

**ORDINANCE NO. 2025-9
(AS AMENDED)**

**AN ORDINANCE
AMENDING CERTAIN SECTIONS OF THE ORANGE
VILLAGE BUILDING CODE TO AMEND AND CLARIFY THE
METHOD BY WHICH PROPERTY OWNERS AND OCCUPANTS
ARE MADE AWARE OF ALLEGED VIOLATIONS OF THE
BUILDING CODE.**

WHEREAS, Orange Village has an interest in enforcing property maintenance and building codes to ensure the retention of the value and aesthetics of land and buildings located within the Village; and

WHEREAS, this Council has been advised of the need to amend certain sections of the Orange Village Building Code to provide an appropriate and uniform method of notifying property owners and occupants of alleged violations of the Village's Building Code; and

WHEREAS, this Council desires to amend the Orange Village Building Code to provide appropriate notice of alleged violations of the Village's Building Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That existing Section 1323.02, Violations, of the Codified Ordinances of Orange Village is amended to provide as follows:

"1323.02 VIOLATIONS- NOTIFICATION; SERVICE; COMPLAINT SUMMONS.

- (a) Upon the report of a condition ~~perpetration in violation of~~ that may be a violation of this Building Code, the Building Commissioner shall ~~immediately~~ **forthwith** examine, or cause to be examined, such reported violation. If a violation exists, the Building Commissioner shall ~~immediately~~ **forthwith** order the owner, lessee, tenant or ~~person~~ **party** responsible for the ~~property violation~~ to make such changes, alterations or repairs as will ~~comply with the Building Code~~ **satisfy the Building Commissioner**, or initiate prosecution of the person responsible for the ~~violation~~ **property**.
- (b) Service of Notice of Violation and/or Complaint/Summons to the responsible party is effectively served and/or delivered by the Building Commissioner upon receipt by personal service, regular mail or certified mail with return receipt requested. If service cannot be accomplished via personal service, regular mail or certified mail with return receipt requested service shall be accomplished via the posting of the Notice of Violation or the Complaint conspicuously on the premises (e.g. the front door of the principal building).
- (c) "Responsible party", when applied to property, includes any owner, property manager, lessee, tenant, occupant or engaged contractor who may have caused the condition that constitutes the alleged violation."

SECTION 2. That existing subsections (a) and (b) of Section 1331.06, Abatement, of the Codified Ordinances of Orange Village are amended to provide as follows:

“1331.06 ABATEMENT.

(a) Upon the discovery of a condition which violates Section 1331.05, the Building Commissioner may cause, in compliance with 1323.02, written notice of such condition to be served upon the responsible party. ~~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 1331.07 of this chapter.~~

(b) ~~Upon the failure of such person to remove or abate such condition within the time specified in such notice, the Mayor may causes such condition to be removed or abated. Such removal or abatement may include the seizer 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.~~ Right of Appeal.

(1) Within thirty (30) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Planning and Zoning Commission by filing a written request with the Village’s Building Department Administrator. The Chairperson of the Planning and Zoning Commission, upon receipt of the request, shall, within thirty (30) days therefrom, and upon five (5) days notice to the party and the Building Inspector, set the matter down for hearing. The Planning and Zoning Commission may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a final order as to these administrative proceedings, provided, however, that any order of modification or dismissal shall be effective for two years following the date of issuance of such order, and thereafter the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein.

(2) The Planning and Zoning Commission shall consider only the following in determining appropriate action to be taken:

A. That any modification of the original order of the Building Inspector shall not, in any material way, alter the standards of this chapter and shall not affect detrimentally the health or safety of occupants or the health, safety, or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and

B. That strict enforcement would constitute an undue and unnecessary hardship on the owner by reason of compelling an expenditure for repair of the premises which would be substantially disproportionate to any benefit to health, safety, or welfare of the community that might be derived therefrom.

No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner from complying with any

such other provision, nor any official of the Village from enforcing any such other provision.

(c) Any person failing to remove or abate a condition as stated in this section shall be liable to the Village for a one hundred dollar (\$100.00) 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 3. That existing subsection (b) of Section 1333.05, Enforcement, of the Codified Ordinances of Orange Village is amended to provide as follows:

“1333.05 ENFORCEMENT.

The enforcement of the provisions of this chapter shall be the responsibility of the Building Inspector, together with such additional enforcement officers as may be designated by the Mayor.

(b) Notice; Notification; Service; Complaint Summons.

Building Code notification, service and complaint summonses shall be issued in compliance with Section 1323.02.

~~(1) Where a violation of any provision of this chapter is found to exist, the Building Inspector shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time to correct or abate the violation.~~


~~(2) Notice shall be served personally or by certified mail to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation~~ If service cannot be completed as provided above, service may be accomplished if the Building Commissioner posts the Notice of Violation and/or the Complaint conspicuously on the property (e.g. on the front door of the principal building).”

SECTION 4. That existing subsections 1323.02, Violations, 1331.06, Abatement, 1331.07, Appeals, and 1333.05(b), Enforcement, of the Codified Ordinances of Orange Village and any Ordinance or any part of any Ordinance that conflicts with this Ordinance, is repealed to the extent of the conflict.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. That this Ordinance shall take effect at the earliest period allowed by law.

PASSED: May 14, 2025

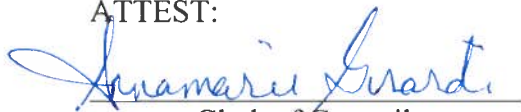


Council President


Submitted to the Mayor for approval on this 14th day of May, 2025

Approved by the Mayor this 14th day of May, 2025

ATTEST:



Clerk of Council



Mayor