

# 1351.05 DUTIES OF DIRECTOR OF LAW.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1351.05 DUTIES OF DIRECTOR OF LAW.

CHAPTER 1351 Dangerous Buildings

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.)

#### 1351.05 DUTIES OF DIRECTOR OF LAW.

The Director of Law or his office shall:

(a) Prosecute all persons failing to comply with the terms of the notices provided for in Section 1351.03(d) and (e) and the order provided for in Section 1351.04(b);

(b) Appear at all hearings before the Building Inspector in regard to dangerous buildings;

(c) Bring suit to collect all Municipal liens, assessments or costs incurred in repairing or causing to be vacated or demolished dangerous buildings; and

(d) Take such other legal action as is necessary to carry out the terms and provisions of this chapter.

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

#### 1351.06 EMERGENCY CASES.

Whenever complaint is made to the Building Inspector of the existence of a dangerous building or a public nuisance, as defined in Section 1351.01 and Section 1351.02 and after inspection, as required in Section 1351.03, he finds that a dangerous building deemed to be a public nuisance does exist and that the public health, safety or welfare is in immediate danger, the Building Inspector shall promptly notify the Fire Chief, who shall cause to be inspected the premises on which it is alleged such public nuisance exists, if he has not already done so. Written reports of the inspection and the findings of the Chief, with respect to the existence of a public nuisance, as defined in Section 1351.01 and 1351.02, shall be filed with the Building Inspector. Should a majority of the Board of Appeal find that a public nuisance exists and that the nature thereof is such as to require its summary abatement, it shall be the duty of the Building Inspector to cause photographs of such nuisance to be made and to file and keep in his file the written reports of the findings of the aforesaid official.

The Building Inspector shall determine the person, persons, firm or corporation having an interest in the aforesaid property and shall immediately cause a written notice to be issued, as defined in

Section 1351.03(d) and (e) and shall further state that unless the owner or parties in interest thereof cause the abatement of the public nuisance within five days after service of the notice, the same will be abated by the City at the expense of the owner or parties in interest in the same manner as provided for in Section 1351.04(d). Any action, inspection or finding required to be carried out by any such public official under this chapter, may be carried out by any of his subordinates, assigned or directed by him to carry out such function.

This section shall be subject to Section 1351.04(b) and (c) which provides for a hearing and action or appeal to a court of competent jurisdiction from the decision of the Board of Appeal. (Ord. 83-66. Passed 12-27-66.)

#### 1351.07 ABSENCE OF OWNER FROM CITY.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City, all notices or orders provided for herein shall be sent by certified mail, return receipt requested, to the owner, occupant, mortgagee, lessee and all other persons having an interest in such building as shown by the land records of the Recorder of Lorain County, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service. (Ord. 83-66. Passed 12-27-66.)

#### 1351.08 ADMINISTRATIVE LIABILITY.

No officer, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Director of Law until the final determination of the proceedings therein. (Ord. 83-66. Passed 12-27-66.)

#### 1351.09 DUTIES OF THE DIVISION OF POLICE.

All employees of the Division of Police shall make a report in writing to the Building Inspector of any buildings or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter. Such reports must be delivered to the Building Inspector within a reasonable time after the discovery of such buildings by any employee of the Division of Police. (Ord. 83-66. Passed 12-27-66.)

#### 1351.10 DUTIES OF THE DIVISION OF FIRE.

The employees of the Division of Fire shall make a report in writing to the Building Inspector of any and all buildings or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter. Such reports must be delivered to the Building Inspector within a reasonable time after discovery of such buildings by any employee of the Division of Fire. (Ord. 83-66. Passed 12-27-66.)

#### 1351.11 SECURING OF VACANT STRUCTURES AND DWELLINGS.

(a) The City may at its option upon determination by the Building Inspector that a building or structure within the City has been vacant for a period of time in excess of twelve months and that in its vacant condition, unless it is made secure and boarded up, will constitute and does constitute a danger to the City and its residents, cause such vacant structure or dwelling to be made secure and boarded up with the cost of such securing and/or boarding up to be assessed against the property on which the vacant structure or building is located and to be paid by the property owner.

(b) Prior to the City undertaking any steps to secure or board up such a structure or dwelling, the City shall cause a notice of intent to secure and/or board up such vacant structure or dwelling to be sent by certified mail to the owner of record of the real estate on which the vacant structure

or dwelling is situated, notifying such property owner to cause the vacant structure of dwelling to be secured and boarded up within a period of fifteen days from receipt of the notice.

Such notice shall further advise that if such vacant structure or dwelling is not secured and/or boarded up within such period of fifteen days after the receipt of the notice, that the City reserves the right, at its sole and total discretion, to cause the vacant structure or dwelling to be secured and/or boarded up at the cost of the property owner to whom such notice has been sent. In the event the City expends moneys to cause the vacant structure or dwelling to be secured and/or boarded up, and the property owner refuses to pay the cost of such securing and/or boarding up, then and in that event the City shall cause the cost of such securing and/or boarding up to be turned over to the Treasurer of Lorain County and the Auditor of Lorain County for certification and assessment as a lien against the real estate and shall cause the cost to be certified on the tax duplicate against the real estate.

(c) This section shall be in addition to and shall not rescind, repeal or in any way modify any other existing ordinances or resolutions within the City and shall in no way limit the rights of the City to take any and all steps which it is otherwise entitled to take in regard to structures and dwellings within the City.

(Ord. 26-91. Passed 4-9-91.)

1351.99 PENALTY.

(a) The owner of any dangerous building who fails to comply with any notice or order to repair, vacate or demolish such building given by any person authorized by this chapter to give such notice or order shall be fined not more than two hundred dollars (\$200.00) for each offense and a further sum of ten dollars (\$10.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

(b) The occupant or lessee in possession of a dangerous building who fails to comply with any notice to vacate and who fails to repair such building in accordance with any notice given as provided for in this chapter shall be fined not more than two hundred dollars (\$200.00) for each offense and a further sum of ten dollars (\$10.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

(c) Any person removing the notice provided for in Section 1351.03(f) shall be fined not more than two hundred dollars (\$200.00) for each offense.

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

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# Detected legislative history

- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Repealed)
- Ord. 29-16
- orded 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
- Ord. 83-66
- order provided for in Section 1351
- ordinates, assigned or directed by him to carry out such function
- orders provided for herein shall be sent by certified mail, return receipt requested, to the owner, occupant, mortgagee, lessee and all other persons having an interest in such buildi
- ords of the Recorder of Lorain County, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relate
- ord of the real estate on which the vacant structure or dwelling is situated, notifying such property owner to cause the vacant structure of dwelling to be secured and boarded up withi
- ordinances or resolutions within the City and shall in no way limit the rights of the City to take any and all steps which it is otherwise entitled to take in regard to structures and dwell
- Ord. 26-91
- order to repair, vacate or demolish such building given by any person authorized by this chapter to give such notice or order shall be fined not more than two hundred dollars

(\$200

- ordinance with any notice given as provided for in this chapter shall be fined not more than two hundred dollars (\$200
- Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality
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