

Ordinance No. 612-2022 AS AMENDED

By Council Members Hairston and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 363.12, 367.04, 367.05, and 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to notices of violation.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following:

Section 363.12, as amended by Ordinance No. 2409-59, passed April 4, 1960,

Section 367.04, as amended by Ordinance No. 54-94, passed June 6, 1994,

Section ~~367.04~~ 367.05, as amended by Ordinance No. 1684-12, passed November 26, 2012, and

Section 3103.09, as amended by Ordinance No. 1519-11, passed November 14, 2011

are amended to read as follows:

Section 363.12 Owner

“Owner” means the owner or owners of the premises, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or an agent or any other person, firm or corporation who has charge, care, management of or is directly in control of the premises.

Section 367.04 Notice of Violation

(a) Whenever the ~~Commissioner~~ Director of Building and Housing shall find any dwelling structure or premises, or any part thereof, to be in violation of the provisions of this Housing Code, he or she shall ~~give or cause to be given~~ provide to the owner or agent or person in charge of such structure or premises, and the mortgagee of record, a written notice stating the violations therein. Such notice shall order the owner within a stated reasonable time to repair, improve, demolish or effectively board the structure or premises concerned.

~~(b) If the person to whom a notice of violation is addressed cannot be found within the City after reasonable and diligent search, then notice shall be sent by registered or certified mail to the last known address of such person, and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.~~

(b) A notice of violation under Section 367.04(a) shall be served by any one by one or more of the following methods:

(1) Personal service;

Ordinance No. 612-2022 AS AMENDED

(2) Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;

(3) Certified mail;

(4) Regular mail and posting as follows:

A. Regular mail service to the owner or a location at which the owner is reasonably believed to receive mail; and

B. Regular mail service to the property address that is the subject of the violation notice; and

C. Posting of the notice of violation on the building, premises or real estate or appurtenance thereto that is the subject of the violation notice.

In addition to A., B., and C. above, service may be made by publication electronically or once in a newspaper of general circulation in the City.

(c) Any owner, agent or person in charge of such dwelling structure, mortgagee of record, lessee of record and lien holders of record who have received a notice of violation as provided for in division (a) of this section, or who receive a notice of the City's intention to demolish or effectively board as provided for in division (c) of Section 367.05, shall inform prospective purchasers, vendees, grantees, assignees, sublessees or land contractees thereof of any such notice of violation or notice of the City's intention to demolish or effectively board. No owner or agent or person in charge of such dwelling structure, mortgagee of record, lessee of record or lien holders of record shall transfer to a vendee, grantee, assignee, sublessee or land contractee or any other transferee any interest in such dwelling structure after receiving a notice of violation, or notice of the City's intention to demolish or effectively board without first providing the transferee with a copy of such notice.

(d) Any buyer or grantee, by land contract or otherwise, of a dwelling building or structure, shall begin at the date of transfer to comply with any notice obtained or to be obtained pursuant to Section 367.12, and within ten (10) days of the date of transfer, shall notify the ~~Commissioner~~ Director, in writing, of the actions that will be taken to comply. The ~~Commissioner~~ Director may then establish a reasonable time to comply.

Section 367.05 Noncompliance with Notice; Vacation of Premises; Board and Demolition of Premises

(a) Whenever the owner, agent or person in charge of a dwelling structure or premises fails, neglects or refuses to comply with a notice of the ~~Commissioner~~ Director of Building and Housing, the ~~Commissioner~~ Director may issue a notice ordering the structure or premises concerned to be vacated, or he or she may advise the Director of Law of the circumstances and request the Director of Law to institute an appropriate action of law to compel a compliance, or both.

Ordinance No. 612-2022 AS AMENDED

(b) Whenever the owner or agent or person in charge of a dwelling structure or premises fails, neglects or refuses to comply with a notice to vacate issued by the ~~Commissioner~~ Director, the ~~Commissioner~~ Director may request the Director of Public Safety to enforce the orders of such notice of vacation and cause the structure to be vacated in accordance with the terms of such notice.

(c) Whenever the ~~Commissioner~~ Director has made the determination that a dwelling structure or premises constitutes a public nuisance in that the structure or premises is injurious to the public health, safety and welfare, and the owner, agent or person in charge of such structure fails, neglects or refuses to comply with a notice of violation ordering such structure to be demolished or boarded, or the violations corrected, the ~~Commissioner~~ Director may take necessary action to demolish or effectively board such structure in accordance with the procedure and requirements set forth in Section 3103.09 or take such other action as may be necessary to abate the nuisance. The ~~Commissioner~~ Director shall give written notice in conformance with the procedures set forth in ~~this Housing Code~~ division (h)(6) of Section 3103.09 for the service of notice of violation informing the owner or agent, mortgagee of record, lessee of record or lien holder of record of the City's intention to demolish or effectively board such structure at least thirty (30) days prior to such intended action by the City.

Section 3103.09 Unsafe Structures and Exterior Property Nuisances; Violation and Remedial Notices; Cost Recovery

(a) *Legislative Findings.* Council of the City of Cleveland finds that:

(1) Structures that are vacant and open to entry at doors, windows or other points accessible to the general public:

- A. Attract children to enter;
- B. Become harborage for vermin;
- C. Serve as temporary abode for derelicts, vagrants and criminals; and
- D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding vacant, open structures invite the dumping of garbage and rubbish;

(3) Thousands of structures in this City are made of wood-frame construction that is more combustible than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, increasing the risk of conflagration and spread of insect and rodent infestation;

Ordinance No. 612-2022 AS AMENDED

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures, high grass, weeds, junk, debris, and junk motor vehicles to increase significantly;

(6) Vacant, open structures often become dilapidated because they are not repaired by the owners or persons in control of the structures;

(7) Structures that are vacant and open to entry, high grass, weeds, junk, debris, and junk motor vehicles depress the market value of surrounding properties;

(8) Vacant and unsafe structures in which utility services have not been shut-off create a serious risk of explosion, accidental fire and flood.

(9) The existence of certain hazardous conditions may require a structure to be vacated; these conditions include but are not limited to:

- A. Danger of structural collapse;
- B. Inadequate heat or use of dangerous heating mechanism;
- C. Danger of fire; and
- D. Lack of plumbing in safe working order.

(10) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners;

(11) The following conditions provide harborage and breeding grounds for pests or otherwise create human-health problems:

- A. Grass over eight (8) inches in height;
- B. Noxious weeds including Russian, Canadian, or common thistle; wild lettuce; wild mustard; wild parsley; ragweed; milk weed; iron weed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds;
- C. Refuse, including but not limited to, trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials;
- D. Stagnant surface water.

(12) As used in this chapter, "junk" motor vehicle means a motor vehicle that meets all of the following criteria:

- A. Three (3) model years' old or older;

Ordinance No. 612-2022 AS AMENDED

B. Apparently inoperable; and

C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, motor, or transmission.

(b) *Declaration of Nuisance.*

(1) All buildings or structures that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or constitute a fire hazard, or are vacant and open to public entry, or are otherwise dangerous to human life or injurious to the public, or in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures". All unsafe structures or conditions are declared to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(2) The condition described under division (a)(8) of this section is declared to be a nuisance because of the risk of harm from explosion, accidental fire or flooding and shall be abated by shut-off of the services.

(3) The conditions listed in division (a)(11) of this section are declared to be nuisances that shall be removed, destroyed, or abated from any property on which they are found.

(4) Junk motor vehicles as defined in division (a)(12) of this section are declared to be nuisances that shall be removed or abated from any property on which they are found. Junk motor vehicles are declared to be a nuisance because:

A. They harbor rodents, vermin, and other pests;

B. They contain toxic substances and flammable liquids and fumes;

C. They attract children to enter;

D. They serve as temporary abode for derelicts, vagrants and criminals;

E. They diminish neighboring property values; and

F. They are likely to be damaged by vandals or set ablaze by arsonists.

(c) *Effective Boarding Pending Rehabilitation.*

Ordinance No. 612-2022 AS AMENDED

(1) *Permits.* Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within three (3) days of receiving a notice of violation, to the Department of Building and Housing for a permit to board. The Department of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within three (3) days of the issuance of a boarding permit, or within any other time limit that the Director deems appropriate. Structures that are boarded without first obtaining a boarding permit or structures that do not comply with the boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit on the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit after effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials.* The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. The openings shall be secured by plywood, not less than one-half (1/2) inch thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight (48) inches wide shall be framed with two (2) inches by four (4) inches lumber and plywood, or equivalent material fastened twenty-four (24) inches on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance.* Upon effectively boarding the structure, the owner shall monitor and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure that is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound, shall be removed or treated in a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation.* Rehabilitation of the structure shall begin within thirty (30) days of receiving a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976 unless the time period is extended with permission from the Director. If rehabilitation of the effectively boarded structure does not begin within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

Ordinance No. 612-2022 AS AMENDED

(d) *Examination and Condemnation.*

(1) The Director is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of the examination.

(2) The Director may designate as a public nuisance those particular structures or conditions found to be unsafe under division (b) of this section.

(3) The Director may also declare that a nuisance structure which, due to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(4) Whenever the Director finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he or she may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter the premises to secure the structure in order to lessen the severity of the public nuisance. In securing the structure, the Director may call any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure and may notify utilities to shut-off service to the property under Section 3103.091. This securing shall not be deemed to constitute "effective boarding" under division (b) of this section, and it does not abate the nuisance condition of an unsafe structure, as declared under division (d)(2) of this section, unless so declared in writing by the Director. Later notice, issued under division (e)(1) below, shall include the fact that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or a portion of those to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this chapter, he or she shall ~~forward by certified mail~~ provide to the owner, agent or person in control of the building, structure or portion of those and to any mortgagee of record a written notice of violation stating the defects in the building or structure. The notice of violation shall require the owner within a stated time to abate the nuisance condition of the building or structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition and removal of the building, structure, or a portion of those. ~~The notice also shall state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs. The handing of the violation notice to the owner, agent or person in control of the building, structure~~

Ordinance No. 612-2022 AS AMENDED

~~or a portion of those shall be deemed actual notice and is legal and valid service and no other form of service is necessary.~~

~~(2) If the person to whom the notice and order is addressed is not found after a reasonable and diligent search, then the notice and order shall be sent by certified mail to his or her tax mailing address, if available, as indicated on the County tax duplicate, and a copy of the notice shall be posted in a conspicuous place on the premises to which it relates. The mailing and posting shall be deemed legal service of the notice.~~

(2) The notice of violation under division (e)(1) of this section shall also state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs.

(3) A notice of violation under division (e)(1) of this section shall be served by any one by one or more of the following methods:

A. Personal service;

B. Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;

C. Certified mail;

D. Regular mail and posting as follows:

1. Regular mail service to the owner or a location at which the owner is reasonably believed to receive mail; and

2. Regular mail service to the property address that is the subject of the violation notice; and

3. Posting of the notice of violation on the building, premises or real estate or appurtenance thereto that is the subject of the violation notice.

In addition to 1., 2., and 3. above, service may be made by publication electronically or once in a newspaper of general circulation in the City.

~~(3)~~ (4) An owner, agent or person in control of the structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees of the notice of violation or the notice to make corrections, or to

Ordinance No. 612-2022 AS AMENDED

demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or a portion of those after receiving a notice of violation to make corrections, or to demolish and remove the same, without first providing the transferee with a copy of the notice.

~~(4)~~ (5)A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Revised Code, including the Ohio Building Code, or any outstanding notice to demolish and remove. No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained under this division and, within ten (10) days of the date of transfer, shall notify the Director, in writing, of the actions that will be taken to comply. The Director may then establish a reasonable time to comply.

(f) *Vacating Buildings and Prohibiting Use.* The Director may also require in the notice issued under division (e)(1) of this section that the building, structure or a portion of those be vacated, not be reoccupied, or used until the specified repairs and improvements are completed, inspected, and approved by the Director. The Director may cause to be posted at each entrance to the building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING." The notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove the notice without written permission of the Director, nor shall any person use or enter the building or structure except for the purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure under division (d)(4) of this section.

(g) *Right to Appeal.* The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he or she should not comply with the notice. Any notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in the notice from the Director. In the absence of an appeal, all actions taken shall constitute a valid exercise of the police powers of the City of Cleveland.

Ordinance No. 612-2022 AS AMENDED

(h) *Noncompliance with Notice.*

(1) *Director Authorized to Demolish, Remove, or Abate.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, the Director may take appropriate action to demolish and remove an unsafe structure or to remove or abate any condition that is defined as a nuisance under this chapter.

(2) *Action by Director of Law.* The Director may advise the Director of Law of the facts in the case, who may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of the building or structure pending rehabilitation.

(3) *Rehabilitation Permits Not Bar to Director's Action to Abate.* The securing of rehabilitation permits for the building or structure shall not in and of itself bar the Director from taking action to abate the nuisance.

(4) *Effective Boarding by Director.* The Director may, with respect to any condemned structure, also take appropriate action to effectively board the structure, or to secure it under division (d)(4) of this section. The Director shall specifically state in writing his or her findings with respect to the structure, and shall determine whether to secure or to effectively board, based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

(5) *Failure to Comply with Notice.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, or to remove or abate any other condition that is defined as a nuisance under this chapter, the Director may take appropriate action to take repair or maintenance measures or cause utility services to be shut-off under Section 3103.091 or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine whether to perform repair or maintenance based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) *Notice of Intent to Demolish and Remove or Repair.* Except as provided in division (1) of this section, the Director shall give written notice ~~informing by certified mail to the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove or repair~~ the unsafe building or structure at least thirty (30) days before the intended action by the City. ~~The notice may be effective concurrently with the violation notice~~ shall include a copy of the violation notice. A condemned

Ordinance No. 612-2022 AS AMENDED

structure, once effectively boarded by the owner pending rehabilitation that later becomes open to entry, upon a finding by the Director that the structure can no longer be effectively boarded, may then be demolished and removed, subject to the Director giving written notice as stated in this division (h)(6). ~~divisions (e)(1) and (h) of this section, upon a finding by the Director that the structure can no longer be effectively boarded.~~

(i) *Junk Motor Vehicle Removal.*

(1) *Notice.* The Director shall send written notice, by certified mail with return receipt requested, to the person having the right of possession of the property on which a junk motor vehicle, as defined in this chapter, is left. This notice shall notify the person having right of possession of the property that within ten (10) days of mailing of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or removed from the property. The notice shall also be posted in a conspicuous place on the property.

(2) *Director Authorized to Remove Junk Motor Vehicles.* The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten (10) days of the date of mailing and posting of the notice as set forth above.

(j) *Cases of Emergency.* In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or a portion of those to be made safe or removed. For this purpose he or she may at once enter the structure or land on which it stands, or any abutting land or structure, with assistance and at the cost as he or she deems necessary. He or she may request the Director of Public Safety to enforce the orders he or she gives that are necessary to cause the building, structure or a portion of those to be made safe or removed. The Director of Public Safety has the authority to enforce the orders. He or she may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or other means as may be necessary, and for this purpose may close a public or private way.

(k) *Costs to Be Paid by Property Owner.*

(1) Any and all expenses or costs, including but not limited to attorneys fees, costs of inspection, administrative staff and support staff, property maintenance costs, court costs, title search fees, process server fees, skip tracing expenses, and costs of collection or prosecution, including discovery and deposition expenses, incurred under this section relating to the demolition, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money.

(2) Any and all owners of a building or structure, who appear in the chain of title from the time of receipt of a notice of condemnation until

Ordinance No. 612-2022 AS AMENDED

demolition of the building or structure, shall be jointly and severally responsible for all costs and expenses incurred relating to the demolition and all costs and expenses of prosecution or collection related thereto. In the case of a junk motor vehicle, any and all expenses or costs incurred under this section to remove the vehicle shall be paid by the person having the right of possession of the premises where the vehicle is located.

(3) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code, or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, a fee of one hundred dollars (\$100.00) shall be charged for each inspection, except that this fee shall not apply to one (1) family and two (2) family owner-occupied dwelling structures.

(4) If within thirty (30) days from the date the Director of Building and Housing sends a statement of charges and costs incurred to the last known address of the property owner or the tax mailing address listed at the Cuyahoga County Recorder's office and its successor in interest as the custodian of the real property tax records for Cuyahoga County, the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied, or the person having possession fails to pay for the cost of removing a junk vehicle, the Director may certify the amount to the Commissioner of Assessments and Licenses, including collection agency fees. The Commissioner of Assessments and Licenses may make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon the lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting under RC 715.261.

(5) Notwithstanding the method of collection set forth in this division, the Director of Law, in the Director's sole discretion, may take any action necessary to collect the costs of demolition, boarding, or other nuisance abatement from the owner or other responsible party, including but not limited to filing of legal proceedings, referring the amount due to outside counsel by the Law Director for collection action, including filing civil complaints, and initiating post judgment execution actions.

Section 2. That the existing following:

Section 363.12, as amended by Ordinance No. 2409-59, passed April 4, 1960,

Section 367.04, as amended by Ordinance No. 54-94, passed June 6, 1994,

Section ~~367.04~~ 367.05, as amended by Ordinance No. 1684-12, passed November 26, 2012, and

Ordinance No. 612-2022 AS AMENDED

Section 3103.09, as amended by Ordinance No. 1519-11, passed November 14, 2011

are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RC:nl
6-6-22

FOR: Director Martin