

ORDINANCE NO. 1183-2021

AN ORDINANCE: OF THE VILLAGE OF ELIDA, OHIO RELATING TO THE ELIMINATION OF BLIGHTED AND DETERIORATED PROPERTIES

| Vote | 1 st | 2 nd | 3 rd |
|-------------------|-----------------|-----------------|-----------------|
| Jon T. Jenkins | y | y | y |
| Larry Flick | y | y | y |
| Ken Hall | y | y | y |
| Rhonda McCoy | y | y | y |
| Darryl Nichols | y | y | y |
| Dan Kaseman | y | y | y |
| Kim Paxton, Mayor | | | y |
| Total | 6-0 | 6-0 | 6-0 |

Whereas, the Council of the Village of Elida, Ohio met at a duly called and authorized meeting of the Council, such meeting being duly called pursuant to the rules of Council, with notice received by all Council members.

Whereas, it is desirable for the Village of Elida, Ohio to address concerns and issues that the Village relating to blighted properties.

Whereas, the Council of the Village of Elida, by an affirmative vote of the majority of the members elected, approved Ordinance # 1183-2021 read by title on three different days as proscribed by law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELIDA, OHIO, BY A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. BLIGHTED PROPERTY

That it is the policy of the Village of Elida to promote the health, safety, and welfare of the residents of the city by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods.

The elimination of such blight and deterioration and the preparation of such properties for sale or lease, for development, or for redevelopment constitute a public use and purpose for which public money may be expended and private property acquired and these are governmental functions in the interest of the health, safety, and welfare of the residents of the Village.

The necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

Section 2. DEFINITIONS:

“BLIGHTED OR DETERIORATED PROPERTY” means a vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which:

1. Is because of physical condition or use regarded as public nuisance at common law;
2. Is considered an attractive nuisance to children by reason of structures and appurtenances therein or thereon, including but not limited to abandoned wells, shafts, basements, excavations, or the unsafe condition of any structures or fences thereon;
3. Is dilapidated, unsanitary, unsafe, vermin infested, or is lacking in the facilities and equipment required by the Village’s housing and maintenance codes, has been designated by the Administrator as being unfit for human habitation;
4. Is a fire hazard or is otherwise dangerous to the safety of person or property;
5. Has had utilities, plumbing, heating, sewerage or other facilities disconnected therefrom, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
6. Has by reason of neglect or lack of maintenance become a place for the accumulation of trash and debris, or a haven for rodents or other vermin; or
7. Has not been rehabilitated within the time constraints placed upon the owner by the Administrator as approved by Council.

“REDEVELOPMENT” means the planning or replanning, design or redesign, acquisition, clearance, development, or disposal of a property in the preparation of such property for residential and related uses, as may be appropriate or necessary.

“RESIDENTIAL AND RELATED USE” means the residential property for sale and related uses, including but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

Section 3: PROCEDURES

1. The administrator considers a property blighted or deteriorated, the Administrator shall give to the owner of the property Notice and Order setting forth the conditions of the property which are in violations of local codes or law and a time period by which to correct and abate such conditions. Such Notice and Order shall further state that the property is deemed to be blighted or deteriorated within the meaning of this chapter and that the failure to make correction and abatement within the time period set forth will result in a referral of this property to Council as a Whole for further proceedings in conformity with this chapter.

2. Upon referral to the Council as a Whole the Mayor shall furnish to the owner the time, date, and location of the meeting regarding said property. The clerk shall publish notice in conformity with all other notice for public meetings.
3. If at such a meeting the Council as a Whole determines by a preponderance of the evidence that such property is blighted or deteriorated the Council as a Whole shall direct the clerk or Administrator to service notice to the owner that such a determination has been made and that failure to eliminate the conditions causing same shall render the property subject to condemnation by the Village. Such notice shall describe the conditions that render the property blighted or deteriorated and shall demand correction and abatement of the conditions within 30 days of receipt of such notice. An extension of between 30 day and 90-day period may be granted by the Council if it is demonstrated to the satisfaction of the Council that such period is insufficient to correct the conditions as cited in the notice.

Section 4: EMINENT DOMAIN PROCEEDINGS

1. Eminent domain proceedings can be instituted in accordance with the Ohio Revised Code for any property that has been certified by council to be blighted or deteriorated. Specific findings as such must be made from Council:
 - a. That the property has deteriorated to such an extent to constitute a serious and growing menace to the public health, safety, and welfare;
 - b. That such property is likely to continue to deteriorate unless corrected
 - c. That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property and
 - d. That the owner of such property has failed to correct the deterioration of the property

Section 5: USE OF PROPERTY

1. Once proceedings allow for eminent domain acquisition the Village shall be permitted to use said property in the means the Village deems fit.

Section 6.

That the Council of the Village of Elida, Ohio hereby finds that all discussion and debate regarding the matter was conducted in open session of council pursuant to the provisions of the Ohio Revised Code.

That the Council of the Village of Elida, Ohio authorizes the Fiscal Officer to make publication and approval from the earliest period prescribed by law.

Adopted Aug 24, 2021,

Claude Paxton

Claude Paxton, Mayor

Attest:

Sandy L Langhals

Sandy L Langhals, Clerk and Fiscal Officer

Approved as to form:

Barry Schroeder

Barry Schroeder, Village Solicitor