

RESOLUTION NO.: 103-2007
INTRODUCED BY: Alexander

A RESOLUTION DECLARING THE PROPERTY KNOWN AS 516 TREBISKY ROAD, PERMANENT PARCEL NUMBER 662-10-003, IN THE CITY OF RICHMOND HEIGHTS, A PUBLIC NUISANCE AND DIRECTING THE DIRECTOR OF LAW AND THE COMMISSIONER OF BUILDING, ZONING AND HOUSING TO TAKE ALL LEGAL ACTION NECESSARY TO ABATE THIS NUISANCE, AND DECLARING AN EMERGENCY.

WHEREAS, it is the purpose of the Building Code to protect the health and safety of the residents of the City of Richmond Heights, preserve the housing stock, and establish minimum standards governing the maintenance of dwelling structures in such condition as will not constitute a blight or deteriorating influence on the neighborhood and the community; and

WHEREAS, to protect the property values of its residents, the City of Richmond Heights has made substantial efforts to diligently enforce its Building Code on a uniform basis so that the City of Richmond Heights will be a safe and attractive community within which to live and do business; and

WHEREAS, on or about August 9, 2007, the Commissioner of Building, Zoning and Housing ("Building Commissioner") inspected the exterior of the single-family dwelling located on the property known as 516 Trebisky Road, Permanent Parcel Number 662-10-003, in the City of Richmond Heights (hereinafter the "Property"), and issued a correction order citing multiple Building Code violations; and

WHEREAS, pursuant to the above-referenced correction order and the owners' failure to make the necessary repairs, on August 27, 2007, the Building Commissioner, having reasonable cause to believe that the dwelling contained additional Building Code violations, filed an affidavit with the Lyndhurst Municipal Court requesting an administrative search warrant to inspect the interior of the dwelling; and

WHEREAS, the Court issued an administrative search warrant on August 27, 2007, and in execution of such warrant, the Building Commissioner entered onto the Property on August 29, 2007, conducted an inspection of the exterior and interior of the dwelling, and prepared an inspection report citing multiple Building Code violations, which in the opinion of the Building Commissioner render the dwelling insecure, unsafe and structurally defective, and further being detrimental to the health, safety, morals and general welfare of the community, its property values, and the maintenance of the aesthetics of the community, thereby constituting a public nuisance; and

WHEREAS, upon the recommendation of the Building Commissioner, Council has determined that the existing condition of the Property is a public nuisance and 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 516 Trebisky Road, Permanent Parcel Number 662-10-003, in the City of Richmond Heights is hereby declared to be a public nuisance due to the numerous existing Building Code violations which render the dwelling insecure, unsafe and structurally defective, and further being detrimental to the health, safety and general welfare of the community, its property values, and the maintenance of the aesthetics of the community.

Section 2: The Director of Law and the Building Commissioner are 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 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 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 and the Building Commissioner 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: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

President of Council