PART THIRTEEN - STRUCTURE AND SAFETY CODE

CHAPTER 1315: [RESERVED]

CHAPTER 1330: [RESERVED]

CHAPTER 1345: MOVING BUILDINGS

Section

§ 1345.01 PERMIT REQUIRED.

No person shall move upon or over any of the streets, alleys or public places within the municipality any building of any size or dimension without first obtaining a written permit from the Safety/Service Director.
('70 Code, § 1345.01) Penalty, see § 1345.99

§ 1345.02 PERMIT FEE.

There shall be a charge of $10 for each permit required by § 1345.01, which charge shall be collected by the Safety/Service Director prior to issuance. ('70 Code, § 1345.02) (Ord. 1982-46, passed 4-12-82)

§ 1345.03 ESCORT DEPOSIT; REFUND.

A deposit of $100 shall be required to pay police officers or any other official required to direct traffic or supervise moving in any way. After the moving is completed, any difference between actual costs and the required deposit will be returned to the applicant. ('70 Code, § 1345.03) (Ord. 1982-46, passed 4-12-82)

§ 1345.04 LIABILITY INSURANCE.

Any person applying for a permit required by § 1345.01 shall furnish evidence to the Safety/Service Director of satisfactory liability insurance as a guarantee that the person so obtaining the permit will not suffer or permit the building so moved to injure or damage any property of the municipality or any person. If any damage or injury is done, the person obtaining the permit or his/her insurer will fully satisfy and pay for all damage or injury so done. The liability insurance shall be in an amount of not less than $100,000 for injury or death to one person, $200,000 for injury or death to more than one person in any one accident and $10,000 property damage.
('70 Code, § 1345.04) (Ord. 7085, passed 10-8-62)

§ 1345.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than **$150.00**. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or $250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or $500.
('70 Code, § 1345.99) (Ord. 7085, passed 10-8-62)(Ord. 2010-108, passed 11-22-2010)

CHAPTER 1360: DANGEROUS BUILDINGS

Section

§ 1360.01 DEFINITION.

The following buildings shall be deemed ***DANGEROUS BUILDINGS***:

(A) Those whose walls, floors, foundations or other structural parts are so out of plumb, level or original position as to be unable to satisfactorily perform their intended structural function;

(B) Those which are so dilapidated, decayed or overloaded as to be unable to provide the basic elements of shelter or safety required for human habitation;

(C) Those which constitute a fire hazard because of their construction, exposure or lack of maintenance;

(D) Those which are so unsanitary as to constitute a health hazard to their occupants or to the public; and

(E) Those which have been damaged to an extent of 50% or more of their fair market value.

(F) Which is vacant resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and blighting influence on nearby properties and 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 building is situated or which are vacant and are not secured, sealed or in such a condition to prevent persons from entering the premises.

(G) Is available to or is frequented by malefactors or disorderly persons who are not lawful occupants.
('70 Code, § 1360.01) (Ord. 68-86, passed 7-8-68) (Ord. 2000-8, passed 2-14-2000; Am. Ord. 2002-88, passed 08-12-2002; Am. Ord. 2002-112, passed 10-28-2002)

§ 1360.02 DECLARATION OF NUISANCE.

All dangerous buildings are hereby declared to be public nuisances and shall be vacated, repaired or demolished as provided in this chapter. ('70 Code, § 1360.02) (Ord. 68-86, passed 7-8-68)

§ 1360.03 INSPECTION OF BUILDINGS.

The Safety/Service Director or his/her assistants are hereby authorized and directed to make inspection of any building within the municipality to determine whether it is a dangerous building within the terms of § 1360.01. For the purpose of making such inspection and upon showing appropriate identification, the Safety/Service Director or his/her assistants are authorized to enter, examine and survey at any reasonable hour all buildings existing in the municipality. The owner, occupant or person in charge of any building, upon being

shown proper identification, shall give the Safety/Service Director or his/her assistants free access to such building at any reasonable hour for the purpose of such inspection. ('70 Code, § 1360.03) (Ord. 68-86, passed 7-8-68)

§ 1360.04 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.

The following standards shall be followed in substance by the Safety/Service Director in ordering repair, vacation or demolition of a dangerous building:

(A) If it is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be immediately vacated.

(B) If it can reasonably be repaired so that it will no longer violate the terms of this chapter, it shall be ordered repaired.

(C) It shall be demolished if:

(1) It is 50% or more damaged or decayed or deteriorated from its original structure, or

(2) It cannot be repaired so that it no longer violates the terms of this chapter or any other chapter in this code, or

(3) It is vacant and has been inadequately maintained causing deterioration and blighting influence on nearby properties and 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 building is situated.

(4) It is a fire hazard existing or erected in violation of the terms of this chapter or any other chapter of these codified ordinances. ('70 Code, § 1360.04) (Ord. 68-86, passed 7-8-68) (Ord. 2000-8, passed 2-14-2000)

§ 1360.05 NOTICE TO VACATE, REPAIR OR DEMOLISH.

When a building is found to be dangerous building, the Safety/Service Director shall notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the property, as shown by the records of Marion County, Ohio, as to what action is required to be taken under the provisions of § 1360.04. The notice shall set forth a description of the building, a statement of the particulars which make it a dangerous building and, if to be repaired, what repairs are required to render it for occupancy.

The required notice shall be served either personally or by mailing a copy to such owner at his/her place of residence by certified mail with return receipt requested. However, if neither of the above methods can be accomplished by reasonable attempts, then said notice shall be published in a newspaper of general circulation in the city once each week for two consecutive weeks. A notice shall be place upon the building.
('70 Code, § 1360.05) (Ord. 68-86, passed 7-8-68; Am. Ord. 2002-112, passed 10-28-2002)

§ 1360.06 APPEAL.

Any person upon whom notice has been served as provided in this chapter may appeal to the Board of Building Appeals pursuant to Chapter 160.

Said owner shall, within ten (10) days after completion of service of such notice, make a demand in writing to the Office of the Safety/Service Director, requesting a hearing on the question of whether in fact a public nuisance exists.

Upon receipt, the Safety/Service Director shall inform the Board of Building Appeals and ensure a hearing

is held within thirty (30) days following receipt of the demand by the owner. ('70 Code, § 1360.06) (Ord. 68-86, passed 7-8-68; Am. Ord. 2002-112, passed 10-28-2002)

§ 1360.07 TIME FOR COMPLIANCE.

(A) If the notice provided in § 1360.05 requires the building to be vacated, such vacation shall occur within ten days after service of the notice is completed, except as otherwise provided fro in Section 1360.08 (B) (2), unless there is immediate danger of failure or collapse, in which case the building shall be vacated forthwith. If the notice requires repair or demolition, the same shall be accomplished within 60 days after service of notice is completed.

(B) The Safety/Service Director is authorized to take immediate action for demolitions.
('70 Code, § 1360.07) (Ord. 68-86, passed 7-8-68)

§ 1360.08 ACTION BY MUNICIPALITY.

(A) If the owner or occupant of a dangerous building fails or refuses to vacate it after notice is served and within the time for compliance, the Safety/Service Director shall institute proceedings in the Marion Municipal Court under § 1360.99(A).

(B) If the owner fails or refuses to repair a dangerous building after notice and within the time for compliance, the Safety/Service Director shall post a notice at conspicuous places on and in the building stating that the building is a dangerous building and shall not be occupied or used for any purpose until it has been repaired and approved by the Safety/Service Director. Such notice may not thereafter be removed by anyone other than the Safety/Service Director or his/her authorized agent.

(1) Whenever the Safety/Service Director finds a structure to be a public nuisance and in non-compliance under Section 1360.01 (F), not withstanding Section 1360.07 (A), he shall, after fourteen days after the notice required under 1360.05 having been served, abate the dangerous condition through any available public agency or contract or arrangement of private persons, and any and all costs incurred related thereto, if not paid by the owner within ten days after demand for payment is made, shall be certified by the Clerk of Council to the Marion County Auditor to be placed upon the tax duplicate as a lien upon such premises, to be collected as other taxes and returned to the Municipality, as provided in O.R.C. 715.261. (Ord. 2002-88, passed 08-12-2002)

(C) If the owner of a dangerous building fails or refuses to demolish it after notice and within the time for compliance, the Safety/Service Director is authorized to take the necessary measures for accomplishing its demolition and removal. He/she shall advertise for bids for a contract for such demolition for a period of two weeks in a newspaper of general circulation within the municipality and shall present such bids to Council for its acceptance or rejection. Only the lowest and best bid may be accepted by the municipality.

(1)The costs incurred by the municipality in accomplishing the demolition and removal shall be paid from the City Treasury out of the proper fund as designated by the ordinance or resolution authorizing the contract for demolition. The municipality may appropriate to its own use any materials obtained in demolishing the building to compensate it for any part of the cost of demolition.

(2) The total costs of such demolition, whether such costs are incurred due to the use of employees, materials and equipment of the municipality or by contract for labor, materials and equipment, or both, including the cost of service or publication of notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the Marion County Auditor to be placed by him/her on the tax duplicate as a lien upon such premises, to be collected as other taxes and returned to the municipality, all as provided in R.C. § 715.261.

(D) This section shall be liberally construed to accomplish its purpose, including but not limited to, deter the commission of arson and other criminal activity, to discourage the abandonment of property and to prevent

urban blight and deterioration. ('70 Code, § 1360.08) (Ord. 68-86, passed 7-8-68; Am. Ord. 2002-112, passed 10-28-2002)

§ 1360.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS.

(A) No insurance company doing business in the state shall pay a claim of the named insured for fire damage to a structure located within the municipality where the amount recoverable for the fire loss to the structure under all insurance policies exceeds $5,000 and is greater than or equal to 60% of all fire insurance policy monetary limitations unless there is compliance with the following procedures:

(1) When the loss agreed to between the named insured or insured's and the insurance or insurance companies equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with R.C. § 715.26(F) shall transfer from the insurance proceeds to the City Auditor in the aggregate amount of $2,000 for each $15,000 and each fraction of that amount, of a claim or, if at time of a proof of loss agreed to between the named insured and insured's and the insurance company or insurance companies, the named insured or insured's have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

(2) Such transfer of proceeds shall be on a pro-rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the municipality shall be disbursed in accordance with the policy terms.

(3) The named insured or insured's may submit a contractor's signed estimate of the costs of removing or repairing or securing the building or other structure after the transfer, and the City Auditor, after notifying the Safety/Service Director, shall return the amount of the fund in excess of the estimate to the named insured or insured's, providing that the municipality has not commenced to remove, repair or secure the building or other structure.

(4) Upon receipt of proceeds by the municipality as authorized by this section, the City Auditor shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the municipality pursuant to R.C. § 715.261.

(5) When transferring the fund as required by this section, an insurance company shall provide the municipality with the name and address of the named insured or insured's whereupon the municipality shall contact the named insured or insured's, certify that the proceeds have been received by the municipality, and notify them that the following procedures will be followed: The fund shall be returned by the City Auditor to the named insured or insured's when repairs, or removal of the building or other structure have been completed, approved by the Fire Chief or his/her designee, and the required proof is received by the Safety/Service Director, provided that the municipality has not incurred any costs for such repairs, removal, or securing. If the municipality has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured or insured's after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency under R.C. § 715.261 or under any other municipal ordinance or state statute. (Am. Ord. 2001-157, passed 1-14-2002)

(B) The City Auditor is hereby designated as the officer authorized to carry out the duties of this section, provided that no funds so held under this section shall be released without notification of such intent to the Safety/Service Director.

(C) Nothing in this section shall be construed to prohibit the municipality and the named insured or insured's from entering into an agreement that permits the transfer of funds to the named insured or insured's if some other reasonable disposition of the damaged property has been negotiated. (R.C. § 3929.86 (C),(D))

(D) Any building or structure damaged by fire which becomes unusable or uninhabitable shall be secured, as approved by the Fire Chief or his/her designee, within 48 hours, or other time limit specified by the local Fire Chief, or his/her designee, of the fire.

(E) All fire damaged buildings shall be remediated within one year of the fire, unless the Safety/Service Director has initiated an action pursuant to the preceding sections, any building no remediated within said one year period or a sooner period as ordered by the Safety/Service Director shall be a public nuisance and shall be abated pursuant to the powers conferred in 1360.08 herein.

(F) This section shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration. ('70 Code, § 1360.09) (Ord. 1982-141, passed 11-22-82; Am. Ord. 1989-122, passed 12-11-89; Am. Ord. 2000-8, passed 2-14-2000)

§ 1360.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than $100. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or $250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or $500. ('70 Code, § 1360.99) (Ord. 68-86, passed 7-8-68; Am. Ord. 1989-122, passed 12-12-89)

CHAPTER 1365: NUISANCE ABATEMENT VIA REAL ESTATE TAX CREDITS

Section

§ 1365.01 DEFINITIONS.

As used in this section:

(1) "Immediate family" means a spouse who resides in the same household, and children.

(2) "Nuisance" means a building that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(3) "Delinquent lot or parcel" means either of the following:

(a) A lot or parcel of land against which delinquent taxes, assessments, interest, and penalties remain unpaid for more than one year after the lot or parcel is certified delinquent on the delinquent land list compiled under section 5721.011 of the Revised Code;

(b) A lot or parcel of land constituting nonproductive land that has been acquired by the municipal corporation pursuant to Chapter 5722 of the Revised Code.

§ 1365.02 CERTIFICATION OF NUISANCE.

In order to initiate the granting of a tax credit under this section, the Safety/Service Director or his/her agent may initiate the certification process that a nuisance exists on any delinquent lot or parcel located in the municipal corporation. Once a nuisance is identified, the Safety/Service Director shall recommend to the Board of Building Appeals that property which he, in his discretion, considers to be a nuisance. The Board of Building Appeals shall consider each recommendation from the Safety/Service Director and if they concur, by a simple majority of those present, the property shall be added to the list of certified nuisances. The Safety/Service Director or his/her agent shall maintain said list of all certified nuisances. Each entry on the list shall identify the delinquent lot or parcel and describe the nuisance. The Safety/Service Director or his/her agent shall certify a copy of the list to the county auditor. Any time the Safety/Service Director or his/her agent adds a nuisance to the list, it shall certify an updated copy of the list to the county auditor. The list shall be open to public inspection both at the Safety/Service Director's Office and at the offices of the county auditor.

§ 1365.03 ELIGIBLE PARTIES

A person is eligible for a tax credit under this section if that person purchases at a foreclosure sale held pursuant to proceedings under section 323.25 or Chapter 5721 of the Revised Code, at a sale of nonproductive lands under section 5722.07 of the Revised Code, or at a sale of forfeited lands under Chapter 5723 of the Revised Code a lot or parcel on the list certified to the county auditor under division (B) of this section.

However, the purchaser is not eligible for a tax credit under this section if the purchaser is the owner of record of the lot or parcel immediately prior to the judgment of foreclosure or forfeiture or a member of the following class of parties connected to that owner: a member of the owner's immediate family, a person with a power of attorney appointed by the owner who subsequently transfers the parcel to the owner, a sole proprietorship consisting of the owner or a member of the owner's immediate family, or a partnership, trust, business trust, corporation, or association in which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than fifty per cent. No person or property shall be eligible if the subject property has at anytime been enrolled or otherwise received any benefit from any of the Community Reinvestment Programs.

§ 1365.04 APPLICATION PROCEDURES

After purchasing the lot or parcel, the person may demolish or otherwise abate the nuisance and apply to the municipal corporation for a certificate of completion of abatement. Application shall be made prior to any work being performed and no credit will be applied except for approved work completed after initial approval by the Municipality. The application shall identify the lot or parcel on which the nuisance was abated, and shall state the date the lot or parcel was purchased at the foreclosure, forfeiture, or nonproductive land sale, the date of completion of the demolition or other abatement, and the cost of the demolition or other abatement. The cost shall be the lowest bid from among at least three bids solicited and received by the applicant. The applicant shall . include with the application evidence of at least three bids solicited and received by the applicant and an affidavit stating that the purchaser of the lot or parcel at the foreclosure, forfeiture, or nonproductive land sale was not the owner of record of the property immediately prior to the judgment of foreclosure or forfeiture or a member of the class of parties connected to that owner specified in this division and that the property has never been enrolled or otherwise received any benefit from any of the Community Reinvestment Programs.

Once the municipality is advised the work has been completed, it shall cause the lot or parcel to be examined. If the municipal corporation determines the nuisance is demolished or otherwise abated to its satisfaction, it shall issue a certificate of completion of abatement to the owner of the lot or parcel. If the nuisance has been abated via demolition, the owner shall provide the municipality a copy of the destroyed property report obtained from the County Auditor prior to receipt of may credit The certificate shall identify the lot or parcel on which the nuisance was abated, and shall state the date the lot or parcel was purchased at the foreclosure, forfeiture, or nonproductive land sale, the date of completion of the demolition or other abatement, the cost of the demolition or other abatement, and the percentage of that cost for which a credit shall be granted That percentage shall not exceed one hundred per cent of the cost of the demolition or abatement as verified and adjusted by the municipal corporation, except that the amount of the credit shall not exceed ten thousand dollars. Before issuing the certificate, the municipal corporation shall verify, and may adjust, the cost of the demolition or other abatement as reported on the tax credit application. The cost for which a credit is granted shall not exceed the lowest of the bids submitted with the application. The municipal corporation shall certify a copy of the certificate to the county auditor.

Before issuing a certificate of completion of abatement that will result in a tax credit in an amount that exceeds seventy-five per cent of the real property taxes due on the lot or parcel for the tax year for which the most recent tax duplicate certified to the county treasurer is compiled, not including any delinquent amounts carried forward from tax years preceding the tax year for which that duplicate is compiled, the municipal corporation shall send written notice to the board of education of the city, local, or exempted village school district in which the lot or parcel is located. The notice shall state that the municipal corporation intends to grant a tax credit against the lot or parcel, and shall include the verified and adjusted cost of the demolition or other abatement, the percentage of that cost for which the credit is proposed to be granted, and the amount of the proposed credit. Within thirty days after the notice is delivered to the board of education, the board of education shall adopt a resolution approving or disapproving the proposed credit and shall certify a copy of the resolution to the municipal corporation. The municipal corporation shall grant the credit as proposed if the board of education approves the proposal or if the board of education does not adopt

a resolution approving or disapproving the proposal within the required thirty-day period. If the board of education adopts a resolution disapproving the proposed credit within the required thirty-day period, the municipal corporation shall not grant the credit.

Any person who has been aggrieved may file an appeal to the Board or Building Appeals which is vested with the original jurisdiction arid authority to decide any question involving the interpretation of matters related hereto. The Boards decision shall be binding on all parties. It may impose such requirements and conditions with respect to the intent of this section as it deems fit to serve the public interest.

§ 1365.05 RECEIPT OF TAX CREDIT.

The owner of a lot or parcel for which a certificate of completion of abatement has been issued shall receive a tax credit equal to the percentage of the cost of the demolition or other abatement as stated on the certificate, except that the amount of the credit shall not exceed ten thousand dollars arid the maximum period for which the credit may be applied is ten (10) years, irrespective of any remainder existing thereafter: The credit shall apply only to real property taxes charged against the lot or parcel, and not to special assessments, personal property taxes, or real property taxes charged against a different lot or parcel. Further, the owner must 'perform routine maintenance upon the property, including but not limited to lawn maintenance and esthetic appearance, in order to receive the credit.

After receiving a copy of a certificate of completion of abatement from a municipal corporation, the county auditor shall reduce by the amount of the credit the taxes charged against the lot or parcel the next time the county auditor certifies such taxes to the tax list and duplicate of real and public utility property under section 319.30 of the Revised Code. If the amount of the credit exceeds the amount of taxes charged at that time, the excess amount shall be carried forward to future tax years until the entire amount of the credit is used. If the lot or parcel is sold, any carried-forward tax credit shall ran with the land. The reduction in taxes charged against the lot or parcel each year shall be apportioned ratably among the various taxing authorities otherwise entitled to receive those taxes. (Ord. 2003-80, passed 10-13-2003; Ord. 2003-110, passed 11-24-2003)

CHAPTER 1366: MARION HUD ENABLED “DOLLAR HOMES" PROGRAM

Section

§ 1366.01 PURPOSE STATEMENT

Through the U. S. Department of Housing and Urban Development (HUD) Dollar Homes Initiative allowS the City to use or dispose of the properties purchased under a disposition strategy developed by the City and accepted by HUD.

Homes Initiative allows local governments acquire vacant housing units by offering the City of Marion the opportunity to purchase qualified HUD-owned homes for One Dollar (SI) each. Dollar Homes are single-family homes that are acquired by the Federal Housing Administration as a result of foreclosure actions. Single-family properties are available through the Dollar Homes Initiative whenever FHA is unable to sell the homes after six (6) months.

Selling vacant homes for One Dollar ($1), HUD makes it possible for communities to rehabilitate the homes and put them back into productive use at a considerable savings. The newly occupied homes can then act as catalysts for neighborhood revitalization, attracting new residents and businesses to an area. The Program also encourages the re-occupancy of these properties as owner-occupied housing and return them to tax-producing status, or the City may demolish a home if it is not suitable for rehabilitation.

§ 1366.02 ENABLING PROVISION

The Mayor of the City of Marion, or his designee, be, and is hereby authorized and directed to enter into a Sales Contract Agreement and Addendum with the U. S. Department of Housing and Urban Development (HUD) for each property for which the City intends to participate in HUD's Dollar Homes Initiative, which would allow the City to purchase homes for One Dollar ($1) and use or dispose of the property under a disposition plan developed by the City.

The Sales Contract Agreement and Addendum required by HUD for each property purchased by the City of Marion shall be determined by the Director of Law and made available to the public in the form of a sample copy.

§ 1366.03 PROGRAM DISPOSITION STRATEGY AND STATEMENT OF COMPLIANCE

As part of disposition strategy, the City may indicate that it intends to purchase the property and convey it to a non profit organization for rehabilitation and resale to first time homebuyers, low to moderate income buyers or some other public purpose objective. City shall ensure all information pertaining to the purchase and subsequent resale must be included in the annual report provided to HUD’s Program Support Staff Director. A failure to comply subjects City possible removal from participation in the HUD program.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance and provisions related hereto were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code. (Ord. 2008-76, passed 8-25-2008)

CHAPTER 1367: MARION LAND BANK PROGRAM

Section

§ 1367.01 PURPOSE STATEMENT

The Ohio General Assembly has enacted Revised Code Section 5722 which allows a Municipality to take title to non productive land and the City finds that taking title to this land and utilizing the provisions of this Section would promote economic development and the health and safety of the City.

The purpose of this ordinance is to establish the Marion Land Bank Program (MLB) a Land Reutilization Program pursuant to Ohio Revised Code Section 5722. Adopted for the purpose of reducing the number of deteriorated and abandoned properties that presently exist in the City of Marion and continuing to increase favorable living and economic conditions. The Municipality finds that the Program established herein is necessary, and the need for this program outweighs any anti-competitive effect that may result from adoption.

The adoption hereof implements the MLB a Land Reutilization Program with procedures set forth in Ohio R. C. Chapter 5722. The City further declares that there exists sufficient and substantial nonproductive land within its boundaries which is of such nature and extent as to necessitate the implementation of a Land Reutilization Program to foster either the return of such nonproductive land to tax revenue generating status or the devotion thereof to public use. The City hereby agrees to implement and abide by the provisions of Ohio R.C. Chapter 5722 for a Land Reutilization Program as provided therein to be known as the Marion Land Bank Program.

§ 1367.02 ENABLING PROVISION

Any tax delinquent lands situated within the boundaries of the City which have been determined by the City to constitute nonproductive lands shall be purchased, managed and disposed of by the City pursuant to the applicable procedures and provisions set forth in Ohio R. C. Chapter 5722 as the same may be amended from time to time, and which statutory provisions are collectively referred to as the Marion Land Bank Program, under the “Urban Land Reutilization Act”.

§ 1367.03 DEFERMENT OF TAXES, COURT COSTS

Payment of any delinquent taxes, assessments, charges and penalties due and owing upon any parcels of tax delinquent and nonproductive real property acquired by the City pursuant to this chapter will be deferred until the City resells or otherwise disposes of such land in accordance with the applicable provisions of the “Urban Land Reutilization Act”.

Court Costs incurred during he course of any tax delinquency and foreclosure or forfeiture proceedings resulting in the acquisition of title to any lands by the City pursuant to this chapter shall be payable to the County Auditor, as required by Ohio R. C. 5722.03, upon the confirmation of the sale of such lands to the City.

§ 1367.04 ADMINISTRATION

The Safety Director shall implement and carry out the MLB Program and shall hold, administer and coordinate the disposition of the lands acquired by the City pursuant to this chapter and shall create, issue and publish necessary regulations for the administration of such program. The Director shall have the authority to designate lands as nonproductive in conformity with this chapter and

The City Auditor is authorized and directed to draw warrants from any funds designed upon receipt of vouchers duly approved by the proper departmental authority, for the maintenance of lands properly designated according to this chapter or the regulations promulgated there under, and for other purposes.

§ 1367.05 NEIGHBORHOOD ADVISORY AND TAX DISTRICT COMMITTEES

There is hereby established a Neighborhood Advisory Committee. The Neighborhood Advisory Committee shall be comprised of seven (7) persons owning real property in the City. Each ward of the City shall have at least one resident to serve as a member of the Committee. The members of the Committee shall be appointed by the Mayor, with the approval of Council, for two-year overlapping terms. The Safety Director shall consult with the Neighborhood Advisory Committee at least quarterly to review the operations of the Marion Land Bank, a Land Reutilization Program and to receive input of the Committee.

There is hereby established a Tax District Committee as authorized by the Ohio R.C. 5722.09 which shall be comprised of one representative of each taxing district which has an interest in the taxes, assessments, charges, interest and penalties on the real property acquired as part of the Land Reutilization Program. Each member shall be appointed by the taxing district he or she represents; may be an employee of said taxing district and shall serve without compensation; meeting at least quarterly. The Mayor, with approval of Council, shall appoint the representative for the City, who shall then serve at the pleasure of the Mayor. (Ord. 2008-76, passed 8-25-2008)

CHAPTER 1375: ACCESSIBILITY AND UTILIZATION OF BUILDINGS BY DISABLED PERSONS

Section

§ 1375.01 APPLICABILITY OF CHAPTER.

The standards and specifications set forth in this chapter shall apply to all new construction of buildings of public accommodation, including places of resort, assembly, education, entertainment, retail trade, manufacture, repair and storage, food establishments and group housing complexes of ten units or more, which shall have one unit out of every ten adaptable to the disabled under the standards and specifications of this chapter.
('70 Code, § 1375.01) (Ord. 1978-73, passed 7-10-78)

§ 1375.02 PHYSICALLY DISABLED DEFINED.

As used in this chapter, physically disabled means an impairment which confines an individual to a wheelchair, causes an individual to walk with difficulty or insecurity, affects the sight or hearing to the extent that an individual functioning in public areas in insecure or exposed to danger, causes faulty coordination or reduces mobility, flexibility, coordination and perceptiveness to the extent that special facilities are needed to provide for the safety of that individual. ('70 Code, § 1375.02) (Ord. 1978-73, passed 7-10-78)

§ 1375.03 PARKING LOTS, BUILDING APPROACHES AND ENTRANCES.

(A) The parking lot servicing a building entrance shall have a minimum of 5% percent, but at least one, of the parking spaces, located near or adjacent to a walkway or drive and identified as reserved for physically disabled persons. Each reserved parking space shall be surfaced suitably for wheelchair travel and shall be at least 12 feet wide, unless paralleling a walkway or drive. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined walk or a curb cut with a maximum gradient of one foot in eight feet shall be provided for wheelchair access.

(B) At least one primary entrance to the building conforming with § 1375.04(C) shall be accessible from the parking lot on the nearest street by way of a hard surfaced, nonslip walk uninterrupted by steps or abrupt changes in level and having a minimum width of five feet and a maximum gradient of one foot in 20 feet on a ramp meeting the requirements of § 1375.04(B). ('70 Code, § 1375.03) (Ord. 1978-73, passed 7-10-78)

§ 1375.04 STAIRS, RAMPS, DOORS AND MULTILEVEL FLOORS.

(A) Stairs designed for public use shall have risers not exceeding 7½ inches and rounded nosings. Stairs shall have handrails 32 inches above the stair nosing on both sides with the handrail extended 18 inches beyond the top and bottom step on the wall site of the main stair landing. Intermediate stair landings shall have

continuous handrails on both sides.

(B) A required outside or inside access ramp shall have a maximum gradient of one foot in 12 feet with a level platform five feet long by at least five feet wide at the top and bottom and at turns. No ramp shall exceed 30 feet and run without an intervening level platform. Ramps shall have a minimum clear width (inside handrails) of 36 inches. Outside and inside ramps, including platforms, shall have handrails 32 inches high on both sides with the handrail extended 12 inches beyond the top and bottom of the ramp on at least one side. All ramps, including platforms, shall have a hard, non-slip surface.

(C) Passage doors shall have clear openings of at least 30 inches when open. In the case of double doors, at least one leaf of the pair shall meet this requirement. Interior floors shall be level for a distance of two feet, six inches from the latch edge of the door throughout the door swing and shall extend one foot to the side of the latch jamb of the door. Exterior stoops may slope away from the door a maximum of 1/4-inch per foot of run.

(D) All areas accessible to the public on the same floor shall be of a common level or connected by a ramp meeting the requirements of division (B) of this section. ('70 Code, § 1375.04) (Ord. 1978-73, passed 7-10-78)

§ 1375.05 SANITARY FACILITIES; DRINKING FOUNTAINS AND COOLERS.

(A) This section shall apply to all toilet rooms when more than one water closet, or more than one urinal, or more than one lavatory, is required by the Ohio Basic Building Code.

(B) Toilet rooms shall have at least one water closet compartment conform to the following:

(1) Such compartment shall have a minimum width of three feet.

(2) Such compartment shall have a minimum depth of five feet.

(3) The door, where a door is used, shall swing out and be a minimum of 32 inches wide. There shall be a minimum of four feet clear distance between the door side or open end of the partition and the wall on the opposite side of the room.

(4) There shall be one handrail on each side, mounted 32 inches high and parallel to the floor, having a minimum of 1¼ inches outside diameter, and a minimum of 1½ inches clearance between the rail and wall, and fastened securely.

(C) At least one of the lavatories shall have a minimum of 27 inches clearance under its apron. Faucets shall have handles for ease of operation such as wing or single lever.

(D) At least one of the shelves and the lower edges of mirrors shall be not more than 40 inches above the floor.

(E) Toilet rooms shall have at least one of the urinals wall-mounted, with the opening of the basin 19 inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(F) Toilet rooms shall have at least one towel rack, towel dispenser or other dispenser and disposal units mounted not high than 48 inches from the floor to its dispensing point.

(G) Toilet rooms not required to meet the requirements of this section shall have their passage doors opening outward.

(H) Wall-mounted drinking fountains or coolers shall have spouts and controls near the front of the unit with the basin located not more than 36 inches above the floor. Fully recessed fountains or coolers do not satisfy

the requirements of this section. ('70 Code, § 1375.05) (Ord. 1978-73, passed 7-10-78)

§ 1375.06 TELEPHONES; ELEVATORS.

(A) Where public telephones are installed, at least one in each location shall be located outside a conventional booth with the dial and handset not more than 48 inches above the floor.

(B) At least one elevator shall be provided in all buildings, three or more stories high, to service the entrance and all other floors accessible to the public.

(C) Wherever elevators are installed, at least one elevator cab shall have a minimum clear opening of 32 inches, plates with raised or incised markings shall be provided for controls. The maximum height of control buttons shall be 60 inches above the floor. Plates with raised or incised markings shall be provided for floor designation on each floor, 60 inches above the floor, on the fixed jamb at the cab control side of the elevator door. An audible signal shall sound as the cab approaches each floor. ('70 Code, § 1375.06) (Ord. 1978-73, passed 7-10-78)

§ 1375.07 HANGING OBJECTS; CORRIDORS; ROOM IDENTIFICATION PLATES.

(A) Light fixtures, protruding signs and similar hanging objects on signs and fixtures shall not be lower than six feet, eight inches above the floor.

(B) Corridors shall conform with the applicable chapters of the Ohio Basic Building Code, but shall not be less than four feet in width. The end of a corridor shall have a minimum area of five feet by five feet to permit turning a wheelchair around. There shall be not more than 40 feet between the five feet by five feet areas.

(C) Room identification plates (metal, plastic or other suitable material), with a minimum of one-inch high raised or incised letters or numbers, shall be affixed to the wall surface approximately 5 feet above the floors, in a horizontal line, adjacent to the latch side of a door. Doors leading to dangerous areas, such as fire escapes, loading platforms, switch rooms, street exits and mechanical rooms, shall be equipped with knobs, handles or push bars that have knurled or an approved abrasive type surface. ('70 Code, § 1375.07) (Ord. 1978-73, passed 7-10-78)

§ 1375.08 ROOMS WITH SLOPING FLOORS OR FIXED SEATS.

Rooms having sloping floors, fixed seats or both shall have level areas that will accommodate wheelchairs in accordance with the Ohio Basic Building Code as to space requirements. These areas shall be accessible from a common level floor or by a ramp meeting the requirements of § 1375.04(B). ('70 Code, § 1375.08) (Ord. 1978-73, passed 7-10-78)

§ 1375.09 ENFORCEMENT.

This chapter shall be enforced by the Director of Public Safety/Service and the standards and specifications shall apply to applications for building permits for all new construction of buildings of public accommodation submitted to the Director. ('70 Code, § 1375.09) (Ord. 1978-73, passed 7-10-78)

CHAPTER 1381: DEMOLITION OF STRUCTURES

Section

§ 1381.01 DEMOLITION PERMITS; FEES.

(A) No person, firm or corporation shall commence a demolition without first obtaining a demolition permit. The Safety Director is hereby authorized to issue demolition permits to property owners or their duly constituted agents for buildings and structures located within the municipality. (Ord. 2014-77, passed 12-22-2014)

(B) A copy of the fee schedule for such permits shall be on file in the office of the City Clerk and shall be amended from time to time by the Safety/Service Director. ('70 Code, § 1381.01) (Ord. 1982-45, passed 4-12-82)

§ 1381.02 SPECIFICATIONS AND REGULATIONS.

(A) ***No person, firm or corporation shall fail to comply with the specifications and regulations for the manner in which a building(s) are to be demolished as issued by the Safety Director for the City of Marion, Ohio.*** The **Safety** Director shall establish the specifications and regulations for the manner in which buildings are to be demolished in the municipality, which shall be kept on file in the **Safety** Director's office and made available to permittees. ('70 Code, § 1381.02) (Ord. 1982-45, passed 4-12-82) (Ord. 2014-77, passed 12-22-2014)

(B) For any demolition permit where the structure or combinations of structures upon one lot, as maintained by the Marion County Auditor, are greater than 7,500 square feet, the person, firm or corporation shall post a performance guarantee with the City and running to the benefit of the City in a minimum sum of $10,000. For each additional sq. ft. exceeding the 7500 sq. ft., the performance guarantee shall be increased by an amount of $2.50 per sq. ft. not to exceed a maximum of $100,000 conditioned that the person, firm or corporation will perform the demolition to the satisfaction of the Safety Director and will strictly comply with the specification and regulations referenced in A above and complete the demolition within 6 months of the issuance of the permit. The performance guarantee shall not be required for any demolition where the demolition is funded, in part or wholly, by federal, state or local grant or funds. (Ord. 2014-77, passed 12-22-2014)

§ 1381.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than $150.00. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or $250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or $500.
('70 Code, § 1381.99) (Ord. 1982-45, passed 4-12-82) (Ord. 2014-77, passed 12-22-2014)

CHAPTER 1395: [RESERVED]