

FELICITY ORDINANCE 12-26

AN ORDINANCE REGARDING THE ABATEMENT OF  
NUISANCES (DEMOLITION OF STRUCTURES) WITHIN THE  
VILLAGE OF FELICITY OHIO

WHEREAS, the Village Council of Felicity, Ohio has hereby found and determined that there exists, within the Village certain structures which have been and/or are now vacated and that such vacated structures can and do become attractive nuisances for children; that such vacated structures deteriorate and become a blight upon the neighborhood in which they are located; that such vacated structures contribute substantially and increasingly to crime and to losses by fire and accidents; that such vacated structures constitute an economic and social liability in the neighborhoods in which they are located; that such vacated structures do cause one or more of the conditions cited above and cannot be remedied under existing regulatory procedures; and that, because of these conditions, the Village Council hereby finds and determines that such vacated structures are public nuisances; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF FELICITY,  
CLERMONT COUNTY OHIO,

SECTION 1. DEFINITION

For the purposes of this ordinance the following definitions shall apply:

(a) PUBLIC NUISANCE -As used in this ordinance, any fence, wall, garage, house, building, structure, mobile home, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof, shall be deemed a public nuisance if by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage of injury to any one or more persons in the Village of Felicity in any one or more of the following particulars:

- (1) By reason of being detrimental to the general health of the community.

. (2) By reason of being a fire hazard.

(3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the above said premises.

(4) By reason of continued vacancy thereby resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.

OWNER -As used in this ordinance, an owner or owners shall be owner of record of the premises in fee or lesser estate therein, a mortgaged or vendee in possession, land contract purchaser, assignee of the rents, receiver, executor, administrator, trustee, lessee, or other person, firm, or corporation in control of a building, or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this ordinance to the same extent as if he were the owner.

#### SECTION 11: PROCEDURES FOR ABATEMENT OF A PUBLIC NUISANCE (DEMOLITION OF STRUCTURES)

Whenever the Housing Administrator suspects or becomes aware of the existence of a public nuisance as defined in Section I, sub-paragraph (a) hereof, in the Village of Felicity, he shall promptly cause to be inspected the premises on which he suspects such public nuisance exists. The Housing Administrator shall promptly contact the Fire Chief, County Building Department, and County Health Department as applicable. These agencies shall cause to be inspected the premises on which it is suspected such public nuisance exists. Written reports and photos of said inspection and of the findings of the Fire Chief, County Building Department, and County Health Department, with respect to the existence of the public nuisance as defined in Section I, subparagraph (a) hereof shall be filed with the Housing Administrator.

Should any or all of the aforesaid agencies report that a public nuisance exists, it shall be the duty of the Housing Administrator to file and keep in his office the written reports of the findings of the aforesaid officials or their agents. The

Housing Administrator shall cause a written notice to be served on said owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building or structures the same will be abated by the Village of Felicity at the expense of the said owner or owners. Such abatement shall start within fifteen (15) days after service of said notice and shall be complete within forty-five (45) days or such additional time as the Housing Inspector may deem necessary to complete the abatement.

### SECTION III: SERVICE OF NOTICE

Said notice shall be served either personally or by leaving a copy at the usual place of residence of the said owner as defined in Section I: (b), or by, mailing a copy to such owner at his usual place of residence by United States certified mail with return receipt requested. If service of the said written notice is not perfected by any of the herein before described methods, then the Housing Administrator shall cause such notice to be published in a newspaper of general circulation in the Village of Felicity, once each week for two (2) consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the said premises on which it is alleged such public nuisance exists or if there be no person in possession thereof, he shall cause a copy of the notice to be posted on the said premises. The Housing Administrator shall cause a return of service in the form of an affidavit to be made by the person who served it, which affidavit shall set forth the name and address of the person served, the manner of service, and the date thereof.

### SECTION IV: RIGHT TO MAKE IMMEDIATE REPAIRS

Upon being served notice, the said owner or owners may make immediate application to the Clermont County building Department to permit to undertake the repairs or replacement of items found to constitute a public nuisance. Adequate plans and specifications as required by the Clermont County Building Department covering the said repairs or replacements shall be furnished by said

owner or owners to the Housing Administrator within fifteen (15) days after receipt of notice, including a copy of any required permits, or such additional time as the Building Department may deem necessary to complete plans and specifications not to exceed (90) days. Upon receipt of all documents required, The Housing Administrator shall upon approval of said plans and specifications, grant the owner forty-five (45) days to complete repairs and/or replacements. The Housing Administrator may grant an extension if the owner or owners show reason or cause for the requested extension and which extension will more readily effect the said respect to the existence of a public nuisance and stating that the owner or owners thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building or structure the same will be abated by the Village of Felicity at the expense of the owner or owners. Such abatement shall start within fifteen (15) days after service of said notice and shall be complete within forty-five (45) days or such additional time, as the Housing Administrator may deem necessary to complete the abatement.

#### SECTION V: APPEAL

The said owner or owners may within ten (10) days after completion of service of said notice, make a demand in writing to the Housing Administrator for a hearing on the question of whether in fact a public nuisance, as defined in Section I. subparagraph (a) exists. The hearing shall be held within ten (10) days following receipt of said written demand and at least two (2) days notice in writing of the said hearing shall be given to the said owner or owners. A hearing board composed of the Village of Felicity Board of Appeals shall conduct the said hearing. All members of the said hearing board must concur that a public nuisance, as defined in Section I, subparagraph (a), exists before enforcement of the abatement is carried out. A copy of the decision of said hearing Board Members shall be promptly served upon the owner or owners in the manner provided for in Section II.

#### SECTION VI-ABATEMENT OF A NUISANCE (DEMOLITION OF STRUCTURES) BY HOUSING INSPECTOR

Should said nuisance not be abated at the expiration time stated in said notice or expiration of the additional time as the Housing Administrator may grant, the Housing Administrator shall be authorized, at any time thereafter to enter upon said premises and the owner shall permit him entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required. In abating such nuisance the Housing Administrator may call upon any Department, Division, or Bureau of the State, County, Township, and/or Village for whatever assistance may be necessary, including by private contract. In abating such nuisance, he may go to whatever extent necessary to complete the abatement of the same and the cost of the abatement action shall be recovered from the owner in the following procedure:

- (a) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within thirty (30) days after receipt of the bill.
- (b) If costs are not so recovered then the cost of the abatement is to be levied as an assessment and recovered in accordance with Section 715.261, Ohio Revised Code.

#### SECTION VII-ORDINANCE NOT EXCLUSIVE

This ordinance shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village of Felicity, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio, or any ordinance here to fore enacted by this Council.

#### SECTION VIII-SEVERABILITY

Should any section or provision of this ordinance be held by the courts to be unconstitutional or invalid, such decision shall not effect the validity of this ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

BE IT ORDAINED by this Council, three fourths (3/4) of the members elected thereto concurring, that this ordinance is hereby declared to be an

emergency measure necessary for the preservation of the public health, peace, safety and comfort and welfare of the inhabitants of the Village of Felicity Ohio, and it shall take effect immediately upon passage.

Passed October 1, —2026

Randy Myers Michelle Caudil

Mayor Randy Myers                      Fiscal Officer/Clerk Michelle Caudil

Council Jaquelyn

Council Joan

Council Tom

Council Kelly

Council John

Council \_\_\_\_\_