



Introduced: 02/03/2020
Revised:
Adopted:
Effective:

CITY OF PATASKALA

ORDINANCE 2020-4358

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING CHAPTER 1223 (DISTRESSED PROPERTIES) OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA

WHEREAS, the proposed amendment would establish Chapter 1223 to adopt standards that protect the health, safety and welfare of the citizens of Pataskala, reduce the potential for economic decline as a result of public nuisances, protect aesthetic standards, and preserve and protect property values.

WHEREAS, the City Planning and Zoning Commission initiated the amendment pursuant to Section 1217.10, and

WHEREAS, a public hearing was held by the City Planning and Zoning Commission on December 4, 2019 pursuant to Section 1217.07, and

WHEREAS, the notice of a public hearing to be held by the City Planning and Zoning Commission was published in a newspaper of general circulation on November 21, 2019 pursuant to Section 1217.08, and

WHEREAS, upon hearing the application the City Planning and Zoning Commission recommended approval of the amendment on December 4, 2019 pursuant to Section 1217.10, and

WHEREAS, a public hearing was held by Council on February 3, 2020 pursuant to Section 1217.11, and

WHEREAS, the amendment was on file for public examination for a minimum of 30 days preceding the Council public hearing pursuant to Section 1217.12, and

WHEREAS, Council hereby determines that all applicable procedures required by Chapter 1217 of the Codified Ordinances have been followed, and that notice was given and a public hearing was held as required by Section 1217.11 of the Codified Ordinances, and Council hereby adopts the recommendation of the City Planning and Zoning Commission as provided for in Section 1217.13 of the Codified Ordinances;

WHEREAS, the Council of the City of Pataskala has determined that it is necessary to amend the Zoning Code of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: Council for the City of Pataskala hereby creates, establishes, and adopts Chapter 1223 (Distressed Properties) of the Codified Ordinances of the City of Pataskala, as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

Section 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk of Council

Michael W. Compton, Mayor

Approved as to form:

Brian M. Zets, Law Director

Exhibit A

**CHAPTER 1223
Distressed Properties**

1223.01 Purpose	1223.07 Enforcement
1223.02 Definitions	1223.08 Abatement by the Person in Charge
1223.03 Applicability	1223.09 Abatement Plan
1223.04 Declaration of Distressed Property	1223.10 Exceptions
1223.05 Maintenance and Security Standards	1223.11 Supplemental Code Provisions
1223.06 Joint Responsibility	1223.12 Penalty

1223.01 PURPOSE

It is the intent and purpose of this chapter to protect the health, safety and welfare of the citizens of the city, reduce the potential for economic decline as a result of public nuisances on improved parcels, protect aesthetic standards deemed essential by the Pataskala community, and to preserve and protect property values within the City of Pataskala.

1223.02 DEFINITIONS

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Enforcing Official: The City Administrator or their designee.

Improved Property: Property which has located upon it a building, structure or other physical improvements.

Inspection: A close viewing of the property and the exterior of any structures located thereon from any legal vantage point and includes viewing of any interior portions of the structure which are visible from the outside of the structure.

Litter: Garbage, junk, refuse, and rubbish, and all other waste material including vegetative debris, which, if thrown, deposited or accumulated as prohibited in this chapter, is detrimental to the public health, safety and welfare and can be classified as a nuisance.

Nuisance: Any item, thing, manner, or condition whatsoever that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or could otherwise be a hazard to the public health, safety or general welfare.

Owner: Every person or entity which, alone or jointly with others, has legal or equitable title to any property, dwelling, dwelling unit, mobile dwelling unit, building, or structure.

Person in Charge: A property owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property.

ZON-19-008

Property: Any real property, or portion thereof, located in the City of Pataskala.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.

Vacant: A building that appears to be partially or substantially empty of furnishings or appliances or otherwise legally occupied, or exists with any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that there is no intent or actions by the current owner or person in charge to occupy in the immediate future a property or building.

1223.03 APPLICABILITY

The provisions of this chapter shall apply to the following properties within the City of Pataskala:

- A. All parcels located within a platted subdivision
- B. All commercially zoned parcels
- C. All R-M – Multi-Family Residential zoned parcels
- D. All industrially zoned parcels
- E. All R-MH – Manufactured Home Residential zoned parcels
- F. All parcels one and one-half (1.5) acres or less.

1223.04 DECLARATION OF DISTRESSED PROPERTY

- A. Any improved property within the City of Pataskala upon which is located an occupied or vacant building, as defined in this division, and which has located upon or within such improved property a nuisance condition which constitutes, or may constitute, a threat to the health, safety or welfare of any person, as determined by the enforcing official, is hereby declared a distressed property and is in violation of this chapter.
- B. Any improved property within the City of Pataskala that is in a condition which fails to meet the minimum maintenance requirements and security standards set forth in Section 1223.05, based upon the inspection of the enforcement official from any public right-of-way or adjacent property, where legally authorized, is hereby declared to be a distressed property and is in violation of this chapter.

1223.05 MAINTENANCE AND SECURITY STANDARDS

- A. Maintenance requirements
 - 1. Improved property shall be maintained in accordance with the terms and conditions set forth herein, all applicable city codes and ordinances, state laws, relevant sanitary codes, and the Ohio Building Code concerning external or visible maintenance.
 - 2. All front, side and rear yards shall be free of litter, refuse and debris, except temporary storage or placement of refuse and debris for appropriate disposal.
 - 3. Pools, fountains, hot tubs and spas shall be maintained so the water contained within them remains free and clear of hazards, litter, debris and shall not produce noxious

odors nor act as a breeding ground for mosquitos. Pools, fountains, hot tubs and spas shall comply with the requirements of all applicable city codes and ordinances and the Ohio Building Code.

4. The exterior of a structure shall be kept and maintained in good repair, structurally sound and sanitary without excessive peeling and chipped paint to a degree that it detracts from the structure when viewed from an adjacent property, where authorized, or any public right-of-way or becomes a hazard to the public health, safety or general welfare. Walls shall be free of holes, loose or rotten wood, be weatherproofed and coated with paint, siding or similar protection to prevent deterioration.
5. The roof and flashing shall be sound, tight and not have defects that admit leaks. Roof drains, gutters and downspouts shall be maintained in good repair and properly affixed. Roof water shall not be discharged in a manner that creates a nuisance.
6. Every exterior stair, ramp, landing, balcony, porch, deck or other walking surface, including sidewalks, shall be maintained and kept in sound condition and minimally safe repair.
7. The roof, siding, awnings, chimneys, sheds, and other exterior structural elements of a property shall be kept and maintained in good repair and anchored in such a manner as not to become a flying projectile in high winds.

B. Security requirements

1. Improved property that is determined to have a vacant building upon inspection shall be kept in a secure manner so as to be kept inaccessible to wildlife or unauthorized persons. A secure manner shall include, but not limited to, the closure and locking of all windows, doors, gates and other building or structure openings of such size that may allow access to the interior of a building or structure. Broken doors and window shall be secured and repaired or completely replaced within 10 days of being damaged to the point that such door or window does not secure the building.
2. Any excavations, swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances shall be properly secured and comply with city codes and ordinances and the Ohio Building Code.

1223.06 JOINT RESPONSIBILITY

If more than one person or entity is a person in charge of the property, then all such persons or entities shall be jointly and severally liable for abating the distressed property violation.

1223.07 ENFORCEMENT

- A. If it is determined upon inspection that a violation of this chapter exists, the enforcing official shall cause written notice to be served upon the person in charge, notifying them that the property has been declared a distressed property and is in violation of this chapter.

ZON-19-008

- B. The enforcing official shall post notice on the violating property and shall send notice to the person in charge by regular U.S. mail giving 10 days to correct the violation. For purposes of this chapter, service of the notice is complete upon such mailing.

1223.08 ABATEMENT BY THE PERSON IN CHARGE

Within 10 days upon service of the notice, the person in charge shall remove or correct the nuisance or violation or shall apply for an abatement plan as provided in Section 1223.09 of this chapter. The violation shall be enforced as authorized in this chapter in the event that:

- A. The nuisance is not corrected within the period of time specified; or
- B. An abatement plan is not applied for, as required; or
- C. In the event the abatement plan is denied by the enforcing official and a date for abatement is specified but not complied with; or
- D. If an approved abatement plan is not complied with as to timeframes or requirements.

1223.09 ABATEMENT PLAN

- A. Should the violation to be remedied be costly or extensive, the person in charge or their designee may apply for an abatement plan, in writing, with the enforcing official. This application shall include the following:
 - 1. Justification for the need of an abatement plan including, but not limited to, excessive costs or extensive work to remedy, and
 - 2. A detailed plan describing each violation to be remedied; and
 - 3. A timeline for completing each violation to be remedied.
- B. The enforcing official shall review the application and either approve, approve with conditions, or deny the abatement plan within 10 days of receipt of the abatement plan. Written notice of the enforcing official's decision shall be provided to the person in charge or their designee.
- C. The person in charge or their designee shall apply for any and all of the requisite zoning and building permits, if any, within 14 days of the issuance of an approved abatement plan and follow all requirements and timeframes of the approved abatement plan. Failure to do so shall render the approved abatement plan null and void, unless an extension or amendment is approved, in writing, by the enforcing official.

1223.10 EXCEPTIONS

This chapter shall not apply to a building and/or property that is actively undergoing construction or repair as evidenced by a valid zoning and/or building permit and the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety and health concerns.

1223.11 SUPPLEMENTAL CODE PROVISIONS

ZON-19-008

This chapter is supplemental to all other provisions and requirements of the Pataskala Code or Ordinances and nothing herein shall be considered to limit, in any way, the enforcement of any condition or violation through any other provision of the Code of Ordinances, the Ohio Building Code or any other applicable state or local law.

1223.12 PENALTY

Whoever violates any provision of this chapter shall be subject to the penalties in Section 1209.99 of the Pataskala Code of Ordinances.