

ORDINANCE NO. 8 -00

By: Mark R. Masser

An Ordinance to amend in its entirety Chapter 1480 of the Building and Housing Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Chapter 1480 of the Building and Housing Code is hereby amended in its entirety to read as follows:

**CHAPTER 1480
Demolition**

1480.01 PERMIT REQUIRED; APPLICATION.

(a) Before commencing demolition of any building or structure, the construction or modification of which would require the issuance of a building permit, the owner or his agent shall first obtain a demolition permit from the Building Department. The filing of an application, the issuance of a demolition permit and/or the payment of fees may be waived by the Building Department for demolition of a building or structure with a floor area of less than 100 square feet if a determination is made by the Chief Building Official in writing that compliance with any or all of such requirements is not required to protect the public health, safety or welfare.

(b) No demolition permit shall be issued until an application has been filed with and approved by the Building Department. The application shall be on a form furnished by the Building Department and shall include, at a minimum, the following: the name of the owner; the location, including street address of the property; the name of the person that will perform the demolition; a description of the work to be done; the method of protecting the site and existing trees and vegetation to be preserved during demolition and replacement or restoration; where a replacement use is contemplated, all plans required to obtain a building permit for the replacement building or structure; where a replacement use is not contemplated, plans for restoration of the site; photographs of all elevations of any principal structure proposed to be demolished; and such other information as may reasonably be requested by the Building Department.

(c) The Building Department may, in issuing the demolition permit, impose such requirements and conditions as it deems necessary for the protection of adjoining property owners and the public interest.

1480.02 GENERAL REQUIREMENTS.

(a) All demolition work shall be performed in a workmanlike manner in accordance with the terms and conditions of the demolition permit.

(b) A demolition permit shall not be transferable.

(c) The demolition of all commercial buildings shall comply with requirements of the Ohio Basic Building Code.

(d) If a principal building or structure is proposed to be demolished and replaced by another structure, no demolition permit shall be issued unless all required permits, variances, zoning changes, certificates, reviews or other approvals have been granted or completed, except when demolition is determined by the Building Department to be required to abate a nuisance or eliminate an unsafe building as defined in Section 1476.01 of the Building and Housing Code. Without limiting the foregoing, such approvals shall include, in the case of a structure located in the Environmental Review District, environmental approval under Section 1222.04 of the Planning Code, and, in the case of a structure located in the Architectural Review District, a certificate of appropriateness under Section 1223.04 of the Planning Code.

(e) If any person or persons propose to demolish the principal building or structure on three or more lots within any block, no demolition permit shall be issued unless an application or applications fully describing a replacement use and providing the other information required by Section 1480.01(b) are submitted to the Building Department, and the conditions set forth in subsection (d) are satisfied.

(f) Subject to subsection (e), if any building or structure is proposed to be demolished but not be replaced by another structure, no demolition permit shall be issued unless a site restoration plan is submitted and approved by the Building Department, except when demolition is required to abate a nuisance or eliminate an unsafe building as defined in Section 1476.01 of the Building and Housing Code in which case the owner or his agent shall submit a site restoration plan for approval within 10 days following the issuance of the demolition permit or waiver of the permit requirement pursuant to Section 1480.01 of this chapter.

(g) The site of every demolition, without regard to whether a demolition permit is required pursuant to this chapter, shall be restored in accordance with any required environmental approval, certificate of appropriateness or site restoration plan, or if none of the foregoing is required, in accordance with the minimum standards set forth in this subsection. Every restoration shall be performed in a manner which prevents erosion and shall include, at a minimum, prompt removal of debris, backfilling any excavation with granular material, grading, a six-inch overlay of topsoil and seeding with grass. Restoration of the site shall be completed within 30 days after completion of the demolition. Site restoration shall not be required if building permits for a replacement structure have been obtained and construction begins within 30 days of the completion of demolition; provided, that such construction date may be extended by the Building Department on such terms and conditions as it may impose.

1480.03 PENALTY; EQUITABLE REMEDIES.

Failure to comply with any provision of this chapter or the terms of any demolition permit or site restoration plan shall subject the owner and his agent to the penalty set forth in Section 1430.99 of the Building and Housing Code. In addition, the City may institute an

appropriate action or proceeding to restrain, correct or abate a violation or to require compliance with the provisions of this chapter.

1480.04 DEFINITIONS.

Terms used in this chapter which are defined in the Planning and Zoning Code shall have the meanings ascribed to them in the Planning and Zoning Code.

1480.05 FEES.

The fees for a demolition permit and cash cleanup bond for demolition of a building or structure shall be as provided in Section 244.01 of the Administrative Code.

Section 2. That existing Chapter 1480 is hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2000

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2000

David H. Madison, Mayor

*1/25/00 First Reading.
2/8/00 Second Reading
2/22/00 Third reading Tabled.*