

RESOLUTION 2021-20

Village of New Richmond, Ohio

208 SUSANNA WAY, NEW RICHMOND OHIO 45157, a.k.a. PARCEL#
260909.235A

Council for the Village of New Richmond, Ohio met in regular session this 14th day of December, 2021 with the following members present:

Richard Feldkamp yes
Rebecca Ploucha yes

Mary Allen yes
Gary Skeene yes

Melanie Slade yes
Larry Prues yes

Councilmember Allen moved for adoption of the following:

A RESOLUTION DECLARING THE STRUCTURE LOCATED AT 208 SUSANNA WAY, a.k.a. PARCEL# 260909.235A, NEW RICHMOND, OHIO TO BE A PUBLIC NUISANCE, AND AUTHORIZING THE ZONING ADMINISTRATOR TO CAUSE REMOVAL OF SUCH LAWFUL CONDITIONS IF SAID OWNERS(S) FAILS TO DO SO WITHIN FORTY-FIVE DAYS OF NOTICE

WHEREAS, Ordinance 1979-6 as amended via Ordinance 2000-29 requires the abatement of nuisances (Demolition of Structures) within the Village of New Richmond, Ohio; and

WHEREAS, the Council finds that it is in the best interests of the Village to seek removal of the unlawful condition,

NOW, THEREFORE, be it resolved by the Council of New Richmond, Ohio members elected thereto concurring:

Section 1: The Council of the Village New Richmond, Ohio hereby directs that notice be personally served upon the owner(s) of property located at 314 Susanna Way a.k.a. Parcel 260909.246B, New Richmond, Ohio, notifying said owner(s) of the specific unlawful conditions existing on the property.

Section 2. The Council further directs that said notice shall specify that the property is in violation of Ordinance 2000-29 and shall require removal of such unlawful conditions to begin within forty-five (45) days after receipt of such notice.

Section 3. The Council further directs that the Village Zoning Administrator shall inspect said property upon expiration of the forty-five (45) day time-period of any remaining unlawful conditions.

Section 4. In the event that the Zoning Administrator finds that any unlawful conditions identified in the notice remain in existence on the property after forty-five (45) days, the Village

Council hereby directs the Zoning Inspector to cause the unlawful conditions to be removed. The Zoning Administrator is hereby authorized to expend any funds necessary to remove the unlawful condition.

Section 5. If said expenses are not paid by the property owner within sixty (60) days from the receipt of the bill, the Village shall cause written notice of any such expenditure to be delivered to the County auditor with a statement of the charges for services, the amount paid for performing of such labor, the fees of the officers who served and returned notice and a proper description of the property. The Village shall direct that such amounts be entered as a lien upon the land and collected as other taxes to be returned to the Village with the general fund.

Section 6. The Zoning Administrator is hereby directed to certify and deliver, or cause to be delivered, a copy of this Resolution to the property owner(s) in addition to the notification provided above.

That Council finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting and that all deliberations of Council which resulted in the passage of this Resolution were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Councilmember Pruess seconded the motion to adopt the foregoing Resolution and upon the roll call the vote was as follows:

Richard Feldkamp	<u>Yes</u>
Mary Allen	<u>Yes</u>
Rebecca Ploucha	<u>Yes</u>
Melanie Slade	<u>Yes</u>
Gary Skeene	<u>Yes</u>
Larry Prues	<u>Yes</u>

First Reading
Second Reading
Third Reading

11/9/2021
11/23/2021
12/14/2021

Adopted: 12/14/2021

Attest:

Glenn Ewing
Glenn Ewing, Mayor

Kathy Fuchs
Kathy Fuchs, Clerk of Council

Approved to form:

Scott Sollmann
Scott Sollmann, Solicitor

ORDINANCE 2000-29

AMENDING

ORDINANCE 1979-6

Adopted Feb. 26, 1979

Amended: June 13, 2000

AN ORDINANCE REQUIRING THE ABATEMENT OF NUISANCES (DEMOLITION OF STRUCTURES) WITHIN THE VILLAGE OF NEW RICHMOND, OHIO

WHEREAS, the Village Council of New Richmond, Ohio has hereby found and determined that there exists, within the Village certain structures which have been and/or are now vacated and that such vacated structures can and do become attractive nuisances for children; that such vacated structures deteriorate and become a blight upon the neighborhood in which they are located; that such vacated structures contribute substantially and increasingly to crime and to losses by fire and accidents; that such vacated structures constitute an economic and social liability in the neighborhoods in which they are located; that such vacated structures do cause one or more of the conditions cited above and cannot be remedied under existing regulatory procedures; and that, because of these conditions, the Village Council hereby finds and determines that such vacated structures are public nuisances; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW RICHMOND, CLERMONT, COUNTY, OHIO,

SECTION I. DEFINITION

For the purposes of this ordinance the following definitions shall apply:

(a) PUBLIC NUISANCE -As used in this ordinance, any fence, wall, garage, shed, house, building, structure, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof, shall be deemed a public nuisance if 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, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the Village of New Richmond in any one or more of the following particulars:

- (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 above said premises.
- (4) By reason of continued vacancy thereby resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and 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 -As used in this ordinance, an owner or owners shall be owner of record of the premises in fee or lesser estate therein, a mortgaged or vendee in possession, land contract purchaser, assignee of the rents, 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 ordinance to the same extent as if he were the owner.

SECTION II: PROCEDURES FOR ABATEMENT OF A PUBLIC NUISANCE (DEMOLITION OF STRUCTURES)

Whenever the Housing Inspector suspects the existence of a public nuisance as defined in Section I, sub-paragraph (a) hereof, in the Village of New Richmond he shall promptly cause to be inspected the premises on which he suspects such public nuisance exists. Should the aforesaid Housing Inspector find that a public nuisance does exist, he shall promptly notify the Chief of Police and the Fire Chief or their duly authorized agents. The Fire Chief and the Chief of Police shall cause to be inspected the premises on which it is suspected such public nuisance exists. Written reports of said inspection and of the findings of the Fire Chief and the Chief of Police, with respect to the existence of the public nuisance as defined in Section I, sub-paragraph (a) hereof shall be filed with the Housing Inspector.

Should all of the aforesaid officers or their duly authorized agents concur that a public nuisance exists, it shall be the duty of the Housing Inspector to cause photographs of such nuisance to be made and to file and keep in his office the written reports of the findings of the aforesaid officials or their agents. The Housing Inspector shall cause a written notice to be served on said owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building or structures the same will be abated by the Village of New Richmond at the expense of the said owner or owners. Such abatement shall start within fifteen (15) days after service of said notice and shall be complete within forty-five (45) days or such additional time as the Housing Inspector may deem necessary to complete the abatement.

SECTION III: SERVICE OF NOTICE

Said notice shall be served either personally or by leaving a copy at the usual place of residence of the said owner as defined in Section I: (b), or by, mailing a copy to such owner at his usual place of residence by United States certified mail with return receipt requested. If service of the said written notice is not perfected by any of the hereinbefore described methods, then the Housing Inspector shall cause such notice to be published in a newspaper of general circulation in the Village of New Richmond, once each week for two (2) consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the said premises on which it is alleged such public nuisance exists or if there be no person in possession thereof, he shall cause a copy of the notice to be posted on the said premises. The Housing Inspector 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.

SECTION IV: RIGHT TO MAKE IMMEDIATE REPAIRS

Upon being served notice, the said owner or owners may make immediate application in writing or in person to the Housing Inspector for a special building permit to undertake the repairs or replacement of items found to constitute a public nuisance.

Adequate plans and specifications as required by the Housing Inspector, covering the said repairs or replacements shall be furnished by said owner or owners to the Housing Inspector within fifteen (15) days after receipt of notice or such additional time as the Housing Inspection may deem necessary to complete plans and specifications not to exceed ninety (90) days. The Housing Inspector shall upon approval of said plans and specifications cause a special building permit to be issued to the said owner or owners. Said special permit shall be in compliance with all existing regulations pertaining to construction within the Village notwithstanding the New Richmond Floodplain Regulations. The special building permit to be issued by the Housing Inspector shall be for a period of thirty (30) days and within said thirty (30) days the owner or owners will effect and complete said repairs and/or replacements, or the Housing Inspector may grant an extension to the special building permit if the owner or owners show reason or cause for the requested extension and which extension will more readily effect the said respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building or structure the same will be abated by the Village of New Richmond at the expense of said owner or owners. Such abatement shall start within fifteen (15) days after service of said notice and shall be complete within forty-five (45) days or such additional time, as the Housing Inspector may deem necessary to complete the abatement.

SECTION V: APPEAL

The said owner or owners may within ten (10) days after completion of service of said notice, make a demand in writing to the Housing Inspector for a hearing on the question of whether in fact a public nuisance, as defined in Section I. subparagraph (a) exists. The hearing shall be held within ten (10) days following receipt of said written demand and at least two (2) days notice in writing of the said hearing shall be given to the said owner or owners. A hearing board composed of the Village of New Richmond Board of Appeals shall conduct the said hearing. All members of the said hearing board must concur that a public nuisance, as defined in Section I, subparagraph (a), exists before enforcement of the abatement is carried out. A copy of the decision of said hearing officers shall be promptly served upon the owner or owners in the manner provided for in Section II.

SECTION VI - ABATEMENT OF A NUISANCE (DEMOLITION OF STRUCTURES) BY HOUSING INSPECTOR

Should said nuisance not be abated at the expiration time stated in said notice or expiration of the time stated in the special building permit issued by the Housing Inspector or such additional time as the Hearing Board may grant, the Housing Inspector shall be authorized, at any time thereafter to enter upon said premises and the owner shall permit him entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required. In abating such nuisance the Housing Inspector may call upon any Department, Division, or Bureau of the Village for whatever assistance may be necessary; or may, by private contract, obtain the abatement thereof and the cost of such private contract shall be paid from Village funds specifically authorized by the Village Council in order to abate such public nuisance.

In abating such nuisance he 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:

- (a) 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 (60) days after receipt of the bill.
- (b) 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 Section 715.261, Ohio Revised Code.

SECTION VII -ORDINANCE NOT EXCLUSIVE

This ordinance shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village of New Richmond, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio, or any ordinance here to fore enacted by this Council.

SECTION VIII -SEVERABILITY

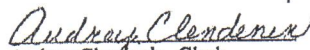
Should any section or provision of this ordinance be held by the courts to be unconstitutional or invalid, such decision shall not effect the validity of this ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

BE IT ORDAINED by this Council, three fourths (3/4) of the members elected thereto concurring, that this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, peace, safety and comfort and welfare of the inhabitants of the Village of New Richmond Ohio, and it shall take effect immediately upon passage.

Adopted: June 13th, 2000


Terry Durette, Village Mayor

Attest:


Audrey Clendenin, Clerk