, Office Manager