

AN ORDINANCE TO AMEND THE WEST LAFAYETTE OHIO CODE OF ORDINANCE §660.18(C) AND TO REAFFIRM ALL OTHER PROVISIONS OF §660.14 THROUGH AND INCLUDING §660.21

WHEREAS §660.18(C) OF THE West Lafayette Code of Ordinances provides for a three person property and maintenance and inspection committee; and,

WHEREAS it has been difficult to accomplish the composition of the committee and because the chief of the West Lafayette Volunteer Fire Department has been extremely busy with other duties; now THEREFORE,

1. Be it ordered that the West Lafayette Code of Ordinances be amended as follows:

- (a) §660.18(c) as it is written shall be repealed and eliminated.
- (b) §660.18(c) shall be reenacted as follows and shall continue to be designated as the West Lafayette Code of Ordinances §660.18(c)

§660.18(c) A Property Maintenance Inspector is created by this ordinance. The Property Maintenance Inspector may request other persons to assist him. The Village Administrator shall be the Property Maintenance Inspector. IF the Village Administrator is unavailable for any reason the Mayor shall appoint an Interim Inspector.

Any person may file a complaint regarding an alleged violation of this ordinance in writing at the Village Administration Offices. The complaint must be in writing, but the complainant will not be required to sign the complaint. A complaint form will be provided. A complaint form is attached hereto and is incorporated herein by reference.

The complaint form will be delivered to the Property Maintenance Inspector. The Inspector will meet with the owner or occupant of the property and inspect the property and if violations of the ordinance are alleged to be verified, a citation will be given to the owner or occupant. A copy of the citation will always be mailed to the owner at his last known address if the owner is not the occupant. If an inspection is not permitted a search warrant may be requested by the Property Maintenance Inspector. If there is evidence of an emergency condition that presents probable cause that there may be a danger to persons or a neighbor's property, then emergency entry into the property will be permitted without a search warrant provided the emergency entry shall cease and all persons will remove themselves if no emergency condition is found to be existent or as soon as the emergency condition is eliminated. If the owner or occupant agrees to comply and abate the alleged violations the Property Maintenance Inspector is authorized and directed to provide the owner or occupant with a schedule for the abatement to be completed. A

written copy of the schedule will be mailed to the owner if the owner is not the occupant. The Chief of Police may declare an emergency and take action without approval of the Property Maintenance Inspector. All search warrants shall be requested and executed by the Chief of Police or one of his subordinate Village Police Officers. All emergency entries without a search warrant shall be conducted by the Chief of Police or one of his subordinate Village Police Officers accompanied by the Inspector.

- (d) If the owner or occupant objects to the requested abatement or the abatement schedule the owner or occupant may request a hearing with the Mayor. The Mayor may delegate the conduct of the hearing to another person.

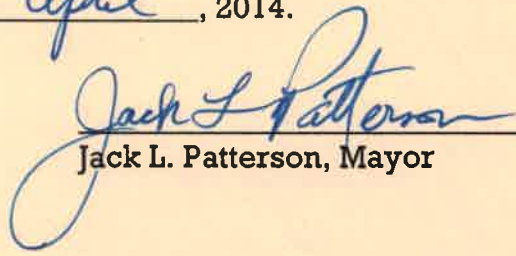
The person requesting the hearing may bring a personal representative to the hearing and may present evidence in the form of witnesses or sworn affidavits concerning the alleged violation or inability to follow the schedule of abatement as designated by the Property Maintenance Inspector. The hearing request form is attached hereto and is incorporated herein by reference.

The request for a hearing shall be filed at the Village Office, 113 E. Railroad Street, West Lafayette, Ohio, on or before fifteen (15) days of receipt of the preliminary citation. The hearing will take place on or before fifteen (15) days receipt of the request for hearing in council chambers. The decision will be mailed to the occupant and owner, if the owner is not the occupant, on or before fifteen (15) days from the hearing. If the hearing officer decides against the owner or occupant then the decision will contain a new abatement schedule.

2. An amended citation and hearing request form is adopted, attached hereto and incorporated herein by reference.

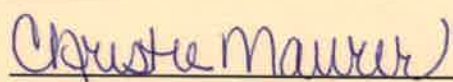
3. This ordinance shall be effective upon passage, signing by the Mayor and posting by the Clerk-Fiscal Officer.

PASSED IN COUNCIL THIS 28th day of April, 2014.



Jack L. Patterson, Mayor

ATTEST:



Lisa Stiteler, Fiscal Officer
Councilwoman Christie MAURER
Acting Clerk

APPROVED AS TO FORM:

William M. Owens
Solicitor for the Village of West Lafayette, Ohio

VILLAGE OF WEST LAFAYETTE
113 EAST RAILROAD STREET
WEST LAFAYETTE, OHIO 43845
740-545-7834

Citation and Notice to Abate Violations

To: _____

Address: _____

The Property Maintenance Inspector has received a complaint that you may be in violation of Section 660.14 through 660.21 of the Codified Ordinances for the Village of West Lafayette, Ohio. Your violation(s) are alleged as follows. To investigate the allegation the Inspector will inspect your premises on the _____ day of _____, 20__, at _____ o'clock ____ M. If you wish a hearing on this matter to object to the allegation or schedule of abatement, you may request one using the Request for Hearing form to be given to you. If the time and date for the inspection is not convenient call the Village Administrator at (740) 545-7834 to arrange an alternate time and date which SHALL NOT BE IN EXCESS OF SEVEN DAYS FROM THE ORIGINAL DATE.

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Failure to correct these violations within the abatement schedule to be given to you may result in a citation to the Municipal Court of Coshocton County, Ohio for a violation of Section 660.14 through 660.21 of the Codified Ordinances for the Village of West Lafayette, Ohio, or a referral to Village Council for a resolution to authorize the Village Solicitor to seek injunctive relief, or such other action as permitted by the ordinance.

Proof of receipt:

Owner or Occupant

Date

VILLAGE OF WEST LAFAYETTE
113 EAST RAILROAD STREET
WEST LAFAYETTE, OHIO 43845
740-545-7834

**Hearing Request Form Objecting to Citation
For Violation of Section 660.14 through 660.21
Code of Ordinances Village of West Lafayette**

The undersigned person believes no violation of Code of Ordinances Section 660.14 through 660.21 of the Village of West Lafayette, Ohio has been committed, or the abatement schedule is unreasonable. A hearing before the Mayor, or his other designee is requested.

The undersigned states his objections to the violation and states how he has attempted to correct the situation. Extra sheets may be attached for additional statements.

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Date Received

Name

Hearing Notice

Your hearing before the Mayor, or other designee, will take place in Council Chambers the _____ day of _____, 200__m at _____ o'clock ____ M. If this time is not acceptable because of work schedules or previously scheduled appointments, you may call the Village Administrator at the Village Offices or his designee for a new date and time. **You may bring a representative with you. Continuances of more than seven (7) days shall not be permitted except in extreme, emergency situations.**

**COMPLAINT REGARDING DILAPIDATED STRUCTURE,
UNSANITARY PREMISES, OR NOXIOUS REAL ESTATE**

Complaint Number Assigned: _____

This _____ day of _____, 200__, a written complaint is being made to request abatement or other action.

A complaint is being made regarding one or more of the following conditions.

See boxes checked. For completion definitions refer to Sections II, III or IV

- (1) Loose bricks or other building materials loose or displaced from exterior walls or chimneys.
- (2) Cornices, gutters, or downspouts, which are loose and sagging or have fallen from the structure.
- (3) Windows containing broken or jagged glass.
- (4) Open holes upon the exterior of the structure whereby the interior can be viewed, or the interior walls can be seen.
- (5) Exterior stairs, porches, balconies or steps which are in such a condition as to be unsafe to persons using them or to a passerby.
- (6) Foundations and retaining walls caving in.
- (7) Any detached structures collapsed or in the process of falling down.
- (8) Any structure which is unoccupied and does not have windows, doors, or other openings properly locked and secured.
- (9) Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam vapor, hot air, grease, smoke, odors or other gas cause or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant in the same property.
- (10) All accessory structures; including without limitation, detached garages, fences, and walls shall be maintained structurally and in good repair.
- (11) No property will exhibit on the exterior and in view of the public, carvings, marking, or graffiti.
- (12) All exterior wood surfaces, excepting decay resistant woods, shall be protected from the elements and decay by painting or by placing other wood protective covering or treatment on the exterior
- (13) All hand rails and guards will be firmly sustained and capable of supporting normally imposed loads and shall be maintained in good condition.
- (14) All vacant lands and yards or lawns surrounding or adjacent to structures shall be maintained in a clean, safe, sanitary condition.
- (15) Garbage: Any and all kitchen or other organic refuse; including, but not limited to, animal, fish, fowl, fruit, or other animal or vegetable matter, decaying or spoiled meats or vegetable matter, or any substance or thing whatsoever which may decompose or become offensive or dangerous to health.
- (16) Refuse: Nonputrescible non-liquid wastes; including but not limited to, ashes, cinders, tin cans, glass, bottles, rags, wastepaper, wood and paper boxes, grass, tree and shrub trimmings, tree and shrub stumps, and large household objects.
- (17) Rubbish: Any and all materials and substances that can attract and/or provide breeding, nesting, nourishment, food or habitat to rodents, vermin, insects, or any other pests, or which can create sanitation or health problems.
- (18) Trash: Any and all materials and substances or accumulations of any sort whatsoever, which create an eyesore, which is defined for the purposes of this ordinance as unsightly, unpleasant or offensive to view to the general public.
- (19) Infection and Communicable Disease: Any structure or building or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition by reason of the absence therein of working toilet facilities, or by reason of the known presence of sewer gas therein or thereon.
- (20) Unfit for Human Habitation: Any structure or building or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition and unfit for human habitation.
- (21) Other. Explain: _____

Signature (Optional)

The Property Maintenance & Inspection Committee has investigated the above complaint and recommends the following actions:

Print _____
Signed: _____

The above actions have been inspected on _____ and the following actions are recommended

Print _____
Signed: _____