

Ordinance No.: 2022-18

Passed: 5-9-22, 2022

AN ORDINANCE AMENDING ORDINANCE 77-94, 85-11, 2001-09, 2006-08, 2007-07, & 2018-19 TO PROVIDE FOR MAINTENANCE OF ANY DILAPIDATED STRUCTURE OR ANY UNSANITARY PREMISES OR NOXIOUS REAL ESTATE, PROVIDING FOR ERADICATION OF NUISANCES, PROVIDING DEFINITIONS, PENALTIES, AND PROVIDING FOR ABATEMENT Section 660.14 to 660.21

WHEREAS Council for the Village of West Lafayette, the Mayor, and Village Administrator have declared certain privately owned areas of the Village to be in need of clean up, maintenance, and repair;

NOW THEREFORE BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

SECTION 1: [660.14] (a) DILAPIDATED STRUCTURE -That no person, corporation, or other legal entity, all herein after referred to as person, shall permit any premises within the Village of West Lafayette, Ohio, to exist nor shall any person occupy a premises within the Village of West Lafayette, Ohio, in such a state of disrepair or deteriorating condition as defined below 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 of passersby.

SECTION 2: DEFINITIONS: To this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Dilapidated Structure. A residence or other building which is in deteriorating conditions by reason of obsolescence, inadequate provisions of ventilation, light, air, or structural integrity or otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building.

Public nuisance: A building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

SECTION 3: [660.15] (a) DETERIORATING CONDITION -That, without limitation, any of the following conditions shall be considered to be a nuisance and the structure deemed to be in a state of disrepair or deteriorating condition.

Loose bricks or other building materials loose or displaced from exterior walls or chimneys.

Cornices, gutters, or downspouts, which are loose and sagging or have fallen from the structure.

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Windows containing broken or jagged glass.

Open holes upon the exterior of the structure whereby the interior can be viewed, or the interior walls can be seen.

Exterior stairs, porches, balconies or steps which are in such a condition as to be unsafe to persons using them or to a passerby. The fact, that such person using the stairs, porch, balcony or step is a trespasser is no defense for purposes of this ordinance.

Foundations and retaining walls caving in.

Any detached structures collapsed or in the process of falling down.

Any structure which is unoccupied and does not have windows, doors, or other openings properly locked and secured. Unoccupied shall be defined as not lived in, vacant, or unused for a period of ninety or more consecutive days.

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.

All accessory structures; including without limitation, detached garages, fences, and walls shall be maintained structurally and in good repair.

No property will exhibit on the exterior and in view of the public, carvings, marking, or graffiti for more time than is reasonably necessary to remove it. Seven days or more will be prima facie evidence of time reasonably necessary to remove the carvings, markings, or graffiti.

All exterior surfaces shall be protected from the elements and decay by painting or by placing other protective covering or treatment on the exterior. Peeling, flaking, and chipped paint will be eliminated, and surfaces repainted or covered with appropriate siding materials.

All handrails and guards will be firmly sustained and capable of supporting normally imposed loads and shall be maintained in good condition.

All vacant lands and yards or lawns surrounding or adjacent to structures shall be maintained in a clean, safe, sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.

The roof of every structure or use within the Village shall be maintained weather tight. All missing shingles, or other roofing materials, shall be replaced with materials of

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similar kind, nature, design and color as the original thereof. If any roof segment, or distinguishable portion thereof is comprised of missing shingles, or other roofing material, then the said roof segment or distinguishable portion thereof shall be replaced or repaired with materials of similar kind, nature, design, and color as the original thereof.

(b) Remediation and Penalty Procedure.

(1). Once property is determined to be in violation of this Section 3 (660.15) of this ordinance the Village Administrator shall issue a preliminary citation.

(2) Once the responsible party has been served with the citation, they will have 10 days to submit a plan for remediation to the Village Administrator.

(3) Once the remediation plan has been received the Village Administrator shall request a Buildings and Properties Committee meeting so that the committee can review the remediation plan. The committee will then approve, alter, or reject the plan.

(4) If the remediation plan is not completed in the agreed to time frame, or no remediation plan is submitted the Village Administrator shall meet with the Buildings and Properties committee to discuss and approve all legal action.

SECTION 4: [660.16] (a) UNSANITARY OR UNSIGHTLY PREMISES-That no person, corporation, or other legal entity shall permit any premises within the Village of West Lafayette, Ohio, to exist nor shall any person occupy a premises within the Village of West Lafayette, Ohio, in such a state of unsanitariness or unsightliness 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 of passersby.

SECTION 5: [660.17] (a) UNSANITARY OR UNSIGHTLY PREMISES -That the accumulation of any of the following outside or inside a building or enclosed permanent structure affixed to the real estate shall be considered to be a nuisance and the maintenance of the premises in an unsanitary or unsightly condition.

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 an substance or thing whatsoever which may decompose or become offensive or dangerous to health, or that has become so; and shall include, but not be limited to, every refuse accumulation of animal, fish, fowl, fruit, or animal or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of milk or milk products, meat, fish, fowl, fruit, or animal or vegetable matter, and all putrescible waste, sewage and body waste; including, but not limited to, vegetable and animal offal and carcasses of small dead animals.

Refuse: Non putrescible non-liquid wastes; including but not limited to, ashes, cinders, tin cans, glass, bottles, rags, wastepaper, wood and paper boxes, grass, tree and shrub

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trimmings, tree and shrub stumps, large household objects, including but not limited to, furniture, appliances, bricks, concrete, dirt, rocks, sand, gravel, and remodeling materials.

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. The existence of cockroaches in materials removed from premises will create a presumption of a nuisance in the premises. The existence of rats or mice observed going in or out of the premises in a continuous manner will create a presumption of a nuisance in the premises.

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. No materials shall be deemed trash for the purposes of this ordinance if they are raw materials stored to be used in the production process, work in process, inventories or finished products held for sale which are temporarily stored on the premises of manufacturing or retail sales or wholesale business establishments.

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.

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 when in a condition dangerous or harmful to the lives or health of the occupants by reason of the inhabited portion of the house being damp or wet or by reason of such lack of repair, or by reason of such accumulation of dirt, filth, litter, refuse or other offensive or dangerous substances or liquids, or by reason of such defects in or lack of repair of or improper use of the drainage, plumbing, or ventilation, or by reason of the existence on the premises of such a nuisance or other condition as is likely to cause sickness among the occupants. Any structure or building or any portion thereof, used for human habitation, which is in such unclean or unsanitary condition and unfit for human habitation is hereby declared to constitute a public nuisance.

No person, firm or corporation shall be deemed to be maintaining unsanitary or unsightly premises if the garbage, refuse, rubbish, or trash which is situated outside a building or enclosed structure is maintained in sanitary receptacles and/or garbage bags and is in fact picked up for disposal or destruction or otherwise removed for destruction or disposal from the premises within two days after being placed outside a building. The fact that such garbage, refuse, rubbish, or trash may have some monetary value shall be no defense to the charge of violating the provisions of this ordinance.

(b) Remediation and Penalty Procedure.

(1). Once property is determined to be in violation of Section 5 (660.17) (a) of this ordinance the Village Administrator shall issue a citation.

(2) Once the responsible party has been served with the citation, they will have 10 days for remediation.

(4) If remediation is not completed within the ten-day time frame the Village Administrator shall meet with the Buildings and Properties committee to discuss and approve all legal action.

SECTION 6: [660.18] Repealed

SECTION 7: [660.19] (a) ABATEMENT OR VACATION OF PREMISES-In: Addition to other provisions of this ordinance, a person, or other legal entity who permits a dilapidated structure to exist, structure to be in deteriorating condition, a nuisance to exist, premises to be unsanitary or unsightly, or noxious, may be subject to an order for abatement by the County Board of Health.

Whenever the board of health of the county ascertains from examination or reports of its inspectors or sanitary officers or otherwise that a public nuisance exists, as defined in this ordinance, in or upon any structure of building, or portion thereof, and is of the opinion that such nuisance is capable of being abated with immediate vacation of the premises or such portion thereof, and serves notice in writing upon the owner of such premises, or his lessee or agent, or the person in possession, charge or control thereof directing him to abate such nuisance and remove the unclean or unsanitary conditions within such reasonable time as may be fixed by said board and specified in said notice, it shall then be the duty of such owner, agent or person to abate such nuisance within said time. Nuisance shall be defined as any condition which is a violation of this ordinance because of dilapidated structure, deteriorating conditions, unsanitary or unsightly conditions, or noxious real estate. Whenever such abatement does not take place within such time; or wherever in the opinion of said board, such abatement is impossible or impracticable without an immediate vacation of the premises or portion thereof and said board services notice in writing upon the owner, lessee, agent, or person in possession, charge or control thereof to vacate or cause the vacation of such premises or portion thereof designated in the notice, then it shall be the duty of such owner, lessee, agent or person to vacate or cause the vacation of such premises or portion thereof within twenty days from the date of the service of such notice, or within a shorter time (not less than twenty-four hours in any case) as may be specified in said notice. Whenever such procedure, in the opinion of the board of health is desirable or necessary, said board of health may affix conspicuously on the buildings or part thereof the notice or order of vacation.

When the notice or order of vacation has not been complied with, and the board of health certifies such fact to the chief of the municipality, together with a copy of the order of notice, it shall be the duty of said chief to enforce such notice or order of

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vacation and to cause the said premises to be vacated in accordance with the terms of such notice or order.

Whenever the board of health shall certify to the solicitor any failure to comply with and such order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of such order or notice and the abatement of the nuisance against which such order or notice was directed; such suits or proceedings to be brought in the name of the municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force with the municipality.

Action by the Board of Health will not preclude independent action by the Village of West Lafayette.

SECTION 8: [660.20] (a) PENALTY PROVISION -That any person, or other legal entity found to be guilty of violating any of the terms or provisions of this ordinance shall be deemed to be guilty of a minor misdemeanor with a penalty therefore by being a fine not to exceed One Hundred Fifty and 00/100 (\$150.00) Dollars and court costs, and potential community service for a first offense. For a second violation of the terms of this ordinance, within one year, the penalty will be a fourth-degree misdemeanor punishable by incarceration in the Coshocton County Justice Center for a term not to exceed thirty (30) days, a fine not to exceed Two Hundred Fifty and 00/100 (\$250.00) Dollars and potential community service. For a third or subsequent violation of the terms of this ordinance, within one year, the penalty will be a third-degree misdemeanor punishable by incarceration in the Coshocton County Justice Center for a term not to exceed sixty (60) days, a fine not to exceed Five Hundred and 00/100 (\$500.00) Dollars, and potential community service. This ordinance is deemed to be a strict liability ordinance.

SECTION 9: [660.21] (b) MUNICIPAL ABATEMENT, ASSESSMENT OF COSTS. – In addition to abatement remedies listed at Section VI [660.19], the Village of West Lafayette, Ohio shall have the power to abate and remove all violations of these sections and assess the costs and expenses of abatement on the property where the violation is situated. The assessment when duly certified by the Village Fiscal Officer to the County of Coshocton Auditor shall become a lien to be collected in the same manner as any other tax in favor of the Village. The Village shall also have the power to compel the proprietor, owner, agent, assignee, occupant or tenant of the lot or property, house or building on or in which any violation is occurring to abate and remove the violation. Municipal abatement and assessment of costs may occur after a preliminary citation has been given, an oral hearing has been given if requested, a complaint and finding of guilt has been made by the Municipal Court of Coshocton County, Ohio or an injunction has been granted by the Common Pleas Court of Coshocton County and thereafter the person who has been given the original preliminary citation fails to abate the condition for a period of sixty (60) days. In lieu of

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placing the abatement expenses on the real estate tax bill of the person who was given the original preliminary citation the Village of West Lafayette may sue the person and after having received judgment proceed with all means of collection.

SECTION 10: SEPARABILITY -That if any provision of this ordinance shall be declared invalid or void, all other provisions of this ordinance shall remain in full force and effect. The Council for the Village of West Lafayette, Ohio shall decide which Section of this ordinance to proceed upon. Failure to follow a specific section shall not preclude enforcement under another section.

SECTION 11: AMENDMENT OR PRIOR PROVISIONS - All ordinances in conflict herewith; including but not limited to, Ordinance No. 77-94, 85-11, 2001-09, 2006-08 and 2007-07 shall be and herewith are amended accordingly. This ordinance shall be known and be part of the Village of West Lafayette Code of Ordinance as Sections 660.14, 660.15, 660.16, 660.17, 660.18, 660.19, 660.20, and 660.21.

SECTION 12: This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of the Village and shall take effect at the earliest date provided by law.

PASSED IN COUNCIL THIS 9 day of May, 2022.


Stephen R. Bordenkircher, Mayor

ATTEST:


Amy Bourne, Fiscal Officer