

**VILLAGE OF HARTVILLE
ORDINANCE NO. 1-16.27**

ORDINANCE NO. 1-16.27, enacting an Ordinance for the Village of Hartville (“Village”) to require the maintenance of dwellings, structures and features to ensure they are being used in the way they were intended, and declaring the same to be an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE,
STARK COUNTY, OHIO:**

Section 1. Findings and Determinations. The Village finds and determines the following matters:

- a) It is necessary and imperative for the Village to require interior and exterior maintenance of all dwellings, structures and features of all individuals who reside in the Village to ensure a safe and healthy living environment for all the Village’s residents.
- b) All formal actions of this Council relating to the enactment of the Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 2. Dwellings and Structures Maintained. All dwellings or structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which such dwelling, structure or any feature thereof was designed and intended to be used.

Section 3. Equipment Maintenance. All equipment and facilities appurtenant to a dwelling or structure shall be maintained in good and safe working order.

Section 4. Exterior Areas of Properties; Maintenance. Exterior areas of all premises shall be kept free of any objects, materials or conditions which may create a health, accident or fire hazard or adversely affect the value of surrounding properties: including but not limited to such objects, materials or conditions as the outside storage of seldom moved, unlicensed or immovable vehicles in conspicuous positions where such storage is not part of a lawful business conducted on the premises and/or collections of junk, rubbish or debris outside dwellings or structures.

Section 5. Prohibited Conditions.

- a) All dwellings or structures which are structurally unsafe, unsanitary or not provided with safe egress or which constitute a fire hazard or are otherwise

dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, as determined by the Zoning Inspector, are, for the purposes of this section declared to be unsafe dwellings or structures. All such unsafe dwellings or structures shall be repaired and rehabilitated or may be demolished and removed in accordance with the provisions of this Ordinance.

- b) Exterior areas of all premises upon which any objects, materials or conditions create a health, accident or fire hazard or adversely affect the value of surrounding properties are hereby declared to be a nuisance, which shall be abated in accordance with the provisions of this chapter.
- c) All dwellings shall be maintained in a fit and habitable condition for human occupation. The property owner or owners of any dwelling found to be uninhabitable by the Zoning Inspector shall take any and all action necessary to correct the condition or conditions that resulted in an uninhabitable dwelling finding by the Zoning Inspector. An uninhabitable dwelling, for purposes of this section, is a dwelling containing conditions that result in, or reasonably may result in, serious health and safety hazards to any person residing in the dwelling. The Zoning Inspector, when necessary, shall consult with the Building Inspector, Fire Chief, Police Chief and the County Board of Health in making a determination that a dwelling is uninhabitable.
- d) A determination by the Zoning Inspector that a dwelling is uninhabitable shall be appealable pursuant to Section 7 of this Ordinance.

Section 6. Abatement.

- a) Upon the discovery of a condition which violates Section 5 of this Ordinance, the Zoning Inspector may cause written notice of such condition to be served upon the person causing or permitting such condition to exist or be maintained, or the owner of record, either personally or by certified mail addressed to such person at the last known address of such person, specifying a reasonable time within which such condition must be removed or abated. The notice shall advise the person of the right to appear provided in Section 7 of this Ordinance.
- b) Upon the failure of such person to remove or abate such condition within the time specified in such notice, the Mayor may cause such condition to be removed or abated. Such removal or abatement may include the seizure and destruction of sale of property constituting or used in the maintenance of the condition, and the Mayor may enter into contracts on behalf of this Village for the removal or abatement of such condition.
- c) Any person failing to remove or abate a condition as stated in this section shall be liable to the Village for a two hundred dollars (\$200.00) administrative charge as well as all costs of such removal or abatement. The charges incurred for the abatement of such condition shall be forwarded to the noncomplying person by

delivering such notice to him or her personally or by certified mail sent to the tax mailing address of the owner of the lot, land or upon which such condition arose. If such charges are not paid within thirty days after submission for payment, they shall be certified to the County Auditor, who shall place the same on the tax duplicate of the County, with interest and penalties allowed by law, and such charges shall be collected along with real property taxes.

Section 7. Appeals.

- a) Any person in possession of a dwelling that has been found to be uninhabitable, pursuant to Section 5 of this Ordinance, or who has received a notice to remove or abate a condition as provided for in Section 6 of this Ordinance may, within the period of time specified in such notice, file a written request for a hearing on such order, by delivering a copy of such request, specifying an address to which notices to such person are to be sent, to the office of the Mayor. Upon receipt of such a request, the Mayor shall set a time and place for such hearing and shall cause notice thereof to be given to such person by delivering such notice to him or her personally, by leaving a copy thereof at the address contained in the request for the hearing, or by certified mail sent to such address not less than five days prior to the hearing. The notice shall advise the appellant that evidence and testimony will be heard, that the appellant may call witnesses and cross examine witnesses against the appellant, and that the Mayor may subpoena any person who the appellant reasonably believes can provide competent testimony or evidence on the matter. A copy of such notice, specifying the purpose of the hearing and the time and place thereof at which all interested persons shall be heard, shall also be posted in the Village Hall. Such notice may also be published in one or more newspapers of general circulation in the Village.
- b) Such hearing shall be conducted by the Mayor, and shall be conducted in the manner described in the notice. Not more than ten (10) days after the conclusion of such hearing, the Mayor shall issue an order confirming, modifying or rescinding the order of removal or abatement issued by the Zoning Inspector. Any such order shall be a final order, within the meaning of Ohio R.C. 2506.01, upon the filing of a copy thereof with the Clerk of Council. A copy of such order shall be served as soon as possible in the manner specified in subsection (a) hereof upon the person requesting the hearing.

Section 8. Violations. No person shall:

- a) Cause or permit to exist or be maintained any prohibited condition in violation of Section 5 of this Ordinance, 1-16.27.
- b) Violate any written notice or written order issued under this Ordinance, 1-16.27.

Section 9. No Right of Entry. Nothing contained in this chapter shall be deemed to confer a right of entry upon the Village, its officials or employees, without a warrant or probable cause.

Section 10. Penalties.

- a) Whoever violates or fails to comply with any of the provisions of this Ordinance, including any failure to comply with a subpoena issued by the Mayor pursuant to Section 7(a) of this Ordinance, shall be guilty of a minor misdemeanor on the first offense and shall be guilty of a fourth degree misdemeanor on the second and each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

- b) In lieu of or in addition to the prosecution of the violation of subsection (a) hereof, the Village Solicitor may institute an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful condition; to restrain, correct or abate a violation; to prevent the occupancy of buildings, structures or premises which violate this Ordinance; or to require compliance with this Ordinance or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Mayor or the Zoning Inspector.

Section 11. Effective Date. Provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law, and shall take effect immediately upon its passage.

DATED: December 20, 2016


Cindy Billings, Mayor

ATTEST:


Scott K. Varney, Village Fiscal Officer