

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2016-06**

**REPEALING OLD SECTION 1470.02 DEFINITIONS OF CHAPTER 1470 PUBLIC
NUISANCES OF TITLE FOUR MISCELLANEOUS BUILDING REGULATIONS OF
PART FOURTEEN BUILDING AND HOUSING OF THE CODIFIED ORDINANCES
OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION
1470.02 DEFINITIONS**

Whereas, Village staff and Planning Commission members have determined that there were matters which required updating in the Zoning Code including the addition of swimming pool regulations and the designation of an unmaintained pool or spa as a public nuisance; and,

Whereas, Planning Commission held a public hearing on February 8, 2016 and following that public hearing recommended approval of these code revisions in accordance with Section 1280.03 of the Yellow Springs Codified Ordinances; and,

Whereas, it is Village Council's intent to amend Section 1470.02 of the Codified Ordinances to add unmaintained swimming pools and spas to the definition of public nuisance in the Code,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1470.02 *Definitions* of Chapter 1470 *Public Nuisances* of Title Four *Miscellaneous Building Regulations* of Part Fourteen *Building and Housing* of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed in its entirety.

Section 2. A new Section 1470.02 *Definitions* of Chapter 1470 *Public Nuisances* of Title Four *Miscellaneous Building Regulations* of Part Fourteen *Building and Housing* of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A with new language underlined and text to be deleted in ~~strikeout~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed: 4-18-2016

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow Y Brian Housh Y Gerald Simms Y

Marianne MacQueen Y Judith Hempfling Y

EXHIBIT A – ORDINANCE #2016-06

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, swimming pool or spa, 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:

(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.)