

RESOLUTION NO.: 25 -2018
INTRODUCED BY: Alexander

A RESOLUTION DECLARING THE PROPERTY KNOWN AS 25981 HIGHLAND ROAD, PERMANENT PARCEL NUMBER 662-22-004, 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, 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, Section 1309.03, subsection 108.1.3 of the Property Maintenance Code states that “[a] structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public” and, as discussed below, the Building Commissioner has determined that the property at issue is unfit for human occupancy and a public nuisance due to its unsafe, unsanitary condition, and the lack of ventilation and maintenance; and

WHEREAS, on March 22, 2017, the Building Commissioner, after an inspection of the exterior of the single-family dwelling and attached garage located on the property known as 25981 Highland Road, Permanent Parcel Number 662-22-004, in the City of Richmond Heights (hereinafter the “Property”), issued an adjudication order to the then record owners, Kenneth J. and Judith H. Winchester (the “Winchesters”), citing multiple violations of the Property Maintenance Code and ordering corrective action; and

WHEREAS, the Building Commissioner sent the Winchesters a follow-up letter on June 20, 2017 and a final notice on September 13, 2017 again ordering corrective action; and

WHEREAS, the Building Commissioner subsequently learned that Equity Holding Company was the trustee of title to the Property and on December 5, 2017, sent a notice to Equity Holding Company by certified mail and first-class mail affirming the need to make all necessary repairs or to demolish the dwelling and completely clean up the site; and

WHEREAS, the Winchesters and Equity Holding Company have not responded to the Building Commissioner’s notices and orders or completed the necessary repairs or demolition; and

WHEREAS, on January 12, 2018, the Building Commissioner, pursuant to an administrative search warrant issued by Judge Dominic Coletta at the Lyndhurst Municipal Court, inspected the interior of the single-family dwelling on the Property and observed that the dwelling is completely filled with trash, garage and debris, including some rooms filled to the ceiling with bagged and loose trash; and

WHEREAS, after the inspection on January 12, 2018, the Building Commissioner posted the Property with a notice that it is unfit for habitation pursuant to Section 1309.03, subsection 108.1.3 of the Property Maintenance Code and, after the adoption of this Resolution, the Building Commissioner will serve the current owner of record, Equity Holding Company, with a new adjudication order providing a 30-day period of time to correct the Property Maintenance Code violations by repair or demolition; and

WHEREAS, in the opinion of the Building Commissioner, the multiple Property Maintenance Code violations that exist at the Property render it unfit for human occupancy as set forth in Section 1309.03, subsection 108.1.3 of the code, posing a health and safety hazard to the occupants, emergency responders, and the community as a whole; and

WHEREAS, in the opinion of the Building Commissioner, the Property Maintenance Code violations existing at the Property render it a public nuisance adversely affecting the public health, safety and general welfare; and

WHEREAS, upon the recommendation of the Building Commissioner, this 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 single-family dwelling with attached garage on the property known as 25981 Highland Road, Permanent Parcel Number 662-22-004, in the City of Richmond Heights (the "Property") is a public nuisance due to the numerous existing Property Maintenance Code violations which render the dwelling unfit for human occupancy as set forth in Section 1309.03, subsection 108.1.3 of the code, posing a health and safety hazard to the occupants, emergency responders, and the community as a whole.

Section 2: The Director of Law is 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, if necessary, of the structure pursuant to the procedures set forth in R.C. §715.26.

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 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: Feb, 13, 2018

David H. Roche
David H. Roche, Mayor

APPROVED: Feb 13, 2018

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council

Eloise Cotton-Henry
Eloise Cotton-Henry
President of Council