

Nuisance Abatements

DETERMINING CONDITIONS.

For the purposes of abating public nuisances and assessing for the cost thereof, and prescribing the conduct, whether of omission or commission, of any natural person or business operating as a proprietorship, partnership, unincorporated association or corporation, as owner or occupier of any lot of land within corporate limits of the City or of any building, house or other structure on any such lot of land, a public nuisance shall exist when:

(a) Any building, house or structure becomes so out of repair and dilapidated that, in the condition it is permitted to be and remain, it shall, if such condition is suffered to continue, endanger the life, limb or property of or cause hurt, damage or injury to persons or property using or being upon the streets or public ways of the City adjoining such lot of land, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom; or

(b) Any tree, stack or other object remains standing upon such lot of land in such condition that it shall, if such condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public ways adjacent thereto, by the falling thereof or of parts thereof; or

(c) An excavation or cellar on any such lot of land is unguarded or remains in such a condition that it shall, if such condition is suffered to continue, endanger the life, limb or property, or cause hurt, damage or injury to persons using or property being used upon the public streets or public ways adjacent thereto, by falling or being cast therein; or

(d) There is the accumulation on any such lot of land or in any such building, house or structure of earth, rubbish or other materials which shall if such condition is suffered to continue, attract and propagate vermin or insects endangering the public health; or

(e) Any such building, house or structure becomes so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire because of its condition and lack of repair; or

(f) There is the accumulation on any such lot of land or in any building, house or structure, of rubbish or other materials in an amount and in a condition that the same constitutes a fire hazard by reason of the likelihood of its catching on fire or communicating fire; or

(g) The conduct of any business thereon or therein which by reason of noxious odors generated thereby, or of smoke, dust and dirt being cast therefrom endangers or is harmful to the public health, welfare of safety, or materially interferes with the peaceful and lawful use, comfort and enjoyment of owners or occupants of a proximate or adjacent lot of land or structure thereon; or

(h) Any such building, house or structure becomes so out of repair and dilapidated that, due to lack of adequate maintenance or neglect, it endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment of owners or occupants of adjacent property; or

(i) There is any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace of safety of others; or

(j) There is any placing, throwing or sweeping into any street, avenue, alley, park or public ground, any dirt, paper, nails, pieces of glass or board, fruit parings or skins, garbage, waste, leaves or clippings, ashes, cans, bottles, cartons, boxes, furniture, oil parts of automobiles or any other matter of an unsightly or unsanitary nature, or the placing, throwing or sweeping of such matter upon any sidewalk, or street crossing, or on any driveway, or upon the floor, stairway or hallway of any public building, theater, railway depot, railway platform or property of another; or

(k) There is an accumulation of any paper, fruit parings or skins, garbage, waste, ashes, cartons, boxes or any other matter of an unsightly or unsanitary nature in such manner that such matter could be blown onto any street, avenue, alley park, public ground, sidewalk or property of another. (1964 Code Sec. 93.01)

1345.02 ADDITIONAL NUISANCES.

In addition to what are specifically declared in this chapter to be public nuisances, those offenses which are known to the common law and the statutes of Ohio as public nuisances may, in case any thereof exists within the City limits, be treated as such and be proceeded against as is provided in this chapter; or in accordance with any other provisions of law. Wherever the word "nuisance" is used in this chapter it refers to a public nuisance. (1964 Code Sec. 93.02)

1345.03 SUMMARY ABATEMENT; INSPECTION OF PREMISES.

(a) Whenever a complaint is made to the Building Official of the existence of a public nuisance as defined in Section 1345.01 and 1345.02, he shall promptly inspect or cause to be inspected the premises on which it is alleged such public nuisance exists. Should the Building Official after such inspection, find that a public nuisance does exist, he shall promptly notify the Fire Chief of the City, the Lucas County Commissioner of Health and the person, firm or corporation who from the property records of Lucas County, Ohio, appears to be the owner of such premises and shall request the Commissioner of Health to make inspection thereof. The Officials shall also leave a copy of such notice with the person in possession or charge of such premises, if any, or if there is no such person, he shall post a copy of the notice on the premises. Such notice shall refer to the provisions of this chapter and shall state that unless such nuisance is abated, proceedings will be taken in accordance herewith.

(b) Upon receipt of such notice, the Fire Chief shall inspect the premises and make a written report of his findings, which together with the report of the Building Official shall be filed with the Director of

Public Safety.

(c) Should the Building Official, the Fire Chief and the Director of Public Safety find that a public nuisance exists and that the nature thereof is such as to require its summary abatement and, if the condition is within the prohibitions of Section 1345.01(d), (g) and (h) and the Commissioner of Health concurs in such findings, the Director of Public Safety shall cause photographs to be made of such nuisance and shall within forty-eight hours thereafter take such action as is necessary to abate such nuisance at the expense of the owner of the premises. In abating the nuisance, the Director of Public Safety shall not be required to give any further notice to the owner of the premises upon which the nuisance exists. (Ord. 188-1996. Passed 11/18/96)

1345.04 ABATEMENT WITHIN THIRTY DAYS OR LESS; NOTICE.

(a) In the event that the Building Official, the Fire Chief and the Director of Public Safety find that a public nuisance as defined in Section 1345.01 or 1345.02 exists and, if the condition is within the prohibitions of Section 1345.01(d), (g) and (h), and the Commissioner of Health concurs in such finding, but that the nature thereof is not such as to require the summary abatement thereof, the Director of Public Safety shall cause photographs of such nuisance to be made and filed with the reports of the offices aforesaid and shall cause to be served on the person, firm or corporation who from the property records of Lucas County, Ohio, appears to be the owner of the property involved, notice to abate such nuisance within thirty days thereafter unless a shorter period of time is reasonable under the circumstances. If a period less than thirty days is allowed to abate such nuisance, the time to be specified shall be determined by the Building Official, the Fire Chief and Director of Public Safety and, if the condition is within the prohibitions of Section 1345.01(d), (g) and (h), the Commissioner of Health.

(b) A copy of such notice shall be left with the person in charge or possession of the premises, or if there is no such person, such notice shall be posted on the premises.

(c) Any notice required by this chapter may be served on the owner personally or by certified mail to address shown on the property records of Lucas county, Ohio. Any notice given same shall be abated by the City at the expense of the owner. (Ord. 188-1996. Passed 11/18/96)

1345.05 FAILURE TO ABATE NUISANCE; ACTION BY CITY; ASSESSMENT.

(a) Should the nuisance referred to in Section 1345.04 not be abated within the time stated in the notice given pursuant to such section, the Director of Public Safety or his authorized representative shall have the right to enter upon the premises and to abate such nuisance. In abating any nuisance the Director may take such action as is necessary to complete the abatement of the same and should it be practicable to sell or salvage any material resulting from such abatement, he may cause the same to be sold at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds shall be deposited in the General Fund of the City and any difference in the amount so received and the cost of the abatement shall be reported to Council, which shall levy an assessment

against the premises upon which such nuisance was abated and cause such assessment to be certified and collected as other assessments by the City.

(b) Should the proceeds of the sale of any material salvaged in the cause of such abatement exceed the cost thereof, the amount of such excess shall be paid to the owner of the premises upon filing a claim thereof and proof of title and right to such surplus.

(c) The Director, in conjunction with the Director of Public Service may utilize any labor or equipment of the City in making such abatement or may contract for the abatement thereof if such contract may be let without any expense whatever to the City. (Ord. 188-1996. Passed 11/18/96)

1345.06 PROVISIONS TO LIMIT CITY'S POWERS. This chapter shall be deemed to be an enlargement and not a limitation or restriction on the power or authority of the City or any officer thereof to take any action or bring any suit or proceeding in respect to public nuisances otherwise provided for by law or ordinance of the City. (1964 Code Sec. 93.06)

1345.99 PENALTY. Whoever, being able to do so, neglects or refused to obey a proper order issued by the Director of Public Safety or his duly authorized representative, pursuant to this chapter, shall be guilty of a minor misdemeanor. Each and every day's violation after the time specified in any notice provided for herein that such nuisance is permitted to exist shall be deemed a separate and distinct offense hereunder. No proceeding under this section may be maintained unless the Building Official, the Fire Chief, the Director of Public Safety and the Commissioner of Health of Lucas County, or his or her duly authorized representative, shall unanimously find that a public nuisance as defined in this chapter exists and should be abated. (Ord. 188-1996. Passed 11/18/96)