

BEREA - HOUSING REGULATIONS

specified in the order, to remove or demolish the dwelling or other building.

(D) Alternatively, the building official may proceed pursuant to the provisions of the Property Maintenance Code, or the provisions of Chapter 50 of this code.
(Ord. No. 11.66, § 108, 2-4-66; Amd. Ord. No. 14-97, 7-1-97; Amd. Ord. No. 03-06, passed 1-14-06)

§ 70.006 *SERVICE OF REPORTS, NOTICES, COMPLAINTS OR ORDERS*

(A) Reports or notices issued by the building official pursuant hereto, shall be served upon persons either personally or by registered mail to the last known address of the person or persons.

(B) Complaints or orders shall be served upon persons either personally or by registered mail. If the whereabouts of any person is unknown and cannot be ascertained by the building official in the exercise of reasonable diligence and the building official makes an affidavit to that effect, then serving of a complaint or order upon the person may be made by publishing the same once a week for two (2) successive weeks in the official newspaper of the city and service shall be deemed complete upon the date of the last publication. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order and shall be recorded in the office of the circuit clerk of the county where the dwelling or building is located.
(Ord. No. 11.66, § 109, 2-4-66)

§ 70.007 *FAILURE TO COMPLY WITH ORDER*

(A) If the owner of a dwelling or other building fails to comply with the order of the building official to repair, alter or improve, and/or vacate, close, remove or demolish the dwelling, dwelling unit or building, the building official may cause the dwelling, dwelling unit or building to be repaired, altered or improved, and/or to be vacated, closed, removed or demolished. The building official may cause to be posted on the main entrance, a placard with the following words:

This building is unfit for human habitation or other use; the use or occupation of this building for human habitation or other use after _____ is unlawful and is prohibited.

(B) No person shall deface or remove the placard or other notice required hereunder from any dwelling, dwelling unit, rooming house, rooming unit or building. The building official shall cause the placard to be removed whenever the defects upon which the placarding action were based have been corrected or removed.

(C) The amount of the cost of the repairs, alterations, or improvements, or vacating and closing, or removal or demolition of the building official, including the cost of advertising and publishing of notices, shall be a lien against the real property upon which the cost was incurred, and shall bear interest at the rate of twelve percent (12%) per annum, compounded annually. The cost shall be placed upon the city's tax books against the property and may be collected, and the liens may be foreclosed, in the same manner as taxes and tax liens are collected and foreclosed, or by other civil suit or process as the corporation counsel may determine. If the dwelling, dwelling unit, or building is removed or demolished by the building official, he shall if possible, sell the materials of the dwelling, dwelling unit, or building and shall credit the proceeds of the sales against the cost of removal or demolition, and any balance remaining shall be deposited in the circuit court by the building official, shall be secured in such manner as may be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the courts.

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(D) Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice or order herein provided for, shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.
(Ord. No. 11.66, § 110, 2-4-66; Amd. Ord. No. 03-06, passed 1-14-06)

§ 70.008 DUTIES OF LEGAL OFFICER

The corporation counsel shall, upon complaint of the building official, or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove the violation, and to take the other legal action as is necessary to carry out the terms and provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law. Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as the waiver of the right to pursue any and all of the others.
(Ord. No. 11.66, § 112, 2-4-66)

§ 70.009 BUILDING OFFICIAL TO ADMINISTER

The administration of the provisions of this chapter shall be the responsibility of the building official. He will work in close cooperation with the fire chief, the county health department and other officials and agencies; and he may seek their written opinions concerning the conditions of dwellings or other buildings.

(A) Personal liability. The building official and his assistants shall be free from personal liability for acts done in good faith in the performance of their official duties under the provisions of this chapter.

(B) Conflicts of interest. The building official or any one of his assistants shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, except where he is the owner, and shall not act as an agent for real estate sales, leases or rentals.

(C) Surveys, inspections. The building official is hereby authorized to conduct surveys and make inspections in any area of the community to determine compliance with the provisions of this chapter.

(D) Investigation of complaints. The building official shall investigate all complaints, whether they be verbal, written, or in the form of a petition, alleging or charging that a violation of this chapter exists and/or that a building or dwelling is unfit or unsafe for human habitation or other occupancy.

(E) Right-of-entry. For the purpose of making surveys, inspections, and investigations, the building official is hereby authorized, upon identification and statement of purpose, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists, or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units and general premises. The owner or occupant of every building, dwelling, dwelling unit, rooming unit and general premises, or the person in charge thereof, shall give the building official free access to the