

## Chapter 4109 UNSAFE BUILDINGS AND CONDITIONS

### 4109.01 Definition; unsafe building.

All buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life and all uncompleted building for which there are no valid building permits are for the purpose of this Building Code, "unsafe buildings." All such unsafe buildings are declared to be public nuisances pursuant to the definition in Chapter 4101 and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this chapter.

(Ord. 1692-98 § 5.)

### 4109.02 Notice to owner; appeal.

The building official shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building as defined in C.C. 4109.01. The building official shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying said building if they are not the owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe and shall state that the work shall commence within 30 days and continue work, either to complete the specified repairs or improvements or to demolish and remove the building or structure, or portion thereof, leaving the premises in a clean, safe, and sanitary condition such condition being subject to the approval of the building official; excepting that in cases of emergency making immediate repairs necessary, the building official may order the changes or demolition to be made within a shorter period. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.

A person receiving the order or notice provided for herein, may appeal therefrom to the building commission within 30 days of the date of said order or notice, except that in case of a building, which in the opinion of the building official is unsafe and constitutes an emergency condition, the building official may in the order or notice limit the time for such appeal to a shorter period, which period shall be not less than 15 days from the date of the notice or order provided for herein.

(Ord. 2121-94; Ord. No. 2019-2021 , § 1, 7-26-2021)

### 4109.03 Service of notice.

A notice of violation shall be served by any one of the following methods:

1. Personal service; or
2. Certified mail; or
3. Residence service; or
4. Publication; or
5. Regular mail service to an address that is reasonably believed to be;
  - (A) A place of residence of the owner; or
  - (B) A location at which the owner regularly receives mail; or

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6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.

(Ord. 1693-98 § 1.)

#### **4109.035 Evidence of service.**

Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the owner pursuant to C.C. 4109.02 shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

(Ord. 1693-98 § 2; Ord. 1132-2008 Attach. (part).)

#### **4109.04 Posting of signs.**

The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER UNSAFE TO OCCUPY. DEPARTMENT OF BUILDING AND ZONING SERVICES, CITY OF COLUMBUS, OHIO." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the building official or for any person to enter the building, except for the purpose of making the required repairs or of demolishing same.

(Ord. 2121-94; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 107, 4-5-2010)

#### **4109.05 Permits.**

In all cases of construction or repair pursuant to orders of the building official, permits covering such work shall be obtained as required by other sections of this Building Code.

(Ord. 2121-94.)

#### **4109.06 Right to demolish.**

In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish and remove such building or structure or portion thereof, and where such person, either the owner of record or the purchaser under a land contract fails to file an appeal as provided herein in C.C. 4109.02 of the Columbus City Codes, or having filed an appeal, the order is affirmed by the building commission, the owner of record, or the purchaser under a land contract shall be subject to the penal provisions of the Building Code and the building official shall proceed to have the building or structure or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe, and sanitary condition and the cost of such work shall be paid by the city. If the city is not immediately reimbursed for such costs, the amount thereof shall be certified to the county treasurer and levied as a special assessment against said property on which the building or structure is located and shall be collected in the manner provided for special assessments.

(Ord. 2121-94.)

#### **4109.07 Unsafe conditions; reports.**

Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such

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condition cannot be immediately remedied so as to remove any danger therefrom, shall, within 24 hours after such discovery, report the existence of such dangerous condition to the building official, who shall forthwith take such steps as may be necessary to protect the public safety and welfare. If the building official cannot be located, such report shall be made to the director. No person who is an owner, manager, lessee, or occupant of a building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the building official or the director within 24 hours after such knowledge is obtained and should have been obtained.

(Ord. 2121-94; Ord. No. 0455-2010, § 108, 4-5-2010)

### **4109.073 Exterior walls and appurtenant structures.**

The owner of any building shall maintain the building's exterior walls and appurtenance structures in a safe condition. For purposes of this section "owner" includes agent, person, or organization in control, possession or charge of the subject building.

In order to maintain a building's exterior walls and appurtenant structures in a safe condition, the following additional requirements shall apply to each building which is:

- (1) 20 years old or older; and
- (2) Located within ten feet of a public right-of-way or open pedestrian walkway or plaza; hereinafter referred to as an "applicable building." For the purposes of this section an open pedestrian walkway does not include a private service walk affording no more than direct access to an entrance or exit of a building.
  - (a) **Critical Observation Requirements.** The owner of an applicable building shall conduct, supervise, or contract for a critical observation of its exterior walls and appurtenant structures as set forth below: Each critical observation shall include all building elevations, exterior walls and appurtenances regardless of their proximity to a public right-of-way; shall include a complete review of the last observation report; and shall be conducted in accordance with the most recent rules, regulations and guidelines promulgated by the director.
    - (1) For a building which attains applicability status before July 1, 1985, the initial critical observation shall be completed within the first 12 months after said date with subsequent observations at least one time every five years thereafter;
    - (2) For a building which attains applicability status before July 1, 1986, the initial critical observation shall be completed within the first 12 months of the building's attaining applicability status with subsequent observations at least one time every five years thereafter;
    - (3) For a building which attains applicability status after July 1, 1986, the initial critical observation shall be completed within 30 days of the date on which such building becomes applicable with subsequent observations at least one time every five years thereafter.
  - (b) **Critical Observation Report.** The person who conducted or supervised such critical observation shall prepare a written report of such critical observation and the results thereof. Said report shall contain critical observation findings prescribed by the director's rules and regulations. The extent of the critical observation and the results thereof shall be documented in sufficient detail so that a comparison of successive reports will indicate any change of condition of the building's exterior walls and appurtenant structures. The owner shall keep and maintain said report at the applicable building's site or produce said report at said site within 48 hours of any request for same by the building official or the chief of the bureau of fire prevention.

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- (c) Notice of Critical Observation. Upon completion and within 30 days of the required critical observation, the owner of said building shall notify the building official by certified mail of the following information:
- (1) The location of the building;
  - (2) The age of the building;
  - (3) The date the building was critically observed;
  - (4) The name, address and title of the person or firm who conducted the critical observation and issued the critical observation report;
  - (5) The location of such report;
  - (6) The condition of the building's exterior. If, in the course of the critical observation, unsafe or unacceptable conditions are discovered, such conditions must be identified in said notice and immediately communicated to the building official;
  - (7) Any other information required by the rules and regulations of the director.
- (d) Imminently Hazardous and Unsafe Conditions. Upon the discovery of any imminently hazardous condition relating to the exterior walls or appurtenant structures of an applicable building, the owner shall immediately begin repair, reinforcement or precautionary measures so as to abate the immediate hazard and within 24 hours, notify the building official. Subsequently, the owner shall promptly employ an architect or a registered professional engineer who specializes in structural engineering to perform a critical observation and prepare a report. The building owner shall submit a complete copy of said report to the director.

Any other conditions found to be in violation of this code shall be corrected within a reasonable time as determined by the building official and the rules and regulations and guidelines issued pursuant to this section by the director.

- (e) Exception. This section shall not apply to one-, two- or three-family residential dwelling or to any accessory structures related thereto.

(Ord. 1296-85; Ord. No. 0455-2010, § 109, 4-5-2010; Ord. No. 2019-2021 , § 1, 7-26-2021)

#### **4109.075 Special Critical Observation Areas created.**

Within frequently travelled and densely populated locations of the city, council may create special critical observation areas which subject exterior walls of buildings and their appurtenant structures to additional critical observation requirements different than those in C.C. 4109.073 for achieving specific pedestrian protection objectives.

(Ord. 1296-85.)

#### **4109.077 Downtown special critical observation area.**

In order to provide an enhanced level of protection to pedestrian traffic in downtown Columbus, the area hereafter described is designated the downtown special critical observation area:

Beginning at the intersection of Grant Avenue and Interstate 70;

Thence westerly along Interstate 70 to the railroad right-of-way lying immediately west of Levee Street;

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Thence northerly along said railroad right-of-way to the east bank of the Scioto River;

Thence easterly and northerly along said bank to the first railroad right-of-way crossing the Scioto River north of Broad Street;

Thence northeasterly along said railroad right-of-way to Front Street;

Thence northerly along Front Street to Goodale Street;

Thence easterly along Goodale Street to Summit Street;

Thence southerly along Summit Street to Nationwide Boulevard;

Thence easterly along Nationwide Boulevard to and continuing easterly along Naghten Street to Grant Avenue;

Thence southerly along Grant Avenue to the place of beginning.

All critical observations for applicable buildings, three stories tall or taller required within this area shall be conducted by or under the direct supervision of an architect or registered professional engineer who specializes in structural engineering.

(Ord. 1296-85.)

#### **4109.08 Emergency orders.**

- (A) Whenever the building official determines that any building, structure or part thereof is in such hazardous condition that, in the building official's opinion, it presents an unreasonable and imminent threat to the life or safety of any person or persons, the building official may issue an emergency order to the owner citing the hazard and requiring that action be taken to abate the hazard. An order issued pursuant to this subsection shall be complied with immediately without right of appeal before compliance, and shall require only such action as the building official deems to be the minimum necessary to remove the immediate threat to life or limb. If the order is not immediately complied with or if for any reason the order cannot be immediately served, then the building official shall cause the emergency action to be taken and to that end shall have authority to contract on behalf of the city for services, materials and equipment, costs thereof to be recovered from the owner. If the owner fails to reimburse the city within 60 days of receiving a bill, costs may be recovered through civil suit or charged against the land on which the building or structure was located as a municipal lien.
- (B) If necessary to protect the life and safety of the occupants or the general public, the building official shall order that the building or structure be immediately vacated and not be reoccupied until compliance with the order is effected.
- (C) In disaster situations such as result from a tornado, hurricane, earthquake, fire conflagration, flood, or a similar disaster, involving many buildings, where by reason of damage any building or structure has been rendered dangerous to persons or property, the building official shall immediately issue an emergency condemnation order retiring the existence of such an emergency and requiring that such action be taken as the building official deems necessary to meet the emergency.

(Ord. 2121-94; Ord. No. 2019-2021 , § 1, 7-26-2021)

#### **4109.09 Secured building or site permit required.**

The owner of a building or structure which has been declared unsafe, as specified in this chapter, and after vacating the premises, shall request a permit from the chief building official to secure the building for 90 days. The

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fees for such permit and any re-inspection are prescribed in the fee schedule. A secure permit shall be issued directly to the owner of record and shall not require a contractor to be named.

After review of the required repair and rehabilitation and if the building or structure shows no signs of structural failure, the chief building official may grant a permit to secure the building or structure and delay repairs, rehabilitation or demolition to a future specific date as approved.

The owner shall provide all means of securing entry to the premises or site and protection of adjacent property and streets as may be directed by the chief building official. All lower story windows, doors, and other openings shall be secured by covering as required to prevent entry of unauthorized persons. All exterior walls and windows, doors and other openings shall be maintained in a safe condition as directed by the chief building official.

An unfilled site shall be protected as per Chapter 4123 or as directed by the chief building official. The excavation shall be kept free from any accumulation of water.

The owner of a site upon which a building or structure has been razed but the owner has elected not to fill the building excavation, shall request the chief building official for a permit to secure the site with necessary barricades.

This permit to secure the premises or site may be revoked at any time as deemed necessary by the chief building official.

As a condition of the approval to secure a building, structure or site, the owner shall agree to have the building, structure or site re-inspected every 90 days during the secured period. At the time of re-inspection, any additional work required to maintain good security shall be provided by the owner upon orders of the chief building official.

If the work is not completed within said 90-day permit period, renewal and re-inspection shall be required each 90 days thereafter until completion. The total time period for the initial permit and subsequent renewals shall not exceed one year. After one year a new permit to secure may be issued only after inspection and approval by the chief building official.

Failure to pay the re-inspection fee shall void the permit to secure the building, structure or site.

The owner of any building or site affected by any order or notice of the chief building official provided for herein, may appeal therefrom to the building commission as provided for in C.C. 4109.02.

(Ord. 2121-94; Ord. 457-03 § 1.)

#### **4109.10 Fire insurance claims.**

All claims shall comply with the provisions of Chapter 4509.

(Ord. 377-95; Ord. No. 0455-2010, § 110, 4-5-2010)