

**ORDER OF REMOVAL
PURSUANT TO OHIO REVISED CODE § 715.26**

PREAMBLE

WHEREAS, pursuant to Section 715.26 of the Ohio Revised Code, a municipal corporation, such as the Village of New Holland (the “Village”), may provide for the removal of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any authority responsible under Ohio Revised Code Chapter 3781 for the enforcement of building regulations or the performance of building inspections in the township, or buildings or other structures that have been declared unfit for human habitation by the board of health of the general health district of which the township is a part;

WHEREAS, Article 45, Section 45.00 of the Village of New Holland Zoning Rules and Regulations provides that “No land or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard...”; and

WHEREAS, the Village is authorized, pursuant to Article 45.010, to seek assistance and expertise in determining if a structure is in violation of those conditions set forth in Article 45.00; and

WHEREAS, the Fayette County Division of Environmental Health has determined that the structure located at 34 Allen Avenue, New Holland, Ohio 43145, has been determined to be a nuisance and the Village has determined the structure to be dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard” within the meaning of Article 45.00 of the Village of New Holland Zoning Rules and Regulations; and

WHEREAS, pursuant to Section 715.261, a municipal corporation may collect the total cost of removing buildings or other structures that have been declared insecure, unsafe, structurally defective, or unfit for human habitation by having the clerk of the legislative authority of the municipal corporation certify the total costs, together with a proper description of the lands, to the county auditor, to be placed as a lien upon the lands, or, by commencing a civil action to recover the total costs from the owner; and

WHEREAS, the Village Council has determined that it is in the best interest of the health and safety of the residents of the Village to order that the nuisance existing at 34 Allen Avenue, New Holland, Ohio 43145 be abated.

RESOLUTION

NOW THEREFORE, be it resolved and ordered by the Village Council (the “Council”) of New Holland, Pickaway County, Ohio (the “Village”), as follows:

Section 1. The Council hereby determines that the building or structure located at 34 Allen Avenue, New Holland, Ohio 43145 (the “Nuisance”) has been determined to be a nuisance and in such condition as to be dangerous to life or health, and such determination has been made by the Council and by the Fayette County Division of Environmental Health.

Section 2. The Council and the Fayette County Division of Environmental Health have determined that the Nuisance is hazardous to the public health and safety of all residents of the Village, and it is in the best interest of the Village and its residents that the Council proceed under Section 715.26 of the Ohio Revised Code and cause the Nuisance to be removed.

Section 3. The Council and the Fayette County Division of Environmental Health have determined that the record owner of the Nuisance has been given proper notice and opportunity to remove or abate the Nuisance, and has failed to do so.

Section 4. As of the date of this Order of Removal, the record owner is being given additional notice and opportunity to remove or abate the Nuisance, and such notice is being provided via certified mail and public posting of this Order of Removal at the site of the Nuisance, 34 Allen Avenue, New Holland, Ohio 43145.

Section 5. Should the record owner fail to remove or abate the Nuisance, or, in the alternative, request a hearing, within thirty (30) days of this Order, the Village Administrator is hereby authorized to order Village employees, materials and equipment to be used to remove the Nuisance or to enter into a contract with a third party for the purpose of removing the Nuisance, within such time as is reasonable and prompt.

Section 6. The record owner may enter into an agreement with the Council to perform the removal of the Nuisance, so long as the record owner’s desire to do so is submitted to the Council, in writing, within the thirty (30) day timeframe.

Section 7. The record owner may request a hearing before the Village Council, so long as the record owner’s request is submitted to the Council, in writing, within the thirty (30) day timeframe. If requested, a hearing will be held within fourteen (14) days of the request. Failure of the record owner to appear at the hearing will be treated as the record owner’s acquiescence to the removal of the Nuisance, and the Village Administrator will be immediately authorized to order Village employees, materials and equipment to be used to remove the Nuisance or to enter into a contract with a third party for the purpose of removing the Nuisance, within such time as is reasonable and prompt.

Resolution No. 2021-R11

Section 8. The Village Council has determined that this Resolution is an emergency measure necessary for the protection of the public health, safety and welfare of the residents of the Village of New Holland and this Resolution shall be in full force and effect from and immediately upon its adoption.

Motion to suspend the readings made by Troy Hupp and seconded by Greg Shaw

Council Vote's Recorded: Yea 6 Nay 0 Abstain 0

Motion to Pass the Resolution R11 made by Greg Shaw and seconded by Jimmy Thompson

PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF NEW HOLLAND, OHIO, ON THIS 12th day of April, 2021.

Jackie Gullette Y / N / A

Troy Hupp Y / N / A

Danny Kirkpatrick Y / N / A

Greg Shaw Y / N / A

Jimmy Thompson Y / N / A

Floyd Woolever Y / N / A

Upon roll call on the adoption of this Resolution, the vote was as follows:

Council Votes Recorded: Yea 6 Nay 0 Abstain 0

ATTEST

VILLAGE OF NEW HOLLAND,
PICKAWAY COUNTY, OHIO

BY _____
Mayor

BY _____
Fiscal Officer

CERTIFICATION

I, Carmen White, Fiscal Officer of the Village of New Holland, do hereby certify that the foregoing Resolution No. R11 is taken and copied from the Minutes of the Village of New Holland and that the same has been compared by me with the Resolution from said Minutes, and that the same is a true and accurate copy thereof. Further, I certify that the adoption of the Resolution occurred in an open meeting held in compliance with Section 121.22 of the Ohio Revised Code.

Fiscal Officer