

ORDINANCE #2010- 060

**AN ORDINANCE AUTHORIZING THE VILLAGE OF HAMERSVILLE
TO PROCEED TO TAKE THE STEPS AS REQUIRED BY LAW TO IMPLEMENT
THE ABATEMENT, REMOVAL OR DEMOLITION
OF HOUSE AND GARAGE LOCATED
AT 124 BANK STREET, HAMERSVILLE, OHIO, IN THE VILLAGE OF
HAMERSVILLE, BROWN COUNTY, OHIO
AND PASSED AS AN EMERGENCY**

WHEREAS, the Council of the Village of Hamersville, Brown County, Ohio believes it's in the Village's best interest to take the steps as required by law to implement the abatement, removal or demolition of building(s) and/or structure(s) located at 124 Bank Street, Hamersville, Ohio, in the Village of Hamersville, (such structures hereinafter referred to collectively as the "124 Bank Street Buildings") in accordance with the provision of Sections 715.26(B) and 715.261 of the Ohio Revised Code in a manner as provided herein; and

WHEREAS, the 124 Bank Street Buildings have been abandoned and/or the current condition thereof is a potential threat to the public health, safety and welfare of the residents of the Village of Hamersville; and

WHEREAS, the restoration, abatement of nuisance or demolition of the unsafe and unsecured 124 Bank Street Buildings is in accordance with the police and regulatory powers of the Village pursuant to Sections 715.26(B) and 715.261 of the Ohio Revised Code; and

WHEREAS, certain actions need to be implemented in order to accomplish the abatement, restoration or demolition of buildings that are a health and safety hazard, including but not limited to:

- (i) The Fire Department of the Village of Hamersville and/or other experts as may be required, shall determine and issue a report in writing (which report shall include photographs of the

buildings interior and exterior) and that the 124 Bank Street Buildings are structurally unsound, and pose a serious hazard to public health, safety and welfare;

(ii) The owner(s), all lien holders, and all parties or persons with a legal interest in the property must be notified to immediately commence restoration thereof or demolish the 124 Bank Street Buildings in accordance with the provisions of Section 715.26(B) of the Ohio Revised Code and;

(iii) If the owner(s) or other parties in interest fail, neglect, or refuse to comply with the directive noted in (i) above, the 124 Bank Street Buildings may be demolished by the Village of Hamersville once all administrative appeals have been exhausted or otherwise waived; and

(iv) The Village of Hamersville must obtain and evaluate the quotes contemplated by Section 1 below, and if such costs are approved by the Village Council, proceed with the demolition of the 124 Bank Street Buildings.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Hamersville, Brown County, Ohio:

Section 1: That the Village Council be, and is hereby authorized, empowered and directed to obtain several informal quotes for the removal or demolition of the 124 Bank Street Buildings, and the actions necessary to removal all debris from the site so as to render the property free from hazard, which quotes may include removal of all or any part thereof for salvage, and/or the burning of the building(s) and/or structure(s) or any party thereof in a manner authorized and/or performed by the Hamersville-Clark Township Volunteer Fire Department;

Section 2: That, upon review and approval of the quotes contemplated by Section 1, the Village Council be, and is hereby authorized, empowered and directed to procure (in the most cost

and resource effective manner) any necessary inspections, assessments, reports, evaluations and other documentation necessary to verify the existence of the public nuisance and safety hazards posed by the 124 Bank Street Buildings as may be necessary to effectuate the purposes of this Ordinance;

Section 3: That, after receipt of the documentation contemplated by Section 2 hereof, the Village Council be, and is hereby authorized, empowered and directed to send notices to the owner(s) and all parties in interest to immediately commence the abatement of the 124 Bank Street Buildings, and that if such abatement is not commenced within thirty (30) days, the Village shall proceed with the demolition of the 124 Bank Street Buildings, and assess the costs thereof as a special tax upon the property in accordance with the provisions of Section 715.261 of the Ohio Revised Code;

Section 4: That, if the owner or any party in interest fails, neglects or refuses to abate the nuisance of the 124 Bank Street Buildings in the time period prescribed in the notices as contemplated by Section 3 hereof, the Village of Hamersville may enter into an agreement with the most cost-effective responsible bidder or bidders to effect demolition of the 124 Bank Street Buildings and clean-up of the debris.

Section 5: Funds to pay for this expenditure are to be derived from such funds as Village Council may direct.

Section 6: No amounts shall be paid by the Village of Hamersville with respect to the actions contemplated by this Ordinance, unless prior approval of the Village Council is obtained therefore;

Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this

Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: Provided that (a) as set forth in Ohio R. C. 705.15, at least three-quarters of Council votes by "yeas" and "nays" that the rule requiring every ordinance to be read on three separate days is suspended and (b) this Ordinance is passed by no less than three-quarters vote of all members of Council elected or appointed thereto, this Ordinance shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Section 9: This ordinance is hereby declared to be an emergency measure for the reason that the public health, safety and welfare of the inhabitants of the Village of Hamersville, Ohio, require the immediate issuance of said ordinance and the same shall take effect and be in full force immediately upon its adoption.

DATED: May 10, 2010

Sam D. Fu
Mayor

ATTEST:

Tammie Ogle
Clerk

Ordinance reviewed and approved as to form:

Cecelia J. Rotts
Village Solicitor

Date

5/10/10