

ORDINANCE NO. 13-91


AN ORDINANCE TO ADOPT A BUILDING CODE FOR UNSAFE STRUCTURES
IN THE VILLAGE OF SPENCER, OHIO AND TO DECLARE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SPENCER,
OHIO, three-fourths (3/4) of its members concurring herein, as
follows:

1. Chapter 1401, a building code for unsafe structures
within the Village of Spencer, Ohio, a copy of which is attached
hereto and made a part hereof by reference, is hereby enacted and
adopted, effective on the date of the passage of this Ordinance.

2. This Ordinance is hereby declared to be an emergency
measure necessary for the preservation of the public peace,
health, safety and welfare of the Village of Spencer, Ohio and
for the particular reason that it is immediately necessary to
adopt a building code for unsafe structures so as to correct as
soon as possible certain dangerous structures which amount to a
real and present danger to the general public, in particular the
school children, and that this Ordinance shall be in full force
and effect from and after its passage.

Passed: October 23, 1991



Mayor

Attest:

Village Clerk

CHAPTER 1401
Unsafe Structures

1401.01	Maintenance of buildings.	1401.06	Right to demolish.
1401.02	Costs of maintenance.	1401.07	Defective equipment; remedy; violation.
1401.03	Unsafe buildings.	1401.08	Authorizing the procedures of divisions (C) and (D) of Section 3929.86 of the Ohio Revised Code
1401.04	Notice to owner.		
1401.05	Posting signs at condemned building.	1401.99	Penalty.

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

1401.01 MAINTENANCE OF BUILDINGS.

All buildings or structures, and parts thereof, shall be maintained in a safe and sanitary condition and all devices and safeguards required by the Building Code in effect for the Village of Spencer in a building or structure when erected, altered or repaired shall be maintained in good working order and the owner, or designated agent, shall be held responsible for maintenance. If upon adequate notice to the owner or designated agent, such maintenance is not performed in a reasonable time, the Village may undertake to perform such maintenance and assess the costs thereof as provided in Section 1401.02 of this code.

1401.02 COSTS OF MAINTENANCE.

Costs incurred by the Village under Section 1401.01 shall be paid from the treasury of the Village and the costs shall be charged to the owner of the premises involved as a special assessment or lien on the land on which the building or structure is located and collected in the manner provided by law and/or the Village may commence a civil action to recover said costs from the owner.

1401.03 UNSAFE BUILDINGS.

All buildings or structures which are insecure, unsafe or structurally defective, or are not provided with adequate egress, or which constitute a hazard, or are otherwise dangerous to human life, or which in relation to existing uses constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment as specified in the Building Code in in effect for the Village of Spencer or any other effective ordinance, or the Ohio Revised Code, including but not limited to O.R.C. 715.26 and 715.261 are, for the purposes of this chapter, unsafe buildings.

All unsafe buildings are declared to be public nuisances and must be abated by repair, rehabilitation, demolition or removal in accordance with the procedures of this chapter.

1401.04 NOTICE TO OWNER.

(a) Examination of Building. The Village Zoning Inspector or his designee shall examine or cause to be examined, every building, structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building, as defined in this chapter, said Inspector shall give to the owner of the building or structure written notice stating the defects thereof.

(b) Forty-eight Hour Notice. The Notice provided for in Section 1401.04 may require the owner or person in charge of the building or premises, within forty-eight hours, to commence either the required repairs or the improvements, or demolition and removal of the building or structure or portions thereof. All the work shall be completed within ninety days from date of notice, unless otherwise stipulated by the Building Inspector.

If necessary, the notice shall also require the building, structure or portion thereof, to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Inspector.

Proper service of the notice shall be by personal service upon the owner of record, or authorized agent, if he is found within the jurisdictional limits or service may be made upon the owner by certified mail. If notice is by certified mail, the designated period within which the owner or person in charge is required to comply with the order of the Inspector, shall begin as of the date he received the notice. Provided, however, said notice shall give the intentions of the Village with respect to the required repairs or improvements or demolition and removal by the Village at the owner's expense if the owner fails to comply with said notice. Said notice shall be served upon the owner at least thirty days prior to the Village undertaking the required repairs or improvements or demolition and removal.

1401.05 POSTING SIGNS AT CONDEMNED BUILDING.

The Zoning Inspector shall cause to be posted at each entrance to an unsafe building a notice to read: "Do not enter unsafe to occupy. By order of the Village of Spencer, Ohio." The notice shall remain posted until the required repairs, demolition and/or removal are completed. The notice shall not be removed without written permission of the Inspector and no person shall enter the building, except for the purpose of making the required repairs or of demolishing the building.

1401.06 RIGHT TO DEMOLISH.

In case the owner fails, neglects or refuses to comply with the notice to repair, rehabilitate or to demolish and remove the building or structure or portion thereof, the Council of the village of Spencer by Ordinance may order the owner of the building prosecuted as a violator of the provisions of this Building Code, and may order the Inspector to proceed with the repairs or improvements or demolition and removal specified in the notice and to collect from the owner the total cost of said repairs or improvements or demolition and removal by either or both of the following methods:

- (1) The clerk of the village council of the Village of Spencer may certify the total costs, together with a proper description of the lands to the Medina County Auditor who shall place the costs upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as other taxes and returned to the municipal corporation.
- (2) The Village of Spencer may commence a civil action to recover the total costs from the owner.

1401.07 DEFECTIVE EQUIPMENT; REMEDY; VIOLATION.

(a) When the heating apparatus, electrical work, chimneys, flues, pipes or any other equipment of a dwelling, in the opinion of the Inspector or his designee, is a danger to life or property, or is likely to promote fires or explosions, or is being constructed in violation of the Building Code in effect for the Village of Spencer, the Inspector shall cause to be delivered to the owner, lessee, occupant or builder, written or printed instructions to remove or remedy the same in such manner and reasonable time as is necessary.

(b) If a person, responsible for a violation of subsection (a) hereof, fails to remove or remedy the condition, the Inspector shall cause proceedings to be instituted to enjoin the continued use of the property and/or may cite the violator with violation of this code chapter.

1401.08 AUTHORIZING THE PROCEDURES OF DIVISIONS (C) AND (D) OF
SECTION 3929.86 OF THE OHIO REVISED CODE.

Whenever a policy or policies of insurance are in force providing coverage against the peril of fire on a building or structure and the loss agreed to between the named insured or insureds and the company or companies is more than Five Thousand Dollars and equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure on the property, the village of Spencer shall accept security payments and follow the procedures of divisions (c) and (d) of Section 3929.86 of the Ohio Revised Code, which procedures are hereby authorized by the Village of Spencer, Ohio.

1401.99 PENALTY.

Whoever violates this Chapter 1401 of the Spencer Village Codified Ordinances or fails to comply with any order or notice issued pursuant to this Chapter 1401 shall be fined not less than Twenty-five Dollars and not more than Five Hundred Dollars. Each day of violation hereof shall be deemed a separate offense.