

ORDINANCE NO. 11-10

AN ORDINANCE ALLOWING THE ABATEMENT OF PUBLIC NUISANCE; NOTICE TO PROPERTY OWNER; FAILURE TO COMPLY; AND COLLECTION OF COSTS AND DECLARING 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. It shall be unlawful for any person to keep, maintain, possess, or permit a public nuisance or diseased or hazardous tree that is apt to fall, in whole or in part, across any street, sidewalk, or public place.
2. Notice of Public Nuisance: Whenever a public nuisance is found to exist, the Mayor and/or his designee shall cause written notice by registered mail of such nuisance to be served upon the owner, lessee, agent, or tenant having charge of the property where the nuisance is found, and shall order the owner and/or occupant to abate the nuisance within ten (10) days after service of the notice. If the notice is returned or refused, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.
3. Notice of Diseased or Hazardous Tree: Whenever a diseased or hazardous tree is found to exist, the Mayor and/or his designee shall cause written notice by registered mail of such diseased or hazardous tree to be served upon the owner, lessee, agent, or tenant having charge of the property where the diseased or hazardous tree is found, and shall order the owner and/or occupant to abate the nuisance within thirty (30) days after service of the notice. If the notice is returned or refused, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

4. Failure to Comply. If the nuisance is not abated within the time specified in the notice, the Mayor or his designee shall cause such nuisance to be cut or destroyed by use of Village of Spencer employees and equipment or by the hiring of private contractors, and all expenses shall be billed to the owner.

- (a) If the work has been done by employees of the Village of Spencer, the entire cost shall be arrived at by multiplying the time expended by the employee at the same hourly rate of the employee's wages or salary and the equipment charge plus fifteen percent (15%) as a reasonable charge to pay for service of notice, inspection, supervision, and other incidentals.
- (b) If the work has been done by a private contractor, fifteen percent (15%) shall be added to the contract cost as a reasonable charge to pay for service of notice, inspection, supervision, and other incidentals.

5. Collection of Costs. The Village shall notify the owner, lessee, agent or tenant having charge of the land of the costs by mailing a bill by ordinary mail. If the bill is not paid in full within thirty (30) days from the date of the mailing of the notice, the Village Fiscal Officer may take the necessary steps to collect the costs by certifying the amount due to the Medina County Auditor to be placed on the tax duplicate for payment and collection as other taxes.

6. Owner Defined. For the purposes of this section, the real estate owner and the address of the real estate owner shall be deemed to be the individual(s) or entity listed on Medina County records as the individual(s) or entity who is the current owner of the real estate upon which the nuisance exists or source of such nuisance is located.

7. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of said Village, and for the particular reason, that it is immediately necessary to enact legislation that allows for declaration of and abatement of nuisance properties thereby allowing for appropriate upkeep of properties in

the Village of Spencer, and that this Ordinance shall be in full force and effect from and after its passage.

PASSED: June 30, 2010

ATTEST:



TOMMY RAMEY, Mayor



SHERI RAMEY, Village Fiscal Officer