

1351.01 NUISANCE CONDITIONS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1351.01 NUISANCE CONDITIONS.

CHAPTER 1351 Dangerous Buildings

CHAPTER 1351

Dangerous Buildings

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CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.28, 737.37

Fire hazards in nursing and boarding care homes - see BUS. REG. 760.17

Building demolition fees - see BLDG. 1361.05(b)

1351.01 NUISANCE CONDITIONS.

As used in this chapter, all dangerous buildings within the terms of this section are hereby declared and shall be deemed to be public nuisances by reason of the condition in which the same are permitted to be or remain and which shall or may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any person in the City in any one or more of the following particulars:

- (a) By reason of being a nuisance to the general health of the community.
- (b) By reason of being a fire hazard.
- (c) By reason of being unsafe in occupancy or use on, in, upon, about or around the aforesaid premises.
- (d) By reason of being a nuisance because of long continued vacancy and/or lack of reasonable or adequate maintenance of the structure and/or premises adjacent thereto, thereby depreciating the enjoyment and use of property in the immediate vicinity to such extent that it is harmful to the community in which such structure is situated.

All dangerous buildings within the terms of this section are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided. (Ord. 83-66. Passed 12-27-66.)

1351.02 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.

The following standards for repair, vacation or demolition shall be followed in substance by the Building Inspector in ordering the same:

(a) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be repaired.

(b) If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of the occupants, it shall be ordered to be vacated.

(Ord. 83-66. Passed 12-27-66.)

(c) In any case where a dangerous building is damaged, deteriorated or decayed to the extent of not more than fifty percent of its total building replacement costs, which cost is to be determined by an independent appraisal firm or bank appointed by the Building Inspector and President of Council and which appraisal cost will be paid for by the applicant at the time the building permit is applied for, it may be restored and extended in size but such restoration extension shall not exceed more than a ten percent increase in the cubical content of the original damaged building. In all cases where a building cannot be repaired in accordance with the provisions of this chapter it shall be demolished so that it will no longer exist in violation of the terms of this chapter. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the City or statute of the State, it shall be demolished.

(Ord. 17-71. Passed 3-9-71.)

1351.03 DUTIES OF BUILDING INSPECTOR.

The Building Inspector shall:

(a) Inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, tenements and commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places dangerous buildings within the terms of Section 1351.01.

(b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

(c) Inspect any building, wall or structure reported, as hereinafter provided for, by the Divisions of Fire or Police as probably existing in violation of the terms of this chapter.

(d) Notify in writing by certified mail, return receipt requested, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building, as shown by the land records of the Recorder of Lorain County, of any building found by him to be a dangerous building within the standards set forth in Sections 1351.01 and 1351.03, that:

(1) The owner must vacate, repair or demolish such building in accordance with the terms of the notice and this chapter;

(2) The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession;

(3) The mortgagee, agent or other person having an interest in such building, as shown by the land records of the Recorder of Lorain County, may, at his own risk, repair, vacate or demolish such building or have such work or act done.

Any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding fifteen days, to commence or have commenced the work or act required by the notice provided for herein.

(e) Set forth in the notice provided for in subsection (d) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure dangerous and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding sixty days, as is reasonable.

(f) Place a notice on all dangerous buildings reading as follows: "This building has been found to

be a dangerous building by the Building Inspector. This notice is to remain on this building until the building is repaired, vacated or demolished in accordance with a notice which has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in this building as shown by the land records of the Recorder of Lorain County, Ohio. It is unlawful to remove this notice until such notice is complied with." (Ord. 83-66. Passed 12-27-66; Ord. 51-83. Passed 5-10-83.)

1351.04 BOARD OF APPEAL.

(a) There is hereby organized a Board of Appeal which shall be comprised of the Safety Director, Service Director or Service Department Superintendent, Fire Chief and two City residents who hold no elective office in the City of Sheffield Lake, and who are appointed by the Mayor for a term of two years.

(Ord. 29-16. Passed 6-14-16.)

(b) Should a majority of the Board of Appeal, after the inspection of the premises as provided for in Section 1351.06, on which it is recorded that a public nuisance exists, be of the opinion that a public nuisance does exist, but that the nature thereof is not such as to require the summary abatement of such nuisance, photographs and reports of their findings, as provided for in Section 1351.06, shall be made and filed with the Building Inspector.

It shall further be the duty of the Building Inspector to serve written notice on the person, persons, firm or corporation having an interest in the aforesaid property, to be issued as defined in Section 1351.03(d) and (e). The aforesaid notice shall state, in brief, the findings of the Building Inspector, with respect to the existence of a dangerous building or public nuisance as defined in Sections 1351.01 and 1351.02, and shall further state that unless the owner or owners thereof cause the abatement of the dangerous building or public nuisance within sixty days after the service of the notice, the same will be abated by the City at the expense of such owner or parties in interest as provided for in subsection (d) hereof. The owner or parties in interest may at any time after receipt of the notice make a request in writing or in person to the Building Inspector, to be furnished with a written list of the items which are alleged to constitute the public nuisance and which are alleged to be in need of repair or replacement.

The owner or parties in interest may make immediate application in writing or in person to the Building Inspector for a building permit to undertake the repair or replacement of items alleged to constitute the public nuisance. The Building Inspector, upon being furnished by the owner or parties in interest with the complete plans and specifications covering such repairs or replacements, in conformity with the Codified Ordinances of the City, shall, upon approval of the plans and specifications, cause a building permit to be issued to the owner or parties in interest. The Building Inspector may grant more than six days to the owner or parties in interest in which to effect the repairs and/or replacements.

The owner or parties in interest may, within fourteen days after receipt of such notice, make a demand in writing to the Building Inspector for a hearing on the question of whether in fact a public nuisance, as defined by Sections 1351.01 and 1351.02, exists and/or whether more than fifteen days should be granted to the owner or parties in interest to abate the public nuisance. The hearing shall be held within ten days following the receipt of the written note demand and at least two days notice of the hearing shall be given to the owner or parties in interest. The hearing shall be conducted by the Board of Appeal. A majority of the Board of Appeal must find that a public nuisance exists, as defined by Sections 1351.01 and 1351.02, before enforcement of the abatement is carried out. A majority of the Board may amend or modify the notice and/or an order, or extend the time for compliance by the owner or parties in interest with parts of the abatement

by such date or dates as such majority may determine.

(c) The Board of Appeal shall make written findings of fact from the testimony offered as to whether or not the building in question is a dangerous building within the terms of Sections 1351.01 and 1351.02.

A copy of the decision of the hearing shall be promptly served upon the owner or parties in interest in the manner provided for in Section 1351.03. The decision of the Board of Appeal shall be final and conclusive unless the owner or parties in interest file, within fifteen days after the aforesaid decision is rendered, an action in or appeal to a court of competent jurisdiction; otherwise the same shall be final and conclusive at the termination of such action or appeal proceedings as determined by the court.

(d) If the owner, occupant, mortgagee, lessor or lessee fails to comply with the order provided for in subsection (b) hereof, within fifteen days from the day the first notice was issued by the Building Inspector under any provisions of this chapter or any rule or regulation adopted pursuant thereto, the Board of Appeal shall cause such building or structure to be repaired, vacated or demolished, as the facts may warrant, under the standard hereinbefore provided in Section 1351.01 or Section 1351.02, and shall, with the assistance of the Director of Law, cause the cost of such repair, vacation or demolition to be charged against the land on which the building existed as a Municipal lien, or cause such costs to be added to the tax duplicate as an assessment or to be levied as a special tax against the land upon which the building stands or would stand or to be recovered in a suit of law against the owner. In cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of the City, the Building Inspector shall notify the Director of Law to take legal action to force the owner to make all necessary repairs or demolish the building.

(Ord. 83-66. Passed 12-27-66.)

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- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Repealed)
- Ord. 83-66
- ordering the same:
- ordered to be vacated
- ordinance with the provisions of this chapter it shall be demolished so that it will no longer exist in violation of the terms of this chapter
- ordinance of the City or statute of the State, it shall be demolished
- Ord. 17-71
- ords of the Recorder of Lorain County, of any building found by him to be a dangerous building within the standards set forth in Sections 1351
- ordinance with the terms of the notice and this chapter;
- ordinance with the notice and remain in possession;
- ords of the Recorder of Lorain County, may, at his own risk, repair, vacate or demolish such building or have such work or act done
- order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding sixty days, as is reasonable
- ordinance with a notice which has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in this building as shown by the
- ords of the Recorder of Lorain County, Ohio
- Ord. 51-83
- Ord. 29-16
- ordered that a public nuisance exists, be of the opinion that a public nuisance does exist, but that the nature thereof is not such as to require the summary abatement of such nuisance,
- Ordinances of the City, shall, upon approval of the plans and specifications, cause a building permit to be issued to the owner or parties in interest
- order, or extend the time for compliance by the owner of parties in interest with parts of the abatement by such date or dates as such majority may determine
- order provided for in subsection (b) hereof, within fifteen days from the day the first notice was issued by the Building Inspector under any provisions of this chapter or any rule or
- adopted pursuant thereto, the Board of Appeal shall cause such building or structure to be repaired, vacated or demolished, as the facts may warrant, under the standard hereinbefore provi
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