

**ORDINANCE NUMBER 9 - 2026**  
**AN ORDINANCE AMENDING ORDINANCE NUMBER 15-2025 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village seeks to ensure it provides all property owners adequate due process protections prior to abating nuisances existing upon private property.

**WHEREAS**, the Village seeks to ensure any resulting liens it creates as a result of the nuisance abatement process will be properly established and maintain a higher priority as authorized by State law.

**WHEREAS**, the Village seeks to exercise its powers local self-government necessary to ensure an efficient and productive governmental service for the people of the Village of Shreve.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Shreve, Wayne County, Ohio, as follows:

**Section 1:** Ordinance No. 15-2025 is amended to reflect the language as it appears in Exhibit A attached hereto.

**Section 2:** The Village shall follow the process outlined in Exhibit A, fully incorporated and restated here, with respect to abating and remediating nuisance properties within the Village.

**Section 3:** That this Ordinance is in the best interests of the Village of Shreve and its residents.

**Section 4:** That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

**Section 5:** That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 6:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village's residents because, among other things, this Ordinance is needed to preserve the health, welfare, and safety of the community by working towards restoring nuisance properties to a safe fashion. Provided this Ordinance receives the required affirmative votes of the members elected or appointed to Council, it shall take effect and be enforced immediately upon its passage.

3-16-26  
Approved On

Josiah Martin  
Josiah Martin, Mayor

  
~~Joshua Bevington~~, President of Council  
Heidi Gars

Attestation:

I, Leah Weirich, Fiscal Officer of the Village of Shreve, Wayne County, Ohio do hereby certify that the foregoing Ordinance No. 9 - 2025 is a correct copy of the Ordinance passed by a majority/two-thirds vote of members of the members of the Village of Shreve Council, which Ordinance was duly passed by the Council of the Village of Shreve, and approved by Mayor of the Village of Shreve, County of Wayne, and State of Ohio on 16<sup>TH</sup> day of, March, 2025 given under my hand the official seal this this 16<sup>TH</sup> day of, March 2025.

by:  \_\_\_\_\_, Leah Weirich Fiscal Officer

## Exhibit A

### Section 1: Definitions

For purposes of this Nuisance and Abatement Ordinance, the following definitions shall apply:

- A. **Public Nuisance.** Any garage, shed, barn, house, building, structure, or property grounds, which by reason of the condition in which it is permitted to be or remain, shall or may endanger the health, life, limb or property of any person, or cause any hurt, harm, damage, injury or loss to any person in any one or more of the following ways, means or particulars:
  - i. By reason of being dilapidated, decayed, unsafe or unsanitary is detrimental to health, morals, safety, public welfare or the well-being of the village, endangers life or property or is conducive to ill health, delinquency and crime;
  - ii. By reason of being a fire hazard; or,
  - iii. By reason of the conditions which require its continued vacancy the public nuisance, and its surrounding grounds, are not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment of such properties to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.
- B. **Owner.** The owner or owners of record shall be the most recent owner(s) possessing title to property as shown:
  - i. On the tax records of the Wayne County Auditor's Office;
  - ii. On any document recorded with the Wayne County Recorder's Office; or,
  - iii. Any purchaser or purchasers who are buying under a land contract which is recorded in the Wayne County Recorder's Office.
- C. **Village Administrator.** The appointed Village Administrator; his/her designee; or, if the Office of Village Administrator is vacant then the Mayor or his/her designee.

### Section 2: The Board of Nuisance and Abatement

- A. A Board of Nuisance and Abatement shall be established to hear all appeals of the Village Administrator's Nuisance and Abatement Orders, including but not limited to the remediation deadline, the ordered remediation method, and/or the determination a public nuisance exists.
- B. The Board of Nuisance and Abatement shall be composed of:
  - i. The Mayor as the Chair of the Board of Nuisance and Abatement and shall receive an equal vote in any matter; and,
  - ii. Four Board Members to be appointed by the Mayor

- a. These Board Members shall serve for staggered 3-year terms beginning on January 1<sup>st</sup> and terminating on December 31<sup>st</sup>;
- b. For the initial appointees:
  1. The first appointee shall begin his/her term on the date they are appointed and conclude their term on December 31<sup>st</sup>, 2028;
  2. The second appointee shall begin his/her term on the date they are appointed and conclude their term on December 31<sup>st</sup>, 2027;
  3. The third appointee shall begin his/her term on the date they are appointed and conclude their term on December 31<sup>st</sup>, 2026; and,
  4. The fourth appointee shall begin his/her term on the date they are appointed and conclude their term on December 31<sup>st</sup>, 2025.
- c. Anyone appointed to fill a vacancy on the Board shall be appointed for the seat's unexpired term.
- d. If any Member of the Board of Nuisance and Abatement, including the Mayor, has a conflict of interest in any pending matter or is otherwise unavailable, the Mayor may appoint a temporary Member to hear the specific subject(s) for which the unavailable/conflicted Member is unable to participate in.

### Section 3: Determination of Public Nuisance by Village Administrator

- A. Whenever the Village Administrator suspects the existence of a public nuisance at a property as defined above, he or she shall promptly cause such suspected public nuisance to be inspected. Following such inspection, the Village Administrator shall determine whether a public nuisance exists at the subject property.
- B. The Village Administrator may hire a certified building official, a structural engineer, an architect, professional engineer, or other appropriate professional to inspect the property to assist in determining whether the subject property is a public nuisance.
- C. If the Village Administrator determines that a public nuisance exists at the subject property, he or she shall cause a written order declaring the property a public nuisance to be served on the owner of the subject property stating his or her findings with respect to the existence of a public nuisance. The order shall include: (1) an identification of the nuisance condition(s) existing on the property; (2) a list of repair, remediation or rehabilitation specifications required to abate the public nuisance and/or a statement that the nuisance structure or condition must be demolished or destroyed if all other efforts are impractical for the property owner; and (3) a statement that unless the owner of the subject property causes the abatement of the public nuisance by repair, remediation, rehabilitation, removal, destruction, or demolition, the same will be abated by the Village at the expense of the owner. Such abatement by the owner shall start within a reasonable period of time based on the nature of the nuisance but not more than fifteen days after receipt of the notice order and shall be completed within thirty days or, such additional

time as the Village Administrator may deem necessary to complete the abatement of the public nuisance.

- D. An order declaring a property a public nuisance issued by the Village Administrator shall be served by mailing a copy to the owner by United States Postal Service certified mail with return receipt requested, by commercial carrier service with signed receipt confirmation of delivery, by personally serving such owner, or by leaving a copy at the usual place of residence of such owner. If service of the order cannot be perfected by any of the hereinbefore described methods, then the Village Administrator shall cause such order to be published in a newspaper of general circulation in the Village once each week for two consecutive weeks; however, such a published order shall not include a list of the repair or rehabilitation specifications. As an alternative to publication by newspaper, the Village may post notice on the subject property, on the Village's website, and on the Village's social media page and wait two consecutive weeks for a response.
- E. Upon issuing an order declaring a property a public nuisance, the Village Administrator shall consult with the Solicitor (or his/her designee), cause a title search to be performed on the nuisance property(ies) to capture any and all mortgages, liens, and other encumbrances which may exist on the property, and may purchase title insurance to cover the estimated cost of abatement activity prior to commencing abatement activity.
- F. An order declaring a property a public nuisance issued by the Village Administrator shall be served on all other parties described in Ohio Revised Code Section 715.26(B) and Ohio Revised Code Section 715.261 through method(s) required therein at least 30-days prior to any abatement activity by the Village.

#### Section 4: Abatement of Nuisance or Demolition by Village.

- A. After the order has been properly served on all required parties and entities, should any public nuisance not be abated by the owner at the expiration of the time stated in the Village Administrator's Order, or such additional time as the Board of Nuisance and Abatement may grant, the Village Administrator shall be authorized, at any time thereafter, to cause entry upon such premises and the owner shall permit such entry to abate the public nuisance by demolition/destruction of and removal of the existing nuisance condition(s) on the property.
- B. In abating such public nuisance, the Village Administrator, shall obtain the abatement thereof by private contract and the costs of such private contract shall be paid for from Village funds. The cost of such abatement action include but are not limited to all administrative, legal, engineering, abatement activity, and remediation activity; and said costs shall be recovered from the owner in the following manner:
  - i. The owner shall be billed for the cost of the abatement by mailing such bill to the owner, by United States Postal Service certified mail with return receipt request; by commercial carrier service with signed receipt confirmation; by personally serving the owner with a copy of such invoice or by leaving a copy of such invoice at the usual place of residence of the owner. If service of such

invoice is not perfected by any of the hereinbefore described methods, then the invoicing notice shall be published in a newspaper of general circulation in the Village once a week for two consecutive weeks. As an alternative to publication by newspaper, the Village may post notice on the subject property, on the Village's website, and on the Village's social media page and wait two consecutive weeks for a response.

- ii. If the owner fails to pay for the cost of such abatement within sixty days after receipt of the invoice, after its delivery to his or her usual place of residence or after the publication of the second notice in the aforesaid newspaper, the Village shall cause the cost of the abatement to be levied as an assessment against the property and to be placed on the tax duplicate for recovery thereof.

#### Section 5: Appeals To Council

- A. Notice of Appeal: Either party may appeal a decision of the Board of Nuisance and Abatement to the Village Council by delivering written notice to the Village Utility Clerk by hand or USPS Certified Mail within 10-days of the issuance of the order being appealed. Any late appeal may be disregarded.
- B. Standard of Review: Village Council shall review the Board of Nuisance and Abatement's decision based upon an abuse of discretion standard. Therefore, it may only overturn the Board of Nuisance and Abatement's decision if it finds that the Board's decision is unreasonable, arbitrary, or unconscionable based upon the underlying legal and factual considerations.
- C. Procedure:
  - i. Council shall convene and consider any appeal within 21-days of receiving a notice of appeal;
  - ii. Council shall be provided with, and may review, the Record of proceedings before the Board at least 24-hours in advance of any hearing on the appeal.
  - iii. The Appealing Party shall have 10-minutes to present its argument before Council.
  - iv. The Non-appealing Party shall have 10-minutes to respond before Council.
  - v. After arguments have concluded, Council may discuss its opinions on the matter and ask clarifying questions of the parties.
  - vi. Council shall then vote to affirm, reverse, or amend the Board's decision.
    - a. A majority of Council is required to reverse or amend the Board's decision;
    - b. If a majority of Council is not reached to reverse or amend the Board's decision, the decision shall be affirmed. The Mayor shall not cast a tie-breaking vote in this matter.

D. Any decision issued by Village Council shall constitute a final order, effective upon the date it is issued.

## Section 6: Procedural Rules For The Board of Nuisance and Abatement

- A. Any property owner may appeal the Village Administrator's Order by delivering written notice of their appeal to the Village Utility Clerk by hand or USPS Certified Mail within 10-days of receiving service of the Village Administrator's Order. The Notice of Appeal shall include:
  - i. The property owner's name, current address, phone number, email, and their desired method of communication regarding notice of any future hearing on their appeal.
  - ii. A description of the purpose of their appeal, whether they are appealing:
    - a. The determination a nuisance exists;
    - b. The provided abatement plan/method; and/or
    - c. The time provided for abatement.
- B. Upon receiving an appeal of the Village Administrator's Order, the Mayor shall cause the Nuisance and Abatement Board to convene at least 7 days and no more than 21-days after receiving said appeal. The hearing shall be limited to the express purpose of their appeal.
- C. Notice of the scheduled hearing shall be delivered to all board members by personal service, email service, telephonic notification, or by leaving notice at their home. Notice of the scheduled hearing shall be delivered to the Village Administrator via physical copy on his/her desk and email with a copy to the Fiscal Officer and Solicitor. Notice of the scheduled hearing shall be delivered to the property owner via their selected method of service and by telephone or email if provided.
- D. The Mayor shall serve as the chair of the Board of Nuisance and Abatement;
- E. Both the Appellant and Village Administrator may provide a written position statement and/or report to the Board of Nuisance and Abatement prior to the hearing;
- F. The Village Administrator shall present his/her findings first before the Board of Nuisance and Abatement
  - i. The Village's Case-In-Chief: Village Administrator may introduce:
    - a. Testimony of the Village Administrator and/or other persons including Village staff and lay witnesses;
    - b. Photographs;
    - c. Videos;
    - d. Village reports, tests, analysis, expert reports; and,
    - e. Other documentary evidence approved by the Chair of the Board of Nuisance and Abatement.

- f. All documentary evidence must fairly and accurately depict the subject it purports to depict. A certified copy of any document shall be self-authenticating.
      - g. All evidence shall be relevant to the underlying matter.
    - ii. Appellant may cross-examine witnesses brought by the Village. All cross-examination must be relevant to the underlying matter.
  - G. The Appellant may present his/her side second, which may include all items described above, subject to the same restrictions and qualifications. The Village Administrator shall enjoy the same right to cross-examine Appellant's witnesses, including Appellant if Appellant testifies.
  - H. At the conclusion of each witness' testimony, the Board may ask their own questions of the witness.
  - I. At the conclusion of the Appellant's Case-In-Chief, the Chair of the Board of Nuisance and Abatement may allow a public comment period, any comments shall be limited to 3-minutes. The Board may ask questions of those providing public comment.
  - J. At the conclusion of any public comment period, the Board may ask questions of the Village Administrator and Appellant.
  - K. At the conclusion of the final question period, the Board may discuss their thoughts and opinions on the matter in an orderly manner at the direction of the Chair of the Board.
  - L. Once all proceedings have concluded, the Board may, by a simple majority vote of those Members in attendance may:
    - i. Affirm the Village Administrator's decision;
    - ii. Overturn the Village Administrator's decision; or,
    - iii. Amend the Village Administrator's decision and issue its own remediation order.
      - a. Any amended remediation order shall be drafted by the Village Solicitor in consultation with the Village Engineer to ensure the order is legally sufficient and properly describes all remediation steps.
      - b. Any amended remediation order may be issued in writing without further hearing. The written opinion shall served on Appellant by USPS Regular Mail, by electronic mail, by posting on the underlying property, by hand delivery, or by any other method reasonably calculated to put Appellant on notice of the Board's decision.
  - M. All testimony shall be sworn and audio recorded. All evidence or a true copy thereof shall be provided to the Board. All audio/video recordings of the hearing, written statements of the parties, and evidence presented shall be stored together and constitute the Record. The Record shall not be disposed of until authorized by the Village's record retention schedule and the conclusion of all appeals and litigation related to the underlying matter.