

RESOLUTION NO.: 67-2016  
INTRODUCED BY: Kumin

**A RESOLUTION DECLARING A CONDITION AT THE PROPERTY KNOWN AS 4911 FOXWYNDE TRAIL, PERMANENT PARCEL NUMBER 662-15-084, IN THE CITY OF RICHMOND HEIGHTS, A PUBLIC NUISANCE, DIRECTING THE DIRECTOR OF LAW AND THE COMMISSIONER OF BUILDING TO TAKE ALL LEGAL ACTION NECESSARY TO ABATE THIS NUISANCE, AND DECLARING AN EMERGENCY.**

WHEREAS, Section 931.03, "Prohibited Discharges," of the Codified Ordinances of the City of Richmond Heights provides that "[n]o owner...of any lot or parcel of land located within the City shall discharge into the sanitary sewers of the City any roof water, surface or subsoil drainage or other clean waste water, or discharge into the storm sewers or drains of or within the City any sanitary sewage or industrial wastes;"

WHEREAS, the City's Division of Building, Zoning and Housing inspected the property known as 4911 Foxwynde Trail, Permanent Parcel Number 662-15-084, (hereinafter the "Property"), pursuant to an administrative search warrant, and observed that storm water at the Property is infiltrating into the City's sanitary sewers in violation of Section 931.03; and

WHEREAS, on or about November 19, 2015, the Building Commissioner filed a complaint with the Lyndhurst Municipal Court citing the owner of the Property for a violation of Section 931.03, "Prohibited Discharges," which remains pending and the property owner claims she does not have the financial resources necessary to repair the infiltration problem; and

WHEREAS, in the opinion of the Building Commissioner and the City Engineer, the Code violation existing at the Property renders it a public nuisance adversely affecting the public health, safety and general welfare; and

WHEREAS, upon the recommendation of the Building Commissioner and the City Engineer, Council has determined that the existing condition of the Property renders it a public nuisance 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 property known as 4911 Foxwynde Trail, Permanent Parcel Number 662-15-084, (the "Property"), is hereby declared to be a public nuisance due to the fact that storm water at the Property is infiltrating into the City's sanitary sewers which adversely affects the public health, safety and general welfare.

Section 2: The Director of Law and the Building Commissioner of Building are directed to take all legal action necessary on behalf of the City to abate the aforesaid public nuisance.

Section 3: 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 4: This Resolution is 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 and the Building Commissioner of Building to abate a public nuisance existing within the City of Richmond Heights as soon as possible; and, therefore, it 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

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Eloise Cotton-Henry  
President of Council