

VILLAGE OF RIPLEY, OHIO

ORDINANCE NO. 1017

AN ORDINANCE REGULATING UNSAFE STRUCTURES AND STRUCTURES  
UNFIT FOR HUMAN HABITATION; DECLARING A PUBLIC NUISANCE;  
PROVIDING FOR THE CONDEMNATION, REPAIR AND/OR DEMOLITION  
THEREOF WITHIN THE VILLAGE OF RIPLEY, BROWN COUNTY, OHIO  
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Ripley, Brown County, Ohio,  
two-thirds (2/3) or more of all members thereof concurring as follows:

§1. Preamble. The Council of the Village of Ripley recognizes that the Village of Ripley is an historic community and that many of the buildings and structures within the Village of Ripley have both historic and architectural significance and are worthy of preservation. However, the Council of the Village of Ripley also recognizes that the health, safety and welfare of the citizens of the Village of Ripley require that buildings and other structures be maintained to certain minimum standards.

The enactment of this ordinance is intended to achieve a balance between the foregoing competing interests. As such, it is the stated purpose of the Council of the Village of Ripley that the administration of this ordinance shall attempt to preserve, to the extent possible, the history and architecture of this community insofar as the same may be achieved without posing a risk to the health, safety and welfare of the citizens of the community.

§2. Definitions. As used within this ordinance, the following words and phrases shall have the meanings as indicated in this section:

(A) Building Inspector: that person appointed pursuant to the provisions of this ordinance who is charged with the administration and enforcement of this ordinance, or his duly authorized representative.

(B) Condemn: to adjudge unfit for use or occupancy.

(C) Occupant: any person living or sleeping in a building; or having possession of a space within a building.

(D) Owner: any person, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

(E) Municipality: the Village of Ripley, Brown County, Ohio.

(F) Person: an individual, corporation, partnership or any other group acting as a unit.

(G) Premises: a lot, or parcel of land including the buildings or structures thereon.

(H) Plumbing Facilities: a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

(I) Public Nuisance: includes the following:

(1) the physical condition, or use of any premises regarded as a public nuisance at common law; or

(2) any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, excavations and unsafe fences or structures; or

(3) any structure which has unsanitary sewerage or plumbing facilities;  
or

(4) any premises designated as unsafe for human habitation or use; or

(5) any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property; or

(6) any premises from which the plumbing and/or heating facilities have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;  
or

(7) any structure or building that is in a state of dilapidation, deterioration or decay; open, vacant or abandoned; damaged by fire to the extent so as to not provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

(J) Structure: that which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

(K) Structure Unfit for Human Occupancy: a structure is unfit for human occupancy or use whenever the Building Inspector finds that such structure is unsafe or

because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks proper sanitary, plumbing or heating facilities or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(L) Unsafe Structure: any structure in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from fire or because such structure is so damaged, decayed dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely.

### §3. Building Inspector.

(A) Office of Building Inspector. There is hereby created within this municipality the office of Building Inspector. The Building Inspector shall be appointed by the mayor and confirmed by the legislative authority of this municipality for a term of one year. He need not be a resident of this municipal corporation. Vacancies in the office of Building Inspector shall be filled by the mayor for the unexpired term.

(B) Appointment of Building Inspector. The appointment of a Building Inspector shall include a probationary period of six months. If an appointment is made for an unexpired term, and if the same Building Inspector is reappointed at the end of that term, the probationary period shall continue into his next term. No appointment is final until the appointee has satisfactorily completed his probationary period. If the service of the appointee is unsatisfactory during the probationary period, he may be removed by the mayor of this municipality and the reasons for his removal shall be communicated to the legislative authority of this municipality. If a person is appointed to successive terms as Building Inspector, he shall serve only one six month probationary period during those successive terms.

(C) Relief from Personal Liability. The Building Inspector, his deputies, agents, and employees who acts in good faith in the discharge of duties of enforcement of this ordinance is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, neither the Building Inspector, his deputies, agents and employees shall not be held liable for any costs in any action, suit or proceeding that is instituted by the Building Inspector in the enforcement of this ordinance. In any of these actions, the Building Inspector, his deputies, agents or employees shall be defended or represented by the Municipality's attorney-at-law until the final termination of the proceedings.

(D) Official Records. An official record shall be kept of all business and activities of the office of the Building Inspector, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity of and security of such records.

(E) Credentials. The Building Inspector and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this ordinance.

(F) Compensation. The compensation and benefits of the Building Inspector shall be fixed by the legislative authority of this municipality. Both the fire chief and the village administrator of this municipality shall be eligible to appointment as Building Inspector.

(G) Duties. The Building Inspector shall be charged with the enforcement and administration of this Ordinance. As such, he is empowered to hire or otherwise contract for, on an as-needed basis, such expert and otherwise qualified personnel as may be required to carry out the duties imposed upon him herein, within such budgetary limitations as may be imposed by the legislative authority of this Municipality.

#### §4. Inspections.

(A) Suspected Violations. The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported or believed to be an unsafe structure or unfit for human occupancy.

(B) Inspections. In order to safeguard the safety, health and welfare of the public, the Building Inspector is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this ordinance.

(1) Right of Entry. If any owner, occupant or other person in charge of a structure subject to the provisions of this ordinance refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this ordinance is sought, the Municipality shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

(2) Access by Owner or Operator. Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this ordinance.

#### §5. Condemnation.

(A) General. When a structure or part thereof is found by the Building Inspector to be unsafe, or when a structure or part thereof is found to be unfit for human occupancy or use, such structure shall be condemned pursuant to the provisions of this ordinance and shall be placarded, vacated and shall not be reoccupied without approval of the Building Inspector.

(B) Closing of Vacant Structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Building Inspector shall be permitted to post a notice of condemnation on the premises and order the structure closed up so as to not be an attractive nuisance. Upon the failure of the owner to close up the premises within the time specified in the order, the Building Inspector shall cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

#### §6. Notices and Orders.

(A) Notice to Owner or Person(s) Responsible. Whenever the Building Inspector determines that there has been a violation of this ordinance or has reasonable grounds to believe that a violation has occurred, or whenever the Building Inspector has condemned any structure under the provisions of Section 5 of this ordinance, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the Building Inspector has condemned the property or any part thereof, the Building Inspector shall give notice to the owner and to the occupants of the intent to post and vacate the property.

(B) Form. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why the notice is being issued;
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this ordinance, and;
- (5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

(C) Service. Service of such notice shall be deemed proper if served upon such owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

(D) Service on Occupant. When a condemnation order is served on an occupant other than an owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects if there is a failure to comply.

(E) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in §11 of this ordinance.

#### §7. Placarding.

(A) Placarding of Structure. After the condemnation notice required under the provisions of this ordinance has resulted in an order by virtue of failure to comply within the time given, the Building Inspector shall post on the premises or structure or parts thereof, a placard bearing the words: "Condemned as unfit for human occupancy or use." and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

(B) Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this ordinance.

(C) Removal of Placard. The Building Inspector shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Building Inspector shall be subject to the penalties provided by this ordinance.

#### §8. Emergency Measures.

(A) Vacating Structures. When, in the opinion of the Building Inspector, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure the Building Inspector is authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance of to such structure a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by the Building Inspector." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs or demolishing the structure.

(B) Temporary Safeguards. Notwithstanding other provisions of this ordinance, whenever, in the opinion of the Building Inspector, there is actual and immediate danger of collapse or failure of a structure, the Building Inspector shall order the necessary work to be done including the boarding-up of accessible openings, to render such structure temporarily safe and shall cause such other action to be taken as the Building Inspector deems necessary to meet such emergency.

(C) Closing Streets. When necessary for the public safety, the Building Inspector shall temporarily close sidewalks, streets, places and premises adjacent to such unsafe structure, and prohibit the same from being used.

(D) Emergency Work. For the purposes of this Section 8, the Building Inspector shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(E) Costs of Emergency Work. Costs incurred in the performance of emergency work shall be paid from the treasury of the Municipality on certificate of the Building Inspector. The legal counsel of the Municipality shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(F) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeal board, be afforded a hearing as described in this ordinance.

#### §9. Demolition.

(A) General. The Building Inspector shall recommend to the council of this Municipality that the owner of any premises upon which is located any structure or part thereof, which in the Building Inspector's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that such structure would be unreasonable be ordered to repair the same, to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe or sanitary or to raze and remove at the owner's option.

(B) Unreasonable Repairs. Whenever it shall be established to the satisfaction of the Building Inspector that the cost of such repairs would exceed two hundred (200%) percent of the current value of such structure, the Building Inspector shall be entitled to presume that it would be unreasonable to effect such repairs and he shall be entitled to presume that such a structure is a public nuisance which should be ordered razed.

(C) Appearance before Council. Upon determination by the Building Inspector that any structure is so deficient as to meet the qualifications set forth by paragraphs (A) or (B) of this subsection of this Ordinance, he shall cite the owner of such

premises to appear before the council of this Municipality at the next regular meeting of such council occurring more than fourteen days after the issuance of such citation for a hearing to determine whether or not such structure should be ordered razed.

(1) The hearing contemplated by this section of this ordinance shall be conducted by the council of this Municipality. After considering all of the evidence presented by the Building Inspector, the owner of the premises and any other interested party, the Council shall determine whether such structure shall be ordered razed or whether such structure shall be ordered repaired. The council shall, by majority vote of its members, issue such orders as it shall determine to be justified by the evidence presented and by the intent of this Ordinance.

(2) The council may, by majority vote of its members, approve the entering into of an agreement pursuant to which the owner, or other person in charge of such structure, may commit to the making of any repairs to such structure as may be necessary to bring such structure into compliance with this Ordinance.

(D) Order. Any order issued by the Council of this Municipality shall specify a time in which the owner shall comply therewith and specify repairs, if any. The order shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published once each week for three successive weeks in a newspaper authorized to provide service by publication.

(E) Failure to Comply. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Building Inspector shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(E) Salvage Materials. When any structure has been ordered razed and removed, the Municipality or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

#### §10. Right to Appeal.

(A) Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance shall have the right to request and



shall be granted a hearing on the matter before the council of this Municipality; provided that such person shall file, with the clerk of the Municipality, a written petition requesting such hearing and containing a statement of the grounds therefore within twenty (20) days after the day the notice was served.

(B) Council to Hear Appeals. The council of the Municipality shall hear all appeals relative to the enforcement of this ordinance, and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify, the decision appealed from, and shall make such order or determination as in the opinion of the council ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Building Inspector or of the council.

(C) Financial Interest. A member of the council shall not participate in any hearings or vote on any hearing or appeal in which that member has a direct or indirect financial interest, or in which that member has any personal interest.

(D) Records. The clerk of the Municipality shall keep a record of each meeting of the council pertaining to a hearing or an appeal made pursuant to this ordinance so that the record clearly shows the basis for the decision made by the council.

#### §11. Violations.

(A) Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupancy or permit another person to use or occupy any structure regulated by this ordinance, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this ordinance, or fail to obey a lawful order of the Building Inspector or the council, or to remove or deface a placard or notice posted under the provision of this ordinance.

(B) Penalty. Any person, firm or corporation, who shall violate any provision of this ordinance shall, upon conviction thereof, be guilty of a minor misdemeanor. Each day that a violation continues after the due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

(C) Prosecution. In case of any unlawful acts, the Building Inspector shall institute an appropriate action or proceeding at law to exact the penalty provided in this §11 of this ordinance. Also, the Building Inspector shall ask the Municipality's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

(1) To restrain, correct, or remove the violation or refrain from any further execution of work;

(2) To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;

(3) To require the removal of work in violation, or;

(4) To prevent the occupation or use of the structure which is not in compliance with the provisions of this ordinance.

§12. Existing Remedies; Conflict with Other Laws.

(A) The provisions of this ordinance shall not be construed to abolish or impair existing remedies under the laws of the State of Ohio or of this Municipality or its officers or agencies relating to the securing, repair, removal or demolition of any buildings which are dangerous, unsafe or unsanitary.

(B) The provisions of this ordinance shall not be construed to prevent the enforcement of other laws, ordinances or regulations which prescribe standards other than those provided herein. In the event of a conflict, the most restrictive provision shall apply.

§13. Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

§14. Effective Date. This ordinance is hereby declared to be an emergency ordinance of this Municipality necessary for the health, safety and welfare of the inhabitants of this Municipality and this ordinance shall be in full force and effect immediately upon its adoption.

Adopted this 12<sup>th</sup> day of Dec, 19 95.

Larry D. Fulton  
Larry D. Fulton, Mayor

ATTEST:

Hilda Frebis  
Hilda Frebis, Clerk