

A. If the violation is of Section III, A, B and/or E of this Ordinance, which has occurred on property that is private property, the notice shall be served as hereinafter provided upon the offending party or parties directing the offender or offenders to remove said property within ten (10) days after service of notice as hereinafter provided.

B. If the violation is of Section III, C of this Ordinance and the offending property is on private property, the notice shall be served as hereinafter provided upon the offending party or parties, ordering the removal of such property within thirty (30) days after the service of said notice.

C. If the violation is of Section III, D of this Ordinance, the notice shall be served as hereinafter provided upon the owner of record of said property and any person creating, permitting or maintaining any dangerous buildings. A copy of the notice shall also be served as hereinafter provided upon the following if known or disclosed from official public records: the owner or holder of any lease or mortgage or other lien or encumbrance of record; the owner or holder of any other estate or legal interest of record to the dangerous building or real property on which it is located. If the owner of record or person having any other estate or legal interest to said property cannot be located, then notice may be served by posting said notice upon said property for a period of twenty (20) days or by publication in the official newspaper of the City of Colome for two (2) consecutive weeks.

Any building declared a dangerous building under this Ordinance shall be made to comply, within thirty (30) days of the service of the notice, with one of the following:

1. Repair. The building shall be repaired in such condition as may be agreed by and between the City Council of the City of Colome and the owner of record.

2. Demolition. If the building owner elects not to repair the building then the building shall be demolished at the cost of the building owner.

3. Nothing in this Ordinance shall preclude the City of Colome from immediately entering upon said property if the condition of said property is such that the same constitutes a danger to humans and to repair or demolish said property to the extent that the same shall no longer constitute a danger to humans.

D. If the violation is of Section III, A, B, C, D, E and/or F of this Ordinance, which has occurred on public property, as defined in Section II, G of this Ordinance, the notice shall be served as hereinafter provided upon the offending party or parties directing the offender or offenders to remove said property within twenty-four (24) hours after service of the notice, unless the City Council, or its duly authorized representative, extends the time for removal. Nothing in this Section shall preclude the City of Colome or its duly authorized representative from immediately removing the abandoned property or unsightly trash or junk if the same causes an obstruction or hazard to traffic, or creates a dangerous condition for humans. Nothing in this Ordinance shall preclude the City of Colome or any of its agents from immediately taking possession of any animal considered to be dangerous or potentially dangerous to humans.

Section V: Notice and Service of Notice. The City Finance Officer shall issue a written Notice and Order directed to the offending party or parties. The Notice and Order shall contain:

- A. Offending party. The name of the offending party or parties.
- B. Description of property. The offending property shall be described and, if possible, the street address and a legal description sufficient for identification of the premises upon which the offending property is located shall be given.
- C. Nature of the offense. The Section or Sections of this Ordinance being violated.
- D. Dangerous property. If the City Council has found the offending property to be dangerous, the Notice shall contain a brief and concise statement why the offending property is considered to be dangerous under the provisions of this Ordinance.
- E. Action required. A statement of the action required to be taken as determined by the City Council.
- F. Order. An order directing the offending party or parties to abate the nuisance within the required days, as provided in this Ordinance, from the date of service of the notice.
- G. Right to appeal. A statement advising any person entitled to receive notice under this Ordinance or otherwise

having any record title or legal interest in the offending property of the right to appeal the Notice and the number of days allowed for the appeal.

E. Method of Service. Unless otherwise provided in this Ordinance, service of the notice shall be made on all persons entitled thereto either personally or by certified mail. Service by certified mail shall be effective on the date of mailing.

Section VI. Appeal.

A. Time for appeal.

1. If the violation is of Section III, A, B and/or C of this Ordinance, occurring on property that is private property, the offending party or parties shall have ten (10) days from the time service is made upon the offending party or parties in which to appeal.

2. If the violation is of Section III, D of this Ordinance, occurring on property that is private property, the offending party or parties shall have thirty (30) days from the time service is made upon the offending party or parties in which to appeal.

3. If the violation is of Section III, E of this Ordinance, occurring on property that is private property, the offending party or parties shall have ten (10) days from the time service is made upon the offending party or parties in which to appeal.

4. If the violation is of Section III, A, B, C, D and/or E of this Ordinance, occurring on public property, the offending party or parties shall have twenty-four (24) hours from the time service is made upon the offending party or parties in which to appeal.

5. Nothing herein shall preclude the City of Colome from taking immediate action to abate the nuisance if the nuisance is considered dangerous and therefore requires immediate action, notwithstanding the offending party or parties having notified the City Finance Officer of an appeal.

B. Appeal and legal action. If an appeal is filed with the City Finance Officer within the time limit provided by this Ordinance, the City Council will hold an informal hearing. Notice of the place, time and date of the hearing shall be

given to the person filing the appeal. This notice shall be given at least ten (10) days prior to the date of the hearing to each appellant by the City Finance Officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, addressed to the appellant at the address shown on the appeal.

C. No Appeal and Legal Action; Failure of any person to file an appeal in accordance with this Ordinance shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

Section VII. Cost and Penalties.

A. All costs incurred by the City for abatement of the nuisance shall be assessed, levied and collected as a special assessment on the real property upon which the public nuisance occurred in the manner provided by law for the levy and collection of other special assessments. Or in lieu of taxing the costs of abatement by special assessment, all costs incurred by the City of abatement may, at the discretion of the City Council, be recovered in a civil action against the owner of the property.

B. In addition to the abatement remedies and other penalties prescribed in this Ordinance, any person violating any of the provisions of this Ordinance shall be punished by a fine of not more than Two Hundred Dollars (\$200.00).

Section VIII. Enforcement.

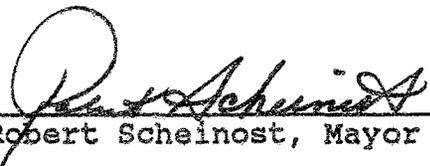
A. In addition to police officers, the City Council or its duly authorized representatives are hereby authorized to enforce this Ordinance.

B. Right of Entry; Whenever necessary to make an inspection or when the inspecting official has reasonable cause to believe that there exists a nuisance in any building or upon any premises any condition which makes such a building or premises a nuisance as provided in this Ordinance, the inspector may enter such building or premises at all reasonable times to inspect the same or perform any city imposed upon the inspector by this Ordinance, provided that: If the building or premises be occupied, the inspector shall present proper credentials and demand entry; and if such building or premises are unoccupied, the inspector shall first make reasonable effort to locate the owner or other persons having charge or control of the building or premises

and demand entry. If entry is refused, the enforcement official shall have recourse to every remedy provided by law to secure entry.

Section IX. Repeal of Conflicting Ordinance. All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

Section X. Effective Date. This Ordinance shall be effective twenty (20) days after the approval, passage and publication of the Ordinance.


Robert Scheinost, Mayor

ATTEST:


Carol Moyer, Finance Officer

First Reading: November 5, 2001
Second Reading: December 3, 2001
Approved this 3rd day of December, 2001
Publication: December 12, 2001