

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

ORDINANCE # 37-2008

AUGUST 19, 2008

Ordinance No. ....

Passed ..... YEAR

Purpose: An Ordinance to prohibit and abate nuisances in the City of Waverly, OH, pertaining to: dilapidated, decayed and/or filthy lots or structures; and to abolish City of Waverly, OH Ordinances: 6-7-54 and 19-86.

Whereas: The City of Waverly, OH intends to prohibit and abate the City Corporation limits of nuisances pertaining to dilapidated, decayed and/or filthy lots or structures in order to promote the public peace, health and safety of the citizens of Waverly; and to protect the property value of its citizens.

Therefore: be it resolved by the City Council of Waverly, OH that;

Section One: No person, owning or controlling any lot, land or structure within the City, shall allow any lot, land or structure to exist in a condition of dilapidation or decay, so as to be dangerous in any way, or in a condition of filthiness so as to be offensive or injurious on any account; and that;

Section Two: For the purpose of this ordinance, the following legal definitions apply:

- 1. lot- a parcel or piece of property as displayed on the Pike County Auditor's tax duplicate.
2. Structure-any residential dwelling, garage, accessory building, shed, commercial building, carport or barn.

Section Three: Any person owning or controlling any lot, land or structure within the City, shall be in violation of this ordinance if any of the following conditions are present on his/her lot, land or structure:

- 1. Mold growing or spreading on more than 25 percent of the surface area of any structure;
2. Falling, rotted, broken, severely cracked or peeling wood, vinyl, or aluminum siding, trim fascia, soffits or eaves;
3. Falling, missing or loose bricks in a structure that encompass more than 20 percent of the surface area of the structure, or create a void in the structure that render the structure unsecured, unsafe or unsightly;
4. Falling guttering; rotted guttering or guttering filled with leaves, tree deposits or other compost that have rendered the gutters either inoperable or conducive to the spread of new vegetation in such compost and/are attracting insects, bugs and other pests;
5. Falling, severely damaged or decaying fences or walls; ROOFS 9-2-08
6. The presence of either: junk, scrapped, inoperable or unregistered motor vehicles for a time period exceeding 15 days;
7. The presence of either junk, scrapped or inoperable machinery, or equipment for a time period exceeding 15 days unless the area in question is a state licensed scrap yard, metal recycling area or other place of business specifically designed to acquire, sale or refurbish such material and is located on land or lots that are zoned appropriately for such use;
8. The presence of accumulated garbage or rubbish, to include but not limited to: broken glass, cardboard, food scraps, rotting wood, rotting lumber, paper, plastic, magazines, bottles, cans, metal debris, compost or other accumulated vegetation;
9. The presence of pools, ponds, or poorly drained areas that accumulate stagnant, putrid water that disperses foul smells or facilitates the breeding of mosquitoes and other pests; however ponds used for the provision of watering livestock and areas located within a natural stream or watershed, or areas within the 100 year floodplain are exempt;
10. Any debris, trees, rocks, garbage or other material deliberately or negligently placed within a natural drainage area, ravine or storm sewer that causes flooding, earth erosion or the change of the natural watercourse;

Section Four: Upon the identification of any nuisance identified in Section three on any such lot, land or structure within the City by the City Safety Director; the owner or agent of such lot, land or structure shall be served written notice by the City Safety Director ordering the removal of such nuisances identified in Section three, within 30 days of the receipt of such notice.

Section Five: If the property owner served notice in accordance with Section Four does not cause such nuisance to be abated within the required time period established in Section Four, the City Safety Director shall report such negligence to the Mayor.

Section Six: Upon the receipt of such notification by the City Safety Director of a nuisance as outlined in Section Five, the Mayor may cause an estimation of the cost of the removal of such nuisance to be acquired. Upon establishment of an estimated cost, the Mayor and Auditor may execute a purchase order in the amount estimated to remove such nuisance and the Mayor may order the removal of such nuisance by the City.

Section Seven: Upon the removal of such nuisance as established in Section Six, the City Auditor shall provide the cost of the removal of the nuisance incurred by the City and the current tax parcel number on record with the Pike County Auditor's Office for such property that the nuisance was removed from, and forward all such documentation to the Pike County Auditor's Office with directions to place the cost incurred by the City on the parcels property tax bill for the current year. Once the property tax is collected by the Pike County Auditor's Office, the City shall receive such recovered cost.

Section Eight: City Ordinances 6-7-54 and 19-86 are hereby abolished;

(Check only one of the following:)

The second and third readings of this ordinance are hereby dispensed with, at least five members of Council concurring. (Art. III, Sec. 13 B.)

X This ordinance read by title only, a majority of Council concurring. (Art. III, Sec. 13 B.)

This ordinance is an emergency for the immediate preservation of the public peace, health and safety of the citizens of Waverly, at least five members of Council concurring. (Art. III, Sec. 15 A.)

This ordinance to go into effect the earliest date authorized by law. (Art. III, Sec. 15)

Reading 1: July 15, 2008 Reading 2: August 5, 2008 Reading 3: August 19, 2008
(Date) (Date) (Date)

Greg Kempton 9-17-08
President of Council (Greg Kempton) Date (Art. IV, Sec. 6)

Tammy Miller - 9-17-08
City Council Clerk (Tammy Miller) Date (Art. IV, Sec. 6)

Date Submitted to Mayor: \_\_\_\_\_

(Art. IV, Sec. 6)

Approved/Disapproved by Mayor

Dale Reed 9/15/08
Mayor (Dale Reed) Date