

RESOLUTION NO.: 4 -2015
INTRODUCED BY: Alexander

A RESOLUTION DECLARING THE PROPERTY KNOWN AS 430 DUMBARTON BOULEVARD, PERMANENT PARCEL NUMBER 662-12-036, IN THE CITY OF RICHMOND HEIGHTS, A PUBLIC NUISANCE AND DIRECTING THE DIRECTOR OF LAW TO TAKE ALL LEGAL ACTION NECESSARY TO ABATE THIS NUISANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the Property Maintenance Code was enacted by Council in Chapter 1309 of the Building Code of the City of Richmond Heights; and

WHEREAS, it is the purpose of the Property Maintenance Code, at Chapter 1309, subsection 101.3, “to insure [the] public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises”; and

WHEREAS, pursuant to Chapter 1309, subsection 110.1 of the Property Maintenance Code, “the code official shall order the owner of any premises upon which is located any structure, which in the code official’s judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and...to demolish and remove such structure; or, if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove...the structure”; and

WHEREAS, pursuant to Chapter 1309, subsection 301.3 of the Property Maintenance Code, “[a]ll vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition...so as not to cause a blighting problem or adversely affect the public health or safety”; and

WHEREAS, on September 16, 2014, the Building Commissioner, after an inspection of the exterior of the single-family dwelling and attached garage located on the property known as 430 Dumbarton Boulevard, Permanent Parcel Number 662-12-036, in the City of Richmond Heights (hereinafter the “Property”), issued an adjudication order to the owner citing multiple violations of the Property Maintenance Code and ordering the violations abated by repair or demolition; and

WHEREAS, the owner of the Property has failed to abate the violations set forth in the adjudication order after being given a reasonable time to do so; and

WHEREAS, the Building Commissioner has advised this Council that the Property is vacant and abandoned; and

WHEREAS, in the opinion of the Building Commissioner, the multiple Property Maintenance Code violations existing at the Property render it insecure, unsafe and structurally defective, dangerous, unsanitary and otherwise unfit for human habitation or occupancy, and

further causing a blighting problem and adversely affecting the public health or safety thereby constituting a public nuisance and blighted structure; and

WHEREAS, upon the recommendation of the Building Commissioner, Council has determined that the existing condition of the Property renders it a public nuisance and blighted structure that must be abated.

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The single-family dwelling and attached garage on the property known as 430 Dumbarton Boulevard, Permanent Parcel Number 662-12-036, in the City of Richmond Heights (the "Property") is vacant and abandoned.

Section 2: The Property is hereby declared to be a public nuisance and blighted structure due to the numerous existing Property Maintenance Code violations which render the dwelling insecure, unsafe and structurally defective, dangerous, unsanitary and otherwise unfit for human habitation or occupancy, and further causing a blighting problem and adversely affecting the public health or safety.

Section 3: The Director of Law is hereby directed to take all legal action necessary on behalf of the City to abate the aforesaid public nuisance, including but not limited to the demolition of the structure pursuant to the procedures set forth in R.C. §715.26.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City in that it is required to direct the Director of Law to abate a public nuisance existing within the City of Richmond Heights and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____

David H. Roche, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council