

ORDINANCE NO. 2021.041

AN ORDINANCE INSTITUTING STANDARDS AND REGULATIONS ON VILLAGE BUSINESSES REGARDING ANY AWNINGS OR OVERHANGS FOR THE SAFETY OF VILLAGE RESIDENTS AND VISITORS

WHEREAS, Ohio Revised Code 715.67, provides “Any municipal corporation may make the violation of any of its ordinances a misdemeanor, and provide for the punishment thereof by fine or imprisonment, or both. The fine, imposed under authority of this section, shall not exceed five hundred dollars and imprisonment shall not exceed six months.”

WHEREAS, Under Ohio Revised Code 715.26(B): Villages can “provide for the inspection of buildings or other structures and for the removal and repair of insecure, unsafe, or structurally defective buildings or other structures under this section or section 715.261 of the Revised Code”, and

WHEREAS, the Village has many historic buildings which house local businesses that have awnings, over-hangs and other structures that provide cover above the Village sidewalks; and

WHEREAS, the Village has been notified of some of those awnings housing heavy equipment such as air conditioners and other items that without proper support and upkeep pose a threat to the safety of Village residents and visitors; and,

WHEREAS, the Village Council finds that in an effort to provide oversight and ensure the safety of such awnings and over-hangs it desires to enact a specific Ordinance providing for such oversight; and,

NOW THEREFORE, be it hereby **ORDAINED**, the following:

Section 1. The Council finds that under Ohio Revised Code 715.26(B), the Village has the legal authority to institute regulations and oversight of buildings and other structures and for the removal and repair of insecure, unsafe, or structurally defective buildings or other structures.

Section 2. The Council adopt the legal procedure found in Ohio Revised Code 715.26(B) as follows:

(1) The Village Code Enforcement Officer, previously identified as its Zoning Inspector, shall be responsible for inspecting any awnings or over-hangs of any building within the Village to ensure its safety and secureness.

(2) The Village Code Enforcement Officer shall have the authority to obtain structural assessments and other professional opinions to determine the safety of any awning or over-hang.

(3) Once the Village Code Enforcement Officer makes a determination that an over-hang or awning is structurally unsafe and in need of removal or repair, the Village Code Enforcement Officer shall, at least thirty days prior to the removal or repair of any insecure, unsafe, or structurally defective awning or over-hang, the municipal corporation, or its agent pursuant to an agreement entered into under division (E) of section 715.261 of the Revised Code, shall give notice by certified mail of its intention with respect to such removal or repair to the holders of legal or equitable liens of record upon the real property on which such building is located and to owners of record of such property.

(4) The owners of record of such property or the holders of liens of record upon such property may enter into an agreement with the Village, to perform the removal or repair of the insecure, unsafe, or structurally defective building.

(5) If an emergency exists, as determined by the Village Council, after notice of the emergency by the Code Enforcement Officer to Council, notice may be given other than by certified mail and less than thirty days prior to such removal or repair.

(6) If for any reason notice is not given, the lien provided for in section 715.261 of the Revised Code as a result of such removal or repair is valid but shall be subordinate to any liens of prior record. If notice is provided in accordance with this section, a lien under section 715.261 of the Revised Code for such removal or repair is effective on the date the Village incurred expenses in such removal or repair.

(7) Any person in receipt of notice of a violation of this Ordinance shall have 30 days to reach an agreement with the Village regarding the removal or repair of such awning or over-hang, except in an emergency situation as contemplated by section (5) herein above.

(8) If an agreement is reached and the owner fixes or removes the dangerous awning or over-hang within 30 days of receiving a non-emergency citation under this Ordinance then no further action shall be taken against that person and no fine shall be levied.

(9) In any other situation, whether it is by emergency or by the owner's refusal to correct the dangerous situation by removal or repair, then the Village shall cause such removal or repair to be done and the owner shall then owe the Village the costs of such endeavor, which shall be collected within 30 days of said repair or removal. If said costs are paid within the time no further action shall be taken against that person and no fine shall be levied.

Section 3. Should any person violate this Ordinance and fail to follow the procedure set forth in Section 2 of this Ordinance, then that person shall be subject to repayment of the costs and fees associated herein above with the Village's removal or repair of such awning or over-hang and will be subject to a fine not to exceed Five-Hundred Dollars and No Cents. (\$500.00).

Section 4. This ORDINANCE shall become effective immediately after the third reading or deemed an emergency by the Blanchester Village Council. All prior legislation, or subsection in an ordinance, that are not consistent with this ordinance shall be repealed effective immediately.

Mr. Hopkins moved and Mr. Hollon seconded to pass as emergency and approve. A roll being called, the members voted as follows:

Mr. Bauer	Yes
Mr. Brumbaugh	Yes
Mr. Gephart	Yes
Mr. Hollon	Yes
Mr. Hopkins	Yes
Mr. Simpson	Yes

PASSED AND ADOPTED by the Village Council of the Village of Blanchester, Ohio, this 9th day of December, 2021.

By: John M. Carman
John Carman, Mayor

ATTEST:

Tamara S. May
Tamara S. May, Fiscal Officer

CLERK'S CERTIFICATION

I, Tamara S. May, Fiscal Officer of the Village of Blanchester, Ohio, do hereby certify that the foregoing Ordinance No. 2021.033 was published by posting the complete text of said Ordinance at five of the most public places in said Village as determined by Council, as follows: at The First National Bank of Blanchester, 121 E. Main Street, Blanchester, Ohio; at Peoples Bank, Blanchester Branch Office, 125 W Main

Street, Blanchester, Ohio; at the office of the Board of Trustees of Public Affairs of the Village of Blanchester, 111 North Broadway, Blanchester, Ohio; at the Blanchester, Public Library, 110 North Broadway, Blanchester, Ohio; and at the office of the Mayor and Council of the Village of Blanchester, 101 East Main Street, Blanchester, Ohio, each for the period of fifteen (15) days commencing on the 14th day of December, 2021.

Witness my signature this 14th day of December, 2021.



Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

VILLAGE OF BLANCHESTER
FISCAL OFFICER
TAMARA S. MAY
OFFICIAL SEAL

