

**VILLAGE OF CHAUNCEY
STATE OF OHIO
ORDINANCE 2021-5**

**PROCEDURES FOR CONDEMNATION AND DEMOLITION OF
STRUCTURES WHICH CONSTITUTE A PUBLIC NUISANCE**

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1. Definitions.

A. "Structure unit for human occupancy" means a structure that is unsafe, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment, or because its location constitutes a hazard to its occupants or to the public.

B. "Unreasonable repairs" means when the cost of repair to a structure would exceed one hundred percent (100%) of the County Auditor's true value of such structure; such repairs shall be presumed unreasonable.

C. "Unsafe equipment" means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid or containers, or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that a structure is unsafe or unfit for human occupancy or use.

D. "Unsafe structure" means one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable condition that it is likely to partially or completely collapse.

2. Condemnation.

When a structure or part thereof is found to be unsafe, or when a structure or part thereof, is found unfit for human occupancy or use, it may be condemned pursuant to the provisions of this ordinance, and may be placarded and vacated. A proper affidavit shall be prepared by the Village Administrator and such action shall be recorded in the County Recorder's Office and cross-referenced to the deed to the property. The structure or part thereof shall not be reoccupied without written approval from the Village Administrator. Unsafe equipment shall be placarded and placed out of service.

3. Closing of vacant structures.

If a structure or any part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Village Administrator may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Village Administrator shall cause it to be closed and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien against such real estate.

4. Notice and orders.

A. Notice to Owner or Occupants - When a property or part thereof has been condemned, the Village Administrator shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

B. Form of Notice - The notice to owner shall: (1) Be in writing; and (2) Include a description of the real estate sufficient for identification; and (3) Include a statement of the reason why it is being issued; and (4) Include a correction order allowing a reasonable time for repairs and improvements but in no cases shall the time period exceed sixty (60) days; and (5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by written petition to Village Council.

C. Service on Owner - Service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally, or by leaving at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof, or by certified or registered mail addressed to the owner at the last known address with return receipt requested, or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting of a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one (1) publication of such notice in a local newspaper of general circulation at least once a week for three (3) consecutive weeks.

D. Service on Occupant - When a condemnation order is served on an occupant other than the owner or person responsible for compliance, a reasonable time to vacate the property after noncompliance shall be stated. In no cause shall this time period exceed sixty (60) days. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.