

RECORD OF ORDINANCES

Ordinance No. 2019-15

October 14, 2019

City of Bellbrook

Ordinance No. 2019-15

An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook.

WHEREAS, City Council has determined it would be in the best interest of the City of Bellbrook to amend Section 1450.15 “Demolition” of the Codified Ordinances of the City of Bellbrook to allow for regulations related to the demolition of structures; and

WHEREAS, the Bellbrook Planning Board conducted a public hearing on the amendment to the Zoning Code on August 22, 2019; and

WHEREAS, the Bellbrook Planning Board unanimously approved the amendment and recommended adoption by City Council.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Section 1450.15 “Demolition” of the Codified Ordinances of the City of Bellbrook be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

Section 1450.15 Demolition

(a) Demolition Standards

- 1) *Purpose. It is the purpose of this section to ensure that demolition projects conducted in the City of Bellbrook are done in a safe and complete manner. The end product of demolition will be a "park-like" graded grass lot.*
- 2) *Applicability. These standards apply to all demolitions of residential, commercial and industrial principal and accessory structures. No structure, required to meet the standards of this Section, shall be demolished, in whole or in part, without the issuance of a Demolition Permit prior to commencing work.*
 - a. *Exceptions. Fences, storage sheds (no larger than 250 sq. ft.) and above ground swimming pools shall be exempt from Section 1450.15 in its entirety.*

(b) Ordered Demolition

- 1) *In general. The Code Official may order the owner of premises upon which is located any structure or part thereof which, in the Code Official's judgment, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and cannot reasonably be repaired, to raze and remove such structure or part thereof, or, if it can be made safe by repairs, to repair it and make it safe and sanitary or to raze it and remove it at the*

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owner's option, or, where there has been a cessation of normal construction without completion of any structure for a period of more than two years, to raze and remove such structure or part thereof.

- 2) *Unreasonable repairs.* Whenever the Code Official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed to be unreasonable and it shall be presumed, for the purpose of this section, that such structure is a public nuisance which may be ordered to be razed without option on the part of the owner to repair. Any such affected property owner may appeal the decision of the Code Official to the Bellbrook Property Review Commission.
- 3) *Order.* The order shall specify a time within which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record, or upon an agent where an agent is in charge of the building, and upon the holder of any encumbrance of record, in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service of publication.
- 4) *Restraining actions.* Anyone affected by any such order may, within 20 days after service of such order, apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof.
- 5) *Failure to comply.* Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official may take action pursuant to the provisions of the Ohio Revised Code.
- 6) *Salvage materials from an Ordered Demolition.* When any structure has been ordered to be razed and removed, the governing body or other designated officer under such contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(c) Demolition Process

- 1) Security Deposit. *Applicants desiring a permit to demolish a structure shall deposit with the City a security deposit in the amount specified below.*

<i>a. Residential Accessory Structure</i>	<i>\$5,000.00</i>
<i>b. Single-Family Dwelling</i>	<i>\$10,000.00</i>

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<u>c. Multi-Family Dwelling (3 units or less)</u>	<u>\$5,000.00 per unit</u>
<u>d. Nonresidential and Multi-Family Residential (4 units or more)</u>	<u>\$5.00 per square foot</u>

- 2) Bond in Lieu of Security Deposit. In lieu of the security deposit required, as set forth above, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit, in a sum equal to the security deposit that would be required pursuant to this Section, to ensure the completion of the demolition per the standards set forth herein.
- 3) Forfeiture of Bond or Security Deposit. In the event that demolition is not completed per the standards set forth herein, the required security deposit, bond, or irrevocable letter of credit shall be forfeited and paid over to the City. However, if the bond, security deposit, or letter of credit is not sufficient to cover all inspection or demolition costs, additional fees shall be required when needed, at the discretion of the City Manager. Such fees will be the responsibility of the property owner.

(d) Demolition Requirements:

- 1) Safety Precautions. The owner or authorized representative shall take appropriate safety precautions in order to prevent injury, property damage, and unauthorized entry. Reasonable control measures shall be in place at all times as necessary including, but not limited to, guard rails, barriers, warning lights, fences, and warning notices. Trenches, ditches or other excavations that are falling or tripping hazards shall not be left unattended unless protected by temporary fencing or other barrier designed to prevent unauthorized entry.
- 2) Dust and Debris Control. The demolition site shall at all times be maintained in a manner to reduce the impact of dust on adjacent properties and prevent debris from falling on adjacent properties or public rights of way.
- 3) Maintenance of the Right of Way. All streets, sidewalks and other areas in the public right-of-way shall be kept free of mud and/or debris as a result of demolition activities, including hauling and grading activities.
- 4) Utilities. All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the appropriate utility's regulations. The Contractor is responsible for contacting the Ohio Utilities Protection Service (OUPS) to locate utilities and each individual utility to confirm the status of abandonment, retirement or capping of those utilities.
- 5) Foundations. All footers and foundation walls shall be removed in their entirety.

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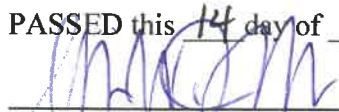
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- 6) Concrete and Asphalt. All slabs, driveways, parking areas, driveway approaches and other areas of impervious surface shall be removed unless agreed upon in writing by the City prior to commencement of demolition. Public sidewalks shall remain. New curbing shall be installed in accordance with City specifications where driveway approaches were removed.
 - 7) Removal of Accessory Structures. When demolition includes demolition of the principal structure, all accessory structures, including but not limited to fences, decks, storage sheds, garages, and signs, shall be removed along with the principal structure unless agreed upon to remain prior to demolition.
 - 8) Landscaping. All landscaping shall be removed from the site unless agreed upon to remain prior to demolition by the City.
 - 9) Finish Grading. All excavations shall be leveled with approved clean fill and compacted substantially to prevent future settling. Finish grade shall be level, smooth and free of rocks and/or other debris.
 - 10) Grass. Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonably free of weeds or coarse grass and shall be evenly sown onto the topsoil. Demolition shall not be considered completed until grass has been restored to the site.
- (e) Demolition Plan. A demolition plan is required upon submittal of a Demolition Permit Application. The plan shall include the following items:
- 1) Erosion Control Plan;
 - 2) Projected Start and End Date;
 - 3) Staging Requirements; and
 - 4) Site plan showing demolition, location of construction fences, barriers, railings, & walkways (can be copied from Greene County GIS).

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 14 day of October, 2019.


Michael W. Schweller, Mayor


Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney



CITY OF BELLBROOK

DEMOLITION PERMIT

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305
 (937) 848-4666 WWW.CITYOFBELLBROOK.ORG

PROPERTY OWNER INFORMATION

APPLICATION DATE _____ PERMIT # _____
 NAME OF PROPERTY OWNER _____ PHONE NUMBER _____
 NAME OF APPLICANT _____ PHONE NUMBER _____

DEMOLITION INFORMATION

COMMERCIAL RESIDENTIAL (1, 2 OR 3 FAMILY)
 SINGLE FAMILY APARTMENTS ___ # OF UNITS CONDO ___ # OF UNITS OTHER _____

IS THE STRUCTURE LOCATED IN THE OLD VILLAGE? Yes No

DESCRIBE PROJECT: _____

STRUCTURE INFORMATION

STRUCTURE SIZE _____ STRUCTURE HEIGHT _____ ASBESTOS: Yes No
 STRUCTURE USE _____

CONTRACTOR:

NAME _____ PHONE: _____

COMPANY: _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PROPERTY OWNER SIGNATURE _____ DATE ____/____/____

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE <input type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	

