

**VILLAGE OF WEST LAFAYETTE, OHIO
RESOLUTION NO. 2020-57**

RESOLUTION DESIGNATING THE GARAGE AT 422 EAST 4TH STREET, WEST LAFAYETTE, TO BE A DILAPIDATED STRUCTURE AND IN VIOLATION OF VILLAGE OF WEST LAFAYETTE ORDINANCE NO. 2020-17, DIRECTING THE VILLAGE ADMINISTRATOR TO ISSUE A NOTICE AND CITATION TO THE PROPERTY OWNER, DIRECTING 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. 2020-17 provides in Section I (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. 2020-17 provides in Section VIII (660.21) that the Village has the power to abate and remove all violations of Ordinance No. 2020-17 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. 2020-17 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. 2020-17 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 March 9, 2020, May 18, 2020, June 15, 2020, and July 10, 2020, the Village Administrator inspected the garage located at 422 East 4th Street, West Lafayette, Ohio Coshocton County Parcel No. 0200000019100, owned by Christina Jones (the "Garage");

WHEREAS, during the Village Administrator's inspections of the Garage, the Administrator observed the following issues with the Garage: Structural components of the Garage are in imminent stage of collapse. Dozens of holes in roofing of Garage. Small section of southwest corner of roof missing. Crack in block of Garage walls. Garage door missing several panels. Vegetation growth all over Garage;

WHEREAS, as reported to the Village Council by the Village Administrator, on or about June 17, 2020, the Village Administrator issued a Preliminary Citation regarding the issues with the Garage to Christina L. Jones;

WHEREAS, as reported to the Village Council by the Village Administrator, Christina L. Jones has not remedied the issues with the Garage;

WHEREAS, on July 18, 2020, the Chief of the West Lafayette Fire Department, Damon J. Gould, inspected the Garage and determined that the Garage is a Dilapidated Building and should be raised as soon as possible, as set forth in Chief Gould's report, which is attached to this Resolution and incorporated herein by reference; and

WHEREAS, on August 6, 2020, the Village filed a criminal Complaint in the Coshocton County Municipal Court against Ms. Jones concerning, among other things, the Garage, for violation of Village of West Lafayette Ordinance No. 2020-17, Section I (660.14).

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, the Village Administrator, and the Village Mayor have determined that the Garage 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 Garage and to passersby. As such, the Garage is in violation of Village of West Lafayette Ordinance No. 2020-17.

Section 2: Pursuant to Village of West Lafayette Ordinance No. 2020-17, the Village Administrator is hereby directed to give the Garage owner, Christina Jones, a notice of this Resolution and citation, stating that the Garage must be razed or repaired as stated in the notice within sixty days of the date of the notice and citation, and notifying the Garage owner of her right to request a hearing on the matter.

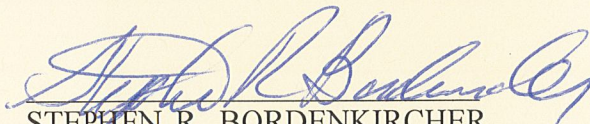
Section 3: If the Garage owner does not comply with the notice and citation, the Village Solicitor is directed to file a civil complaint for injunction against the Garage owner in the Coshocton County Court of Common Pleas, seeking to terminate the Garage owner's violation of Ordinance No. 2020-17. The Complaint shall seek a Court order requiring the

Garage owner to abate and remove the violations of Village of West Lafayette Ordinance No. 2020-17, by repairing or razing the Garage. The Complaint also shall reserve the right of the Village to abate and remove all violations of Ordinance No. 2020-17 and assess the costs and expenses of abatement on the property where the Garage 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.

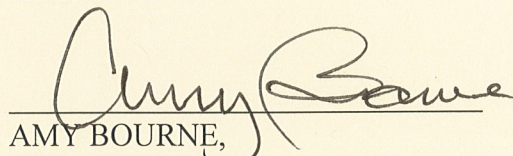
Section 4: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings 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 Garage is unsafe and unsanitary and a nuisance. 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 24 day of August, 2020.


STEPHEN R. BORDENKIRCHER,
MAYOR

ATTEST:


AMY BOURNE,
FISCAL OFFICER

SMOKE
DETECTORS



FIRE
DRILLS

West Lafayette Village Administrator, Chris Menapace requested the Fire Department to inspect the Garage located at the rear of 422 East 4th Street in the village of West Lafayette. Deputy Chief Hill and I inspected the structure on Wednesday July 8, 2020.

"Dilapidated building" means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public.

The structure's exterior walls or other vertical structural members, list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

The structure, exclusive of the foundation, has thirty-three percent or more damage or deterioration to the supporting member or members structural assembly, or fifty-percent damage or deterioration to the non-supporting enclosing or outside walls or covering.

The structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.

The building exhibits conditions that present actual hazards or dangers. The building exhibits signs of collapse, with proximity of the building, a collapse endangers life, health, and safety of the public.

The structure is unsecured on more than one occasion, during a previous twelve- month period. The garage door has missing panels, the man door is not secured as well as the roof covering has partially collapsed.

The building or structure or their contents represents an imminent health or fire hazard.

It is my opinion that the structure meets all definitions of a "Dilapidated Building" and should be raised as soon as possible.

Chief Damon J. Gould
West Lafayette Fire Department
100 North Orchard Street
P.O. Box 175
West Lafayette, Ohio 43845
740-545-6561
dgould@westlafayettevillage.com

7/8/2020

Date