

CHAPTER 1309
Public Nuisances

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CROSS REFERENCES

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

1309.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

(a) "Public nuisance" means any garage, shed, barn, house, building or structure which by reason of the condition in which it is permitted to be or remain, shall or may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damage, injury or loss to any person in any one or more of the following ways, means or particulars:

- (1) By reasons of being dilapidated, decayed, unsafe, or unsanitary is detrimental to health, morals, safety, public welfare and the well being of the Village, endangers life or property or is conducive to ill health, delinquency and crime;
- (2) By reason of being a fire hazard; or
- (3) By reason of the conditions which require its continued vacancy, the public nuisance and its surrounding grounds, are not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment of such properties to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.

(b) "Owner" means the owner or owners of record as shown on the tax records of the Wyandot County Auditor's Office, and also includes any purchaser or purchasers who are buying under a land contract whether recorded or unrecorded in the Records of Wyandot County.

(Ord. 87-32. Passed 6-1-87.)

1309.02 PROCEDURE FOR FINDING OF PUBLIC NUISANCE; BOARD OF NUISANCE ABATEMENT.

(a) Whenever the Village Administrator suspects the existence of a public nuisance as defined by Section 1309.01(a), or is advised by the Volunteer Fire Department, Fire Chief, or learns from any other source of the apparent existence of such nuisance, he shall promptly cause such suspected public nuisance to be inspected by the Fire Chief. Following such inspection, should the Fire Chief determine that there are reasonable grounds to believe that a public nuisance exists, he shall notify the Chairman of the Board of Nuisance Abatement, who shall cause a hearing to be held by the Board on the question of the existence of a public nuisance.

(b) The owner of the property in question or his duly authorized representative or agent, shall be notified of the date, time and place of such a hearing in accordance with the provisions of Section 1309.03 below and shall be given an opportunity of appearing in person or through a duly authorized representative or agent, at such hearing and of presenting such evidence as may be pertinent to the question of the possible existence of the public nuisance.

(c) Prior to the meeting of the Board of Nuisance Abatement, called to consider the question of the existence of a public nuisance, the property in question shall be inspected by qualified representatives of the Volunteer Fire Department. Reports of these inspections, and the inspection report of the Fire Chief will be made available to the Board at the subject hearing.

(d) The Board of Nuisance Abatement shall be composed of the Administrator, the Chief of the Volunteer Fire Department and the Mayor, or their duly authorized representatives. The Mayor or his duly authorized representative shall serve as Chairman of the Board.

(e) It shall be necessary to have a concurring vote of at least two members of the Board for a finding that a public nuisance as defined in Section [1309.01](#) hereof does exist.

(f) The Board, following the hearing, shall cause a written order to be served on the owner of the subject property, in accordance with the provisions of Section [1309.03](#) hereof, stating the findings of the Board with respect to the existence of a public nuisance. If the Board finds that a public nuisance does exist, the order shall include, where abatement of the nuisance can be accomplished through repair or rehabilitation: a list of repair or rehabilitation specifications required to abate the public nuisance; and shall state that unless the owner of the subject property causes the abatement of the public nuisance by repair, rehabilitation or demolition, the same will be abated by the Village at the expense of the owner. Such abatement by the owner shall start within thirty days after receipt of the order and shall be completed within ninety days or, where abatement is to be accomplished through repair or rehabilitation, such additional time as the Mayor or his duly authorized representative may deem necessary to complete the abatement of the public nuisance.

(Ord. 87-32. Passed 6-1-87.)

1309.03 SERVICE OF NOTICE.

The notice of hearing required under Section [1309.02](#) hereof shall be served by mailing a copy to the owner, as defined in Section [1309.01](#) hereof, by United States certified mail with return receipt requested, by personally serving such owner or by leaving a copy at the usual place of residence of such owner. If service of the notice provided for in Section [1309.02](#) hereof is not perfected by any of the herein before described methods, then the Board of Nuisance Abatement shall cause such notice to be published in a newspaper of general circulation in the Village once each week for two consecutive weeks prior to the date of such hearing. Service of the order provided for in Section [1309.02](#) shall be in the manner provided herein. If service of the order provided for in Section [1309.02](#) is not perfected by certified mail personal service or residence service as hereinbefore described then the Board shall cause such notice to be published in a newspaper of general circulation in the Village, once each week for two consecutive weeks. However, such a published order shall not include a list of the repair or rehabilitation specifications mentioned in Section [1309.02](#).

(Ord. 87-32. Passed 6-1-87.)

1309.04 APPEAL PROCEDURE; NUISANCE APPEAL BOARD.

(a) The owner may, within ten days after service of the order of the findings of the Board of Nuisance Abatement as provided for in Section [1309.02](#) hereof, that the subject property does constitute a public nuisance, make a demand in writing to the Board for an appeal on the question of whether in fact a public nuisance as defined in Section [1309.01](#) does exist.

(b) The owner of the property in question or his duly authorized representative or agent, shall be notified of the date, time and place of the appeal hearing in accordance with the provisions of Section [1309.03](#), and shall be given an opportunity of appearing in person, or through a duly

authorized representative or agent, at such hearing and of presenting such evidence as may be pertinent to the question of the existence of the public nuisance.

(c) The appeal shall be considered by the Nuisance Appeal Board composed of a member from Council, the Law Director and a resident appointed by the Mayor.

(d) Two members of the Nuisance Appeal Board, after reviewing all of the inspection reports, and any pertinent evidence presented by the owner, or his duly authorized representative, shall concur that a public nuisance, as defined in Section [1309.01](#) above does exist before enforcement of the abatement provisions of this chapter are carried out. A copy of the decision of the Nuisance Abatement Appeal Board shall be promptly served upon the owner in the manner provided for in Section [1309.03](#).

(Ord. 87-32. Passed 6-1-87.)

1309.05 ABATEMENT OF NUISANCE OR DEMOLITION OF STRUCTURE BY BOARD OF NUISANCE ABATEMENT.

(a) Provided thirty days notice is given in accordance with Ohio R.C. 715.26(B) should any nuisance not be abated by the owner at the expiration of the time stated in the orders of the Board of Nuisance Abatement, or such additional time as the Nuisance Abatement Appeals Board may grant, the Board of Nuisance Abatement shall be authorized, at any time thereafter, to cause entry upon such premises and the owner shall permit such entry to abate the nuisance by demolition and removal of the structure, or by boarding all windows, exterior doors and other openings to secure the structure and by removal of litter and cutting of rank growth that may be present.

(b) In abating such nuisance the Board of Nuisance Abatement shall obtain the abatement thereof by private contract and the costs of such private contract shall be paid for from Village funds, or from funds provided to the Village by the Federal Government, which are specifically authorized by Council in order to abate the nuisance as provided for in subsection (a) hereof, the Village may elect to do so by using its own employees and materials. The costs of such abatement shall be recovered from the owner in the following manner.

(1) The owner shall be billed for the cost of the abatement by mailing such bill to the owner, by United States certified mail with return receipt requested, or by personally serving the owner with a copy of such bill or by leaving a copy of such bill at the usual place of residence of such owner. If service of such bill is not perfected by either of the hereinbefore described methods then the billing notice shall be published in a newspaper of general circulation of the Village, once a week for two consecutive weeks.

(2) If the owner shall fail to pay for costs of such abatement within sixty days after receipt of the bill, after the publication of the second notice in the aforesaid newspaper, the Village shall cause the cost of the abatement to be levied as an assessment, and recovered in accordance with authority granted by Ohio R.C. 715.261.

(Ord. 87-32. Passed 6-1-87.)

1309.06 REMEDIES NOT EXCLUSIVE.

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 Ohio or any ordinance heretofore enacted by Council.

(Ord. 87-32. Passed 6-1-87.)

1309.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).