

AMENDED ORDINANCE NO. 17 - 21

By: Jessica Saad

An ordinance to amend Chapter 1476, Unsafe Buildings, to include provisions for unsafe sites

WHEREAS, The City of Bexley desires to protect human health and safety; and

WHEREAS, Bexley's current nuisance ordinance protects the community and its residents against unsafe structural conditions, but does not provide explicit protections against unsafe site conditions; and

WHEREAS, It is in the best interests of the community and its residents if the City provides for a process to remedy unsafe site conditions;

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

Section 1.

That Chapter 1476 be amended as follows:

CHAPTER 1476 Unsafe Buildings and Sites

1476.01 DEFINITION; DECLARATION OF NUISANCE; INVESTIGATION; ABATEMENT.

(a) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, which in relation to an existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence, are, for the purpose of this chapter, "unsafe buildings." All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure set forth in this chapter.

(b) All sites which in relation to an existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence, or upon which environmental contamination exceeds applicable state and federal environmental standards for human occupancy, are, for the purpose of this chapter, "unsafe sites." All such unsafe sites are hereby declared to be public nuisances and shall be abated by rehabilitation in accordance with the procedure set forth in this chapter.

(c) The Superintendent of Buildings and/or their designee shall have the right of entry to any structure or premises or any part thereof for the purpose of conducting an inspection pursuant to the regulations and requirements of this Code.

1476.02 NOTICE TO OWNER.

The Superintendent of Buildings shall examine or cause to be examined every building or structure **or site** or portion thereof reported as or believed to be an unsafe building **or site**, as defined in Section 1476.01. ~~He~~ **The Superintendent** shall give written notice to the owner of record, including any purchaser under a recorded land contract, and to the person occupying such building **or site** if ~~he~~ **they** is not the owner thereof. The written notice shall specifically state the defects that cause the building **or site** to be unsafe and shall state that the work shall commence within thirty days and continue, either to complete the specified repairs or improvements or to demolish and remove the building or structure, or a portion thereof, leaving the premises in a clean, safe and sanitary condition, such condition being subject to the approval of the Superintendent of Buildings. However, in the case of an emergency making immediate repairs necessary, the Superintendent of Buildings may order the changes or demolition to be made within a shorter period. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.

1476.03 SERVICE OF NOTICE.

Proper service of such notice shall be by personal service, residence service, registered mail or certified mail. However, such notice shall be deemed to be properly served if a copy thereof is sent by registered or certified mail to the last known address. If any of the parties cannot be located, or ~~his~~ **their** address cannot be ascertained, the notice shall be deemed to be properly served if a copy thereof is placed in a conspicuous place in or about the building or structure affected by the notice. If such notice is by registered or certified mail, the thirty-day period within which such owner is required to comply with the order of the Superintendent of Buildings shall begin as of the date he received such notice.

(Ord. 9-69. Passed 3-11-69.)

1476.04 POSTING OF SIGNS.

The Superintendent of Buildings shall cause to be posted at each entrance to an unsafe building **or site** a notice to read: ~~"DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT, CITY OF BEXLEY, OHIO."~~ **"Do not enter. Unsafe to occupy or use. Building Department, City of Bexley"**. Such notice shall remain posted until the required repairs **or remediation** are made or demolition is completed. No person shall remove such notice without permission of the Superintendent of Buildings and no person shall enter the building **or site**, except for the purpose of making the required repairs or of demolishing the same.

1476.05 PERMITS.

In all cases of construction and repair pursuant to orders of the Superintendent of Buildings, permits covering such work shall be obtained if required by this Building Code or any other City ordinance.

1476.06 NONCOMPLIANCE; REMEDY OF CITY.

If the owner of record, or the purchaser under a land contract, if that is the case, fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove such building or structure or portion thereof, such person shall be subject to the provisions of this chapter and the Superintendent of Buildings shall proceed to have the building or structure **or site** or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe and sanitary condition, and the cost of such work shall be paid by the City. If the City is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Treasurer and levied as a special assessment against such property on which the building or structure is located and shall be collected in the manner provided for special assessments.

1476.07 UNSAFE CONDITIONS; REPORT REQUIRED.

Any owner, manager, lessee or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall, within twenty-four hours after such discovery, report the existence of such dangerous condition to the Superintendent of Buildings who shall forthwith take such steps as may be necessary to protect the public safety and welfare. If the Superintendent of Buildings cannot be located, such report shall be made to the Director of Public Safety or the Mayor. No person who is an owner, manager, lessee or occupant of a building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the Superintendent of Buildings or the Mayor within twenty-four hours after such knowledge is obtained or should have been obtained.

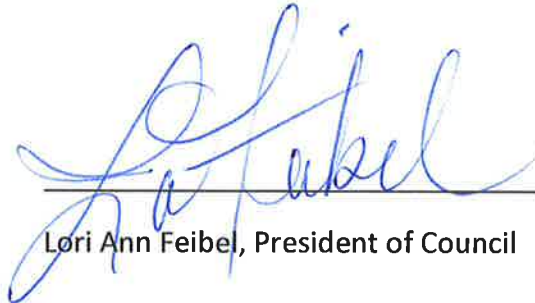
1476.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

Section 2.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2021


Lori Ann Feibel, President of Council

Attest: , 2021
William Harvey, Clerk of Council

Approved: May 11, 2021



Benjamin Kessler, Mayor

First Reading:

Second Reading:

Third Reading: