

CHAPTER 1470  
Public Nuisances

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CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Nuisances - see Ohio R.C. Ch. 3767

Noise from demolition - see GEN. OFF. 634.04(c)

Unsanitary conditions - see GEN. OFF. 660.15

Building permits - see P. & Z. 1242.02, 1242.03, 1264.08, 1282.04; B. & H. 1440.02,

**1470.01 PURPOSE.**

It is the purpose of this chapter to provide for the elimination of vacant structures which have become attractive nuisances and which are a blight upon the neighborhood in which they are located and are likely to contribute to crime or losses by fire and accidents.

(Ord. 1967-9. Passed 10-10-67.)

**1470.02 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply:

- (a) "Public nuisance" means any fence, wall, garage, shed, house, building, structure, tree, pole, smokestack, excavation, basement, cellar, well, cistern or sidewalk subspace, or part thereof, which, by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property of, or cause any hurt, harm, inconvenience, discomfort, damage or injury to, any one or more persons in the Village in any one or more of the following ways:

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- (1) By reason of being detrimental to the general health of the community;
  - (2) By reason of being a fire hazard;
  - (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid premises;
  - (4) By reason of continued vacancy, thereby resulting in a lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and a blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.
- (b) "Owner" means an owner of record of the premises in fee or a lesser estate therein, a mortgagee or vendee in possession, an assignee of the rents, or a receiver, executor, administrator, trustee, lessee or other person, firm or corporation in control of a building or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he or she were the owner. (Ord. 1967-9. Passed 10-10-67.)

#### **1470.03 INSPECTIONS; PHOTOGRAPHS AND REPORTS; NOTICE TO ABATE.**

Whenever the Village Manager suspects the existence of a public nuisance in the Village, he or she shall promptly cause to be inspected the premises on which he or she suspects such public nuisance exists. Should the Manager find that a public nuisance does exist, he or she shall promptly notify the Fire Chief of the Miami Township Fire Department and the Greene County Board of Health or their duly authorized agents. The Fire Chief and the Board of Health shall cause to be inspected the premises on which it is suspected such public nuisance exists. Written reports of such inspection with respect to the existence of the public nuisance shall be filed with the Manager.

Should all of the aforesaid officers or their duly authorized agents agree that a public nuisance exists, it shall be the duty of the Manager to cause photographs of such nuisances to be made and to file and keep in his or her office the written reports of the findings of the aforesaid officials or their agents. The Manager shall cause a written notice to be served on such owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof cause the abatement of the public nuisance by removal of the building or structure the same will be abated by the Village at the expense of such owner or owners. Such abatement shall start within fifteen days after service of such notice and shall be completed within forty-five days or such additional time as the Manager may deem necessary to complete

the removal.

(Ord. 1967-9. Passed 10-10-67.)

1470.04 SERVICE OF NOTICE.

The notice shall be served either personally or by leaving a copy at the usual place of residence of the owner or by mailing a copy to such owner at his or her usual place of residence if such place of residence is outside Greene County, Ohio, by United States certified mail with return receipt requested. If service of the written notice is not perfected by any of the hereinbefore described methods, then the Village Manager shall cause such notice to be published in a newspaper of general circulation in the Village once each week for two consecutive weeks and shall further cause a copy of the notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists, or, if there is no person in possession thereof, he or she shall cause a copy of the notice to be posted on the premises. The Manager shall cause a return of service in the form of an affidavit to be made by the person who served it, which affidavit shall set forth the name and address of the person served, the manner of service and the date thereof. (Ord. 1967-9. Passed 10-10-67.)

1470.05 PLANS AND SPECIFICATIONS; ISSUANCE OF SPECIAL BUILDING PERMIT FOR REPAIRS AND REPLACEMENTS.

Upon being served notice, the owner or owners may make immediate application in writing or in person to the Village Manager for a special building permit to undertake the repairs or replacement of items found to constitute a public nuisance. Plans and specifications as required by the Manager covering the repairs or replacements shall be furnished by the owner or owners to the Manager within fifteen days after receipt of notice or such additional time as the Manager may deem necessary to complete plans and specifications, not to exceed ninety days. The Manager shall, upon approval of the plans and specifications, cause a special building permit to be issued to the owner or owners, which permit shall be valid for a period of thirty days. Within such thirty days the owner or owners must effect and complete such repairs and/or replacements unless the Village Manager grants an extension of the special building permit, which extension may be granted if the owner or owners show reason or cause for it and if it will more readily effect the repairs and/or replacements.

(Ord. 1967-9. Passed 10-10-67.)

1470.06 APPEALS.

The owner or owners may, within ten days after completion of service of the notice, make a demand in writing to the Village Manager for a hearing on the question of whether in fact a public nuisance exists. The hearing shall be held within ten days following receipt of the written demand, and at least two days notice in writing of the hearing shall be given to the owner or owners. The hearing shall be conducted by the Board of Appeals, pursuant to Section 69 of the Village Charter. In the event of an appeal to Council of the Board's decision, a majority of the Council present must concur that a public nuisance exists before enforcement of the abatement is carried out. A copy of the decision of Council shall be promptly served upon the owner or owners in the

manner hereinbefore provided for.  
(1971 Code §1333.06)

1470.07 ABATEMENT BY VILLAGE; COSTS.

(a) Should a public nuisance not be abated at the expiration time stated in the notice or upon the expiration of the time stated in the special building permit issued by the Village Manager or such additional time as Council may grant, the Manager shall be authorized, at any time thereafter, to enter upon such premises, and the owner shall permit him or her entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required.

(b) In abating such nuisance the Manager may call upon any department of the Village for whatever assistance may be necessary, or may, by private contract, obtain the abatement thereof. The cost of such private contract shall be paid for from Village funds specifically authorized by Council in order to abate such public nuisance.

(c) In abating such nuisance the Manager may go to whatever extent necessary to complete the abatement of the same, and the cost of the abatement action shall be recovered from the owner in the following procedure:

(1) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.

(2) If costs are not so recovered then the Village shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261.

(Ord. 1967-9. Passed 10-10-67.)

1470.08 INTERPRETATION OF CHAPTER.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed to be an enlargement of any authority existing by virtue of the statutes of the State or any ordinance heretofore enacted by Council.

(Ord. 1967-9. Passed 10-10-67.)