

**AN ORDINANCE ENACTING CHAPTER 1152 NUISANCE ABATEMENT  
OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO**

**WHEREAS**, Council has made various recommendations relative to establishing regulations for Nuisance Abatement and has determined that these recommendations would be in the best interest of the City of Wickliffe.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WICKLIFFE,  
COUNTY OF LAKE, STATE OF OHIO:**

**SECTION 1.** That **Chapter 1152 Nuisance Abatement** of the City of Wickliffe, Codified Ordinances is hereby enacted to read as follows:

**CHAPTER 1152: Nuisance Abatement**

- 1152.01 Definition.
- 1152.02 Authority of city officials.
- 1152.03 Abatement of certain nuisances without declaration of City Council; notice to owner of real estate.
- 1152.04 Abatement of other nuisances.
- 1152.05 Service of notice; emergency abatement without notice.
- 1152.06 Relationship to other laws.
- 1152.07 Cost of abatement.
- 1152.99 Penalty.

**1152.01 TITLE, PURPOSE, AND OBJECTIVES.**

- (a) In reference to buildings, structures or real estate located within the City, a "Nuisance" means any deterioration of structural materials or lack of repair or maintenance, or abandoned unusable personal property, rubbish or debris that is a hazard to health, safety, or welfare of its occupants or the public or, if not abated, will become a blighting or deteriorating factor in the neighborhood which impairs or adversely affects the value of the neighboring property.
- (b) Any activity or item defined elsewhere in the Codified Ordinances of the City of Wickliffe as a public nuisance is also a public nuisance subject to the dictates of this chapter.

**1152.02 AUTHORITY OF CITY OFFICIALS.**

Whenever there shall be done or exist within the City any act, thing, or condition of a kind which has been or may hereinafter be defined by ordinance as a public nuisance, the Building Commissioner or designee is authorized and directed promptly to cause its abatement as hereinafter provided.

**1152.03 ABATEMENT AND COST OF CERTAIN NUISANCES WITHOUT  
DECLARATION OF CITY COUNCIL; NOTICE TO OWNER OF REAL ESTATE.**

The Building Commissioner or designee, upon finding that a nuisance exists in occupied properties involving sidewalks, weeds, tall grass, landscaping; abandoned unusable personal property, rubbish or other debris; or upon finding unsecured vacant property with abandoned unusable personal property, rubbish or other debris, may cause written notice or order to be served on the owner of the real estate. The notice or order shall set forth the nature of the nuisance, the estimate of the cost of abating the nuisance if done by the City, a reasonable time determined by the Building Commissioner or designee within which the owner shall abate the nuisance or pay the estimated cost to the City, and the statement that unless the nuisance is abated

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I, Sandra J. Fink, Clerk of Council of Wickliffe, Ohio, hereby certify the foregoing is a true copy of  
Ordinance No. 2024-05 enacted by Council at its regular meeting on March 11, 2024.  
Sandra J. Fink, Clerk of Council

within the stated time it may be abated by the City and the cost of abatement assessed on the real estate involved, and the City may prosecute the owner or occupant for failure to comply with the order. Such notice or order of abatement may be issued by the Building Commissioner or designee without reporting the notice or order to Council. In case the City abates the nuisance and the cost is not paid within 30 days, the Building Commissioner or designee shall report the fact to Council, which may assess the same on the real estate from which the nuisance originated.

#### **1152.04 ABATEMENT OF OTHER NUISANCES.**

If, upon investigation by the Building Commissioner, the existence of any nuisance or nuisances other than those enumerated in Section 1152.03, is found, the Building Commissioner thereupon may declare such condition, building, personal property, rubbish, debris or structure a nuisance. The Building Commissioner, may take any action authorized by Section 1152.03 of this Code.

#### **1152.05 SERVICE OF NOTICE; EMERGENCY ABATEMENT WITHOUT NOTICE.**

- (a) The notice may be served by delivering it personally to the owner or occupant or leaving it at the owner's or occupant's usual place of business or residence, or by posting it in a conspicuous place on the real estate, building or structure involved, or by mailing it to the owner or occupant, or by publishing it once in a newspaper of general circulation within the City if it cannot be served in any of the ways above mentioned.
- (b) Notwithstanding the requirement of notice provided herein, when in the opinion of the Building Commissioner or designee, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, including but not limited to, the placement, either temporarily or otherwise, of rubbish, garbage, litter or other personal property on the premises in violation of Section 1158.04 of this Code, or any other section of this Code, then no such notice of violation need be given to the owner of such building. Upon such finding and declaring of an emergency nuisance condition, the Building Commissioner or designee may proceed in the manner provided for in Section 1152.03 for the abatement of nuisances.

#### **1152.06 RELATIONSHIP TO OTHER LAWS.**

The authority to abate nuisances granted hereby and the procedure set forth herein shall be in addition to and shall not limit the authority to abate nuisances granted in the Health Code or other ordinances of the City or the laws or the Constitution of Ohio.

#### **1152.07 APPEAL.**

The owner of a nuisance property who receives a notice from the Building Commissioner or designee of the City's intent to assess the costs of abatement pursuant to this ordinance may appeal such notice within ten days to the Board of Zoning Appeals.

#### **1152.99 PENALTY.**

Whoever violates or fails to comply with any provisions of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice of the Building Commissioner or designee while attempting to make an inspection at a reasonable hour pursuant to this ordinance shall be guilty shall be guilty of a misdemeanor of the first degree and, shall be fined not more than one-thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both. This fine and imprisonment is in addition to any abatement costs for the nuisance. Each day during which such violation shall continue shall constitute a separate offense.

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed: March 11<sup>th</sup>, 2024

Attest: Clerk of Council

Submitted to the Mayor for approval on

March 12<sup>th</sup>, 2024

First Reading February 12<sup>th</sup>, 2024

Second Reading February 26<sup>th</sup>, 2024

Third Reading March 11<sup>th</sup>, 2024



Council President – Presiding Officer

Approved: March 11<sup>th</sup>, 2024

  
Mayor

Passed March 11<sup>th</sup>, 2024

Yes 7 No 0

I, Sandra J. Fink, Clerk of Council of Wickliffe, Ohio, hereby certify the foregoing is a true copy of  
Ordinance No. 2024-05 enacted by Council at its regular meeting on March 11, 2024.  
  
Sandra J. Fink, Clerk of Council