

Record of Resolution

Resolution No. 2019-50

Passed: October 28, 2019

RESOLUTION DESIGNATING THE VACANT COMMERCIAL BUILDING AT 101 WEST MAIN STREET, WEST LAFAYETTE, TO BE A DILAPIDATED STRUCTURE AND IN VIOLATION OF VILLAGE OF WEST LAFAYETTE ORDINANCE NO. 2018-19, AND DIRECTING THE VILLAGE MAYOR TO ISSUE A PRELIMINARY CITIATION TO THE PROPERTY OWNERS, AND THE VILLAGE SOLICITOR TO FILE A COMPLAINT FOR INJUNCTION IF THE ORDINANCE VIOLATIONS ARE NOT ABATED, AND DECLARING AN EMERGENCY

WHEREAS, the Village of West Lafayette Ordinance No. 2018-19 provides in Section 660.14 thereof that no person shall permit any premises within the Village of West Lafayette to exist in such a state of disrepair or deteriorating condition as to be considered to be a nuisance or a hazard to the health or safety of persons residing in the vicinity of said structure or to passersby;

WHEREAS, the Village of West Lafayette Ordinance No. 2018-19 provides in Section 660.21 that the Village has the power to abate and remove all violations of Ordinance No. 2018-19 and assess the costs and expenses of abatement on the property where the violation is situated, which costs shall become a lien to be collected in the same manner as any other tax in favor of the Village;

WHEREAS, Section 660.21 of Ordinance No. 2018-19 also provides that the Village has the power to compel the owner of the building to abate and remove the violation;

WHEREAS, Section 660.21 of Ordinance No. 2018-19 further provides that, prior to municipal abatement and assessment of costs, the Village (1) shall give the property owner a preliminary citation, (2) hold a hearing on the citation if requested by the property owner, and (3) file a complaint against the property owner in the Coshocton County Municipal Court for which the property owner shall be deemed guilty, or obtain an injunction against the property owner in the Coshocton County Court of Common Pleas and provide the property owner with sixty days to abate the issues addressed in the citation;

WHEREAS, Ohio Revised Code Section 715.26(B) provides that the Village of West Lafayette may "provide for the inspection of buildings or other structures and for the removal and repairs of insecure, unsafe, or structurally defective buildings or other structures";

WHEREAS, Ohio Revised Code Section 715.30 provides that no person shall maintain any structure, within any municipal corporation wherein ordinances or regulations have been enacted pursuant to sections 715.26 to 715.29, inclusive, of the Revised Code, or Section 3 of Article XVIII, Ohio Constitution, unless said ordinances or regulations are fully complied with. Ohio Revised Code Section 715.30 further provides that in the event any building or structure is being

maintained in violation of any such ordinances or regulations, in addition to any other remedies provided by law, the municipal corporation may institute a suit for injunction to prevent or terminate such violation;

WHEREAS, on January 25, 2019, Jason R. Baughman, the Mid-East Ohio Building Department Chief Building Official, inspected the vacant commercial building (former hardware store) located at 101 W. Main Street, West Lafayette, Ohio, Coshocton County Parcel No. 0200000061800, owned by Edmond Arvine Chapdelaine and Susan Mae Chapdelaine (the "Building");

WHEREAS, as reported by the Village Mayor to Council, during the January 25, 2019 inspection, and during a prior inspection, the Mayor and Village Fire Chief observed the Building's foundation collapsing and caving in, making the Building a collapse hazard;

WHEREAS, the Village Mayor also has reported to Council that there are open holes upon the exterior of the Building whereby the interior can be viewed, or the interior walls can be seen, and that the Building's exterior wood surfaces are not protected from the elements due to peeling, flaking, and/or chipped paint;

WHEREAS, on January 31, 2019, the Mid-East Ohio Building Department issued a Condemnation Order concerning the Building, which Order is attached hereto and is incorporated herein;

WHEREAS, the Condemnation Order states that the Building is a "serious hazard" and is "unsanitary;"

WHEREAS, the Condemnation Order further states that, during the January 25, 2019 inspection of the Building, the following items were observed:

- the central column had settled, causing the beam spanning from the front to the back to dip down approximately 8" at the central column; this condition was true for the first and second floor;
- the floor was "heaved" and uneven throughout the space, both on the first and second floors;
- the roof was leaking in several locations with buckets and children's wading pools used to collect the water. There was no heat in the building and the collected water had frozen solid. In one area, no buckets were seen, and the floor had become saturated and had frozen, making walking difficult;
- the basement had several areas where floor joist had failed and were no longer providing the necessary structural support required;
- there was no water service to the building

WHEREAS, the Condemnation Order further requires that the Building remain vacant until such time as the Building is deemed safe and sanitary;

WHEREAS, the Building has not been deemed safe or sanitary by the Mid-East Ohio Building Department;

WHEREAS, the Mayor has reported to Council that Mr. Chapdelaine, who is an owner of the Building, admitted that the Building is in a poor state of repair and that he will not repair the Building due to cost;

WHEREAS, the Mayor has reported further to Council that Mr. Chapdelaine has stated that he intends to raze the Building; and

WHEARES, the Building owners have failed to timely raze the Building and the Building remains a serious nuisance and hazard to the Village and general public.

NOW THEREFORE, be it resolved by the Council of the Village of West Lafayette, a majority of all Council members concurring that:

Section 1: For the reasons stated in this Resolution, Village Council and the Village Mayor have determined that the Building in question is an insecure, unsafe, and structurally defective dilapidated structure, and is in such a state of disrepair or deteriorating condition as to be considered to be a nuisance or a hazard to the health or safety of persons residing in the vicinity of said Building and to passersby. As such, the Building is in violation of Village of West Lafayette Ordinance No. 2018-19.


Section 2: Pursuant to Village of West Lafayette Ordinance No. 2018-19, the Village Mayor is hereby directed to give the Building owners a preliminary citation, stating that the Building must be razed or repaired as stated in the citation within sixty days of the date of the preliminary citation.

Section 3: If the Building owners do not comply with the preliminary citation, the Village Solicitor is directed to file a civil Complaint for injunction against the Building owners in the Coshocton County Court of Common Pleas, seeking to terminate the Building owners' violation of Ordinance No. 2018-19. The Complaint shall seek a Court order requiring the Building owners to abate and remove the violations of Village of West Lafayette Ordinance No. 2018-19, by repairing or razing the Building. The Complaint also shall reserve the right of the Village to abate and remove all violations of Ordinance No. 2018-19 and assess the costs and expenses of abatement on the property where the Building is situated, which costs shall become a lien on the property to be collected in the same manner as any other tax in favor of the Village.

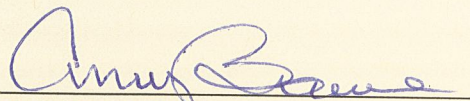
Section 4: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

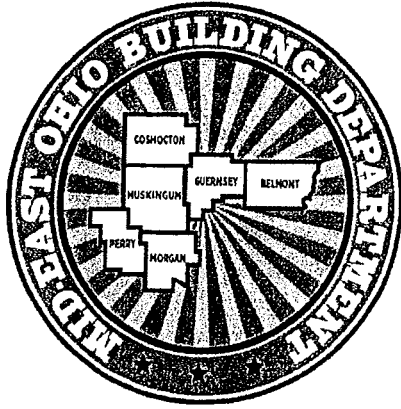
Section 5. This Resolution is hereby declared to be an emergency measure in the best interest of the residents of the Village of West Lafayette, Ohio, and more particularly to protect the health and welfare and safety of the citizens of the Village and the general public because the subject Building is unsafe and unsanitary and is a collapse hazard. This Resolution shall take effect immediately upon passage.

Passed at a regular meeting of the West Lafayette Village Council duly convened with a quorum present this 28th day of October 2019.


STEPHEN R. BORDENKIRCHER,
MAYOR

ATTEST:


AMY BOURNE,
FISCAL OFFICER



22 N. 5th Street
Zanesville, OH 43701
Ph. (740) 455-7905
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Mid-East Ohio Building Department
22 N. Fifth Street
Zanesville, OH 43701

Condemnation Order

Date: January 31, 2019

Address: 101 West Main Street
West Lafayette, OH 43845

Owner: Edward Chapdelaine
217 East Main Street
West Lafayette, OH 43845

On January 25, 2019 the West Lafayette Fire Chief, Glenn Hill, inspected the building located at 101 West Main Street, West Lafayette, OH. The Fire Chief requested that I accompany him and enter the property to assess whether the building was safe in the event his firefighters needed to enter the property to fight a fire. The following items were observed:

- the central column had settled, causing the beam spanning from the front to the back to dip down approximately 8" at the central column; this condition was true for the first and second floor.
- the floor was "heaved" and uneven throughout the space, both on the first and second floors.
- the roof was leaking in several locations with buckets and children's wading pools used to collect the water. There was no heat in the building and the collected water had frozen solid. In one area, no buckets were seen and the floor had become saturated and had frozen, making walking difficult.
- the basement had several areas where floor joist had failed and were no longer providing the necessary structural support required.
- there was no water service to the building.

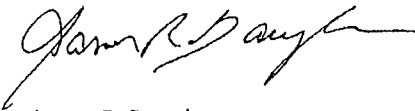
Chapter 4101:1-1 to 4101:1-35 of the Administrative Code are designated as the Ohio Building Code. This particular structure falls under the authority of this code and therefore this Department. Section 109.4 of the 2011 Ohio Building Code Section states:

"Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed."

Based on observations at the site, it is clear that the conditions of the building located at 101 West Main Street, West Lafayette, Ohio are a serious hazard and the building is unsanitary. The building shall remain vacated by order of this department until such a time as the building is deemed safe and sanitary. The owner shall submit or have someone submit detailed plans describing the process for repairing/shoring and returning the building to habitable state. The plans shall be signed and sealed by a qualified design professional. This department will review the plans and inspect all work to insure compliance with the plans. Once the work is complete according to the approved plans, the building shall be approved for occupancy. The timeline for submitting these plans is 60 days from receipt of this letter.

The owner shall comply with this order, maintaining the vacancy of the building, and providing detailed plans for making the building safe. If the owner chooses to appeal, this letter is to be used as an adjudication order pursuant to OBC Section 109. Please notify this office of your appeals board request. You have the right to be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against you. In order to appeal, you must file a written request within (30) days of the mailing of this notice to:

The Ohio Board of Building Appeals
P.O. Box 4009
6606 Tussing Road
Reynoldsburg, OH 43068-9009
Phone: 614.644.2613



Jason R. Baughman, P.E.
Building Official, Cert. # 4412

CC: West Lafayette Fire Department

Jason Baughman-Chief Building Official
jrbaughman@muskingumcounty.org