

ORDINANCE NO. OR14-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 1341.17 “DEMOLITION” OF THE TROTWOOD CODES OF ORDINANCES, AND ENACTING NEW SECTION 1341.17 “DEMOLITION” OF THE TROTWOOD CODES OF ORDINANCES TO ALIGN THE NOTICE PROCESS WITH SECTION 1357.08 OF TROTWOOD CODES OF ORDINANCES AND SECTION 10-8 OF THE TROTWOOD CITY CHARTER, AND DECLARING AN EMERGENCY.

WHEREAS, the Trotwood Codes of Ordinances (the “Codified Ordinances”) contain two different notice procedures to notify property owners of code enforcement actions; and

WHEREAS, the City of Trotwood Planning and Development Director recommends revisions to Section 1341.17 of the Codes of Ordinances to align the notice process with Section 1357.08 of the Codes of Ordinances and Section 10-8 of the Trotwood City Charter; and

WHEREAS, City Council accepts the recommendation of the Planning and Development Director and will amend Section 1341.17 accordingly; and

WHEREAS, for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City of Trotwood and to allow the City to apply for and utilize land bank funding for code enforcement matters, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Section 1341.17 “Demolition” of the Trotwood Codes of Ordinances is hereby repealed in its entirety.

SECTION II: A new Section 1341.17 “Demolition” is hereby enacted as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strike through~~.

SECTION III: The Trotwood City Council declares that an emergency exists so to protect the public peace, health, safety, and welfare of the City’s residents and to allow the City to apply for and utilize land bank funding for code enforcement matters, which therefore requires the expedited implementation of this legislation.

SECTION IV:

It is hereby 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 any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

SECTION V:

In accordance with Section 4-6 of the Charter of the City of Trotwood, Ohio, this Ordinance shall take effect immediately upon its adoption by Council


Passed this 6th day of March, 2023.

ATTEST:

APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



MARY A. MCDONALD
MAYOR



YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR14-23 adopted by the Trotwood City Council at a regular scheduled meeting held on the 6th day of March, 2023, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

EXHIBIT A

1341.17 DEMOLITION.

- (a) General. The Code Official may order the owner of premises upon which is located any structure or part thereof, which in his judgement is so old, dilapidated, or has become so out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use such that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years to raze and remove such structure or part thereof.
- (b) Unreasonable Repairs. Whenever the Code Official determines that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.
- (c) Order. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or his 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 a summons by a court of record. **If certified mail service of the order is returned unserved, the order shall be sent via regular mail.** If the owner or holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building ~~and/or~~ **and** by publishing it **in accordance with Section 10-8 of the Trotwood City Charter,** ~~once each week for three successive weeks in a newspaper authorized to provide service by publication.~~