

ORDINANCE NO. 26-21

AN ORDINANCE ESTABLISHING THE CONDEMNATION AND DEMOLITION CODE FOR BUILDINGS AND OTHER STRUCTURES LOCATED IN THE VILLAGE OF VERSAILLES, OHIO

WHEREAS, it has come to the attention of officials of the Village of Versailles the dilapidated condition of certain buildings and/or structures within the Village; and

WHEREAS, to provide the Village with a means of administering dilapidated buildings and/or structures the Village had determined the need to adopt a Condemnation and Demolition Code; and

WHEREAS, the purpose of the condemnation and/or demolition of buildings or other structures within the Village is to ensure public health, safety and welfare, improve aesthetics, and prevent the deterioration of property and premises within the Village;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Versailles, Ohio:

SECTION ONE: Ordinance No. 26-21 of the Village of Versailles, Ohio shall be, and hereby is, created to read as follows:

101.01 GENERAL

- (a) Title. The provisions contained in this Ordinance shall be known as the "Village of Versailles Condemnation and Demolition Code", hereinafter referred to as the "Code".
- (b) Scope. The provisions of this Code shall apply to every building or other structure, whether used for residential or nonresidential purposes.
- (c) Intent. The intent of this Code is to ensure public health, safety and welfare, improve aesthetics, and prevent the deterioration of property and premises within the Village. Existing buildings or other structures that are not in compliance with the Code shall be altered or repaired to comply with the provisions herein.
- (d) Conflict. The provisions of this Code shall supplement any and all laws of the State of Ohio and any and all ordinances, rules and/or regulations of the Village applicable to buildings and other structures in the Village. If in any specific case, there is an apparent conflict between the provisions of this Code and any other applicable ordinance, rule and/or regulation of the Village, the provisions of this Code shall be deemed to prevail.
- (e) Severability. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or otherwise legally invalid, such decision shall not affect the validity of the remaining portions of this Code.

102.01 CONDEMNATION

- (a) General. If the Village Administrator finds that a building or other structure is insecure, unsafe, structurally defective, and/or unfit for human occupancy, the Village Administrator may condemn the building or other structure pursuant to the provisions of this Code and regardless of whether the property owner has been cited for a violation of any section of the Village Ordinances.
- (b) Notice. When the Village Administrator has condemned a building or other structure, the Village Administrator shall send provide a written notice to the owners of the property and to the holders of legal or equitable

liens of record upon the real property on which the building or other structure is located, if any, (the "Condemnation Notice"). The Condemnation Notice shall include (i) a description of the property reasonably sufficient for identification; (ii) a statement explaining the reason(s) for which the building or other structure is insecure, unsafe, structurally defective, and/or unfit for human occupancy; (iii) reasonable time, not to exceed thirty (30) days, to make the repairs and improvements required to bring the building or other structure into compliance with the provisions of this Code and/or the other provisions of the Village Ordinances; (iv) a statement that, if the building or other structure is not repaired or improved within the time given, the building or other structure is subject to demolition; (v) the warning required by the Section 106.01 of this Code; and (vi) an explanation of the process for appeal. The Condemnation Notice shall be posted to the building or other structure and sent by United States certified mail to the property owners' last known tax billing address, pursuant to the tax records of Darke County, and the holders of legal or equitable liens of record upon the real property on which the building or other structure is located, if any. As an alternative to mailing the Condemnation Notice by United States Certified Mail, the Condemnation Notice may be served personally via hand-delivery to the property owner of the condemned property per the Darke County Auditor's Office Tax Records. As an alternative to mailing the Condemnation Notice by United States Certified Mail and personal service via hand-delivery, the Village Administrator may also publish such condemnation notice in a newspaper of general circulation within Darke County at least once a week for three consecutive weeks.

- (c) Placarding. Upon condemning a building or other structure, the Village Administrator shall post a placard on the building or other structure bearing words to the effective of:

"CONDEMNED: DO NOT ENTER - UNSAFE TO OCCUPY"

The Village of Versailles, Ohio has determined that this property is insecure, unsafe, structurally defective, unfit for human occupancy, and/or in violation of the Ordinances for the Village of Versailles, Ohio. It shall be unlawful for this building or other structure to be rented, leased, or occupied from the date of this notice until all required repairs have been made in a manner satisfactory to and approved, in writing, by the Village Administrator, subject to occupants being given reasonable time thereafter, not to exceed seventy-two (72) hours, to vacate the building or other structure. Failure to comply with this order and/or mutilation, unauthorized removal and/or defacing of this placard is punishable by up to 90 days in jail and/or a fine of \$750.00."

- (d) Occupied Buildings. When an occupied building or other structure is condemned and placarded by the Village Administrator, all individuals shall vacate themselves from the building or other structure within seventy-two (72) hours and no person shall enter, remain in, or occupy any placarded building or other structure except for the purposes of making the repairs or to comply with orders of the Village Administrator. No owner, operator, agent or person responsible for a placarded building or other structure shall allow or permit anyone to occupy, enter, or remain in the placarded building or other structure except for the purposes of making the repairs or to comply with orders of the Village Administrator. If any person fails to comply with the order of the Village Administrator to vacate a condemned building or other structure, the Village Administrator shall advise the Chief of Police and it shall be the duty of the Chief of Police to vacate the building or other structure. The Village shall not be held responsible for the costs of temporary lodging.
- (e) Vacant Buildings. When a vacant building or other structure is condemned, the Village Administrator may order the owners of the property to close up

and/or secure the building or other structure so it will not be an attractive nuisance. If the owners of the property fail to close up and/or secure the building or other structure within the time specified in the order, the Village Administrator shall cause it to be closed and/or secured through any available public agency or by contract or arrangement by private persons and the costs incurred may be recovered by the Village pursuant to Section 105.01 of this Code.

- (f) Re-occupancy. If a building or other structure is condemned, the building or other structure shall not be reoccupied without the approval of the Village Administrator.

103.01 DEMOLITION

- (a) General. Any building or other structure that is insecure, unsafe, structurally defective, and/or unfit for human occupancy is subject to demolition by the Village, regardless of whether the building or other structure has been condemned pursuant to the provisions of this Code and/or whether the property owner has been cited for a violation of any section of the Village Ordinances.
- (b) Notice. Unless a building or other structure is in imminent danger of failure or collapse so as to endanger life or property or an emergency otherwise exists, the Village Administrator shall issue written notice to the owners of record of the property and the holders of legal or equitable liens of record upon the real property on which such building or other structure is located, if any, of the Village's intention to remove the building or other structure (the "Demolition Notice"). The Demolition Notice shall include (i) a description of the property reasonably sufficient for identification; (ii) a statement explaining the reason(s) for which the building or other structure is insecure, unsafe, structurally defective, and/or unfit for human occupancy; (iii) reasonable time, not to exceed thirty (30) days, to make the repairs and improvements required to bring the building or other structure into compliance with the provisions of this Code and/or the other provisions of the Codified Ordinances; (iv) a statement that, if the building or other structure is not repaired or improved within the time given, the building or other structure will be razed; (v) the warning required by Section 106.01 of this Code; and (vi) an explanation of the process for appeal. The Demolition Notice shall be given at least thirty (30) days prior to the removal of the building or other structure and shall be posted to the building or other structure and sent by United States certified mail to the property owners' last known tax billing address, pursuant to the tax records of Darke County, and the holders of legal or equitable liens of record upon the real property on which the building or other structure is located, if any. As an alternative to mailing the Demolition Notice by United States Certified Mail, the Demolition Notice may be served personally via hand-delivery to the property owner of the condemned property per the Darke County Auditor's Office Tax Records. As an alternative to mailing the Demolition Notice by United States Certified Mail and personal service via hand-delivery, the Village Administrator may also publish such demolition notice in a newspaper of general circulation within Darke County at least once a week for three consecutive weeks.
- (c) Failure to Comply. If the owner of property fails to comply with the Demolition Notice, the Village Administrator may (i) repair and/or secure the building or other structure and/or (ii) cause the building or other structure to be razed, either through an available public agency or by contract or arrangement with private persons and the costs incurred may be recovered by the Village pursuant to Section 105.01 of this Code.
- (d) Permits. No person, firm or corporation shall demolish any building or other structure without a valid demolition permit, a copy of which is

attached hereto as Exhibit A. A separate permit is required for each building or other structure. Applicants for a demolition permit shall pay to the Village of Versailles such fee as established by the Village.

- (e) Insurance. No demolition permit shall be issued until the applicant has furnished the Village Administrator with proof of effective liability insurance in the amount of \$300,000.00/\$1,000,000.00 (CSL).
- (f) Emergency. If the Village Administrator determines that a building or other structure is in imminent danger of failure or collapse so as to endanger life or property or an emergency otherwise exists, the Village Administrator shall cause the necessary work to be done to render the building or other structure temporarily safe. If the Village Administrator determines, in his or her sole discretion, that it is impracticable to repair the building or other structure, he may order the building or other structure razed. Additionally, the Village Administrator may give the Demolition Notice other than by certified mail or personal service and/or less than thirty (30) days prior to removal of the building or other structure. The fact that the building or other structure has been condemned shall not affect or preclude the use of the emergency demolition process. Any and all the costs incurred may be recovered by the Village pursuant to Section 105.01 of this Code.

104.01 APPEALS

The property owner of a building or other structure that is the subject of Condemnation and/or Demolition Notice may appeal the decision of the Village Administrator to condemn and/or demolish the building or other structure with the Board of Zoning Appeals by filing a written petition with the Fiscal Officer, requesting a hearing and setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for such hearing. The petition shall be filed within thirty (30) days after the date the Condemnation and/or Demolition Notice and shall be accompanied by a non-refundable fee of Fifty Dollars (\$50.00) to cover the Village's costs of handling the appeal. Upon receipt of the petition, the Fiscal Officer shall set a date, not to exceed thirty (30) days, for a hearing before the Board of Zoning Appeals. Upon setting the hearing, the Fiscal Officer shall notify the petitioner of the date, time and place by sending written notice of the hearing by United States regular mail, at least seven (7) days prior to the hearing, to the address for petitioner contained in the petition. At the hearing, the petitioner shall be given the opportunity to be heard and to show cause as to why the Village Administrator's order should be modified or dismissed or why a variance should be granted. After the hearing, the Board of Zoning Appeals shall affirm, disaffirm, modify or dismiss the Village Administrator's order by a majority vote of the members present. Alternatively, if it clearly appears to a majority of the members of the Board of Zoning Appeals present that, by reason of special conditions, undue hardship would result from the strict application of any provision of this Code and/or any other provision of these Village Ordinances, the Board of Zoning Appeals may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done and the spirit of the provisions of this Code upheld. The petitioner shall be notified within ten (10) days of the hearing, in writing, of the decision of the Board of Zoning Appeals by sending the decision by United States regular mail to the petitioner's address as provided in the petition. If the petitioner or his/her representative does not appear for the hearing to present his/her position, the appeal shall be dismissed and the provisions of this Code shall be enforced. The proceedings before the Board of Zoning Appeals shall be recorded and its decisions shall be set forth in writing. Any person adversely affected by a decision of the Board of Zoning Appeals has the right to appeal to the Court of Common Pleas of Darke County, Ohio on the grounds that the decision was unreasonable and unlawful. Such court may affirm, reverse, vacate, or modify the decision of

the Board of Zoning Appeals.

105.01

RECOVERY OF COSTS

- (a) General. As used in this Code, "Total Cost" means any cost incurred by the Village as a result of repairing, securing and/or removing a building or other structure that is insecure, unsafe, structurally defective, and/or unfit for human occupancy. The Total Cost shall be paid by the Village. When the Village incurs the Total Cost, the Village shall send an invoice by United States regular mail to the property owner at his or her last known tax billing address according to the tax records of Darke County. If the property owner fails to pay the invoice within thirty (30) days of the date of the invoice, the Village may collect the Total Cost by any of the following methods:
1. The Fiscal Officer may certify the Total Cost, together with the parcel number or another proper description of the land on which the building or other structure was located, the date the costs were incurred, and the name of the owner of record at the time the costs were incurred, to the Darke County Auditor, who shall then place the costs as a charge upon the tax and duplicate, at which time the Total Cost are a lien upon such lands from and after the date the costs were incurred. The Total Cost shall be collected as other taxes and returned to the Village. The placement of the Total Cost on the tax list and duplicate shall relate back to, and is effective in priority, as of the date the costs were incurred, provided that the Village certifies the Total Cost within one year from the date the costs were incurred.
 2. The Village may commence a civil action to recover the Total Cost from the person who held title to the parcel at the time the costs were incurred.
 3. The Village may file a lien on the parcel of land upon which the building or other structure was located for the Total Cost by filing a written affidavit with the Darke County Recorder that states the parcel number, the Total Cost, and the date on which the costs were incurred. The Village may then pursue a foreclosure action to enforce the lien a court of competent jurisdiction or, pursuant to §§ 323.65 to 323.79 of the Ohio Revised Code, as hereinafter amended, with the board of revision. The Village may elect to acquire the parcel by indicating such an election in the complaint for foreclosure or in an amended complaint. Upon the entry of a decree of foreclosure, the Darke County Sheriff shall advertise and offer the property for sale on at least one occasion. The minimum bid with regard to the sale of the foreclosed property shall equal the sum of the taxes, penalties, interest, costs, and assessments due and payable on the property, the Total Cost, and any associated court costs and interest as authorized by law. An owner of the property may redeem the property by paying the minimum bid within ten (10) days after the entry of the decree of foreclosure. If an owner fails to so redeem the property, and if the parcel is not sold for want of a minimum bid, the property shall be disposed of as follows:
 - a. If the Village elects to acquire the property, the parcel shall be transferred to the Village as if the property were transferred by all owners in title to the Village in lieu of foreclosure as provided in Section 5722.10 of the Ohio Revised Code, as hereinafter amended, in which case the property shall not be subject to foreclosure or forfeiture under Section 323.25 or Chapter 5721. or 5723. of the Ohio Revised Code and any lien on the property for costs incurred for any unpaid taxes, penalties, interest, charges, or assessments shall be extinguished; or
 - b. If the Village does not elect to acquire the property, the parcel shall be forfeited to the state or to a political subdivision or school

district as provided in Chapter 5723. of the Ohio Revised Code, as hereinafter amended.

- (b) Priority of Lien for Removal or Repair. If the Demolition Notice is given by United States certified mail at least thirty (30) days prior to the removal of the building or other structure to the property owners and the holders of legal or equitable liens of record upon the real property on which the building or other structure is located, if any, the lien provided for in this section as a result of the removal or repair of the building or other structure is effective on the date the Village incurred the expenses of such removal or repair. If for any reason the Demolition Notice is not given by United States certified mail at least thirty (30) days prior to the removal of the building or other structure to the property owners and the holders of legal or equitable liens of record upon the real property on which the building or other structure is located, if any, the lien provided for in this section as a result of the removal or repair of the building or other structure is valid but shall be subordinate to any liens of prior record.

106.01 TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any building or other structure who has received a Condemnation and/or Demolition Notice to sell, transfer, mortgage, lease or otherwise dispose of the building or other structure to another until (i) the notice has been complied with or (ii) the owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any Condemnation and/or Demolition Notice and provides the Village Administrator with a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of the Condemnation and/or Demolition Notice and fully accepting the responsibility, without condition, for making the corrections or repairs required by the Condemnation and/or Demolition Notice.

107.01 RIGHT OF ENTRY

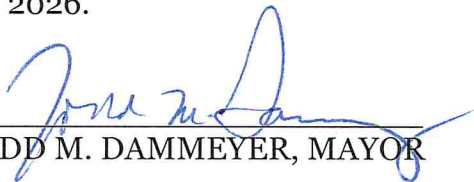
The Village Administrator and/or other designated official may enter any building or other structure, at reasonable times, and at any time in an emergency, for the purpose of determining whether the building or other structure complies with the provisions of this Code and/or with the provisions of any other building, housing and/or property maintenance code contained in these Codified Ordinances. The owner of the property shall give the Village Administrator and/or other designated official free access to the building or other structure for the purpose of such inspection. If such permission is refused or otherwise unobtainable, the Village Administrator or other designated official may apply for and obtain a search warrant, pursuant to constitutional guidelines, in order to gain access to the building or other structure.

108.01 PENALTY

- (a) The provisions of this Code are specifically intended to impose strict liability.
- (b) Any person who violates Section 102.01 by (i) entering, remaining in, or occupying any placarded building or other structure; (ii) allowing or permitting any person to occupy, enter, or remain in the placarded building or other structure; and/or (iii) mutilating, removing and/or defacing a condemnation placard is guilty of a misdemeanor of the second degree.
- (c) Whoever violates Section 106.01 is guilty of a misdemeanor of the third degree.

SECTION TWO: All formal actions of this Council concerning and relating to the adoption of this Ordinance were passed 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.

PASSED, this 27 day of May, 2026.


TODD M. DAMMEYER, MAYOR

ATTEST:

ALISHA M. APPLE, FISCAL OFFICER

APPROVED AS TO FORM:

MATTHEW J. PIERRON, VILLAGE ATTORNEY