C OF C 125-174

Ordinance No. 633-2025

By Council Members Conwell, Hairston and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 203.01, 203.02, and 203.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Section 203.11, all relating to nuisance abatement.

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 sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 203.01 and 203.05, as amended by Ordinance No. 511-76, passed June 14, 1976, and

Section 203.02, as amended by Ordinance No. 1039-2023, passed February 5, 2024,

are amended to read as follows:

Section 203.01 Investigations; Remedial Measures

The Commissioner of Environmental Health or any authorized City officer or employee, upon complaint or information of the existence of any condition or thing which amounts to a nuisance which may affect or endanger the life, health or senses of the inhabitants of the City, shall investigate and take such measures as may be necessary to cause the abatement of any nuisance found to exist, by or at the expense of the person in charge or responsible therefor, or otherwise if circumstances so require.

A condition amounts to a nuisance whenever any provisions identified in this Chapter or in Chapter 630 has been violated and the real property, structure, or vehicle identified with the violation is not corrected or is corrected but recurs and/or continues as a recurrent problem.

The "person responsible" includes any individual, firm, corporation, association, partnership, agent, operator, trust, estate, syndicate, cooperative, or any entity recognized by law: (i) in charge or in control of the land, a structure, or a chattel where there is a public nuisance; (ii) responsible for the creation, existence, commission, and/or maintenance of a condition or action in violation of the provisions identified in this Chapter or in Chapter 630; (iii) who causes an action that adversely affects the health, safety, or welfare of any person; or (iv) responsible for the creation, existence, commission, and/or maintenance of a condition or activity lacking a required or necessary permit or license.

Section 203.02 Notice to Abate; Exception

(a) Whenever the Commissioner of Environment or any authorized City officer or employee ascertains, either upon information or by observation or inspection, that any condition amounting to a nuisance or defined by law or ordinance as a nuisance exists on any premises, which nuisance affects or endangers the public health, either of them shall, in writing, notify the owner and, where applicable, the person responsible ~~in charge of the premises,~~ requiring the abatement or removal of the nuisance within a reasonable time, unless no such owner or person responsible ~~in charge~~ can be found, or

unless the circumstances are such, in their opinion, as to require the immediate abatement or removal of the nuisance, without waiting to give notification.

In the case of a vacant lot or a lot on which the main building or structure is vacant, either of which lot contains a nuisance as described in Section 209.01, the procedures outlined in Chapter 209 may be followed. In case of a nuisance as described in Section 209.01, the abatement shall last for the remainder of the growing season.

(b) A notice of violation under this Section 203.02 shall be served by one (1) or more of the following methods.

(1) Personal service. The City department issuing the notice may use any method that causes the Notice of Violations to be actually delivered to the ~~responsible party~~ owner and, where applicable, the person responsible. Actual delivery shall constitute legal service of the Notice of Violations.

(2) Residence service at the owner's and, where applicable, the person responsible'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 to an address where it is reasonably calculated under the circumstances to reach the owner and, where applicable, the person responsible. When determining such an address, the City shall examine:

A. Information the ~~responsible party~~ owner or person responsible provided to the City, such as rental registration information or the address used on an appeal or an application; or

B. Information that a City representative, such as an inspector, has discovered during the performance of their duties; or

C. Information from common and readily available sources such as printed or online directories, credit bureaus, county property records, board of election records, motor vehicle records, court records or other state, county, municipal or federal records.

~~The City is not required to use all of these methods and is not required to use any one of them; the City must use whatever combination of them is reasonably expected to be successful. The address found can be the property or premises which is the subject of the violation.~~

(4) Regular mail and posting as follows:

A. Regular mail to the owner and, where applicable, the person responsible, at an address found under division (b)(3) above, which may be the address of the property that is the subject of the violation; and

B. Regular mail service to the property address that is the subject of the violation notice, if that address is different from the address in division (b)(4)A~~.~~ above; and

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

(5) Service by publication electronically or once in a newspaper of general circulation in the City.

The City is not required to use all of these methods and is not required to use any one of them; the City must use whatever combination of them is reasonably expected to be successful. The address found can be the property or premises which is the subject of the violation.

Section 203.05 Other Legal or Equitable Relief

Notwithstanding any notice provision in Section 203.02 above, in ~~In~~ the event of any actual or threatened violation of this ~~e~~Chapter or in Chapter 630 or an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute proper suit in equity or at law to prevent or terminate such violation or remedy such situation. In addition to other remedies provided by this Chapter, the Director of Law may bring or cause to be brought a civil action and recover costs, damages, equitable relief, attorneys' fees and any available civil penalties.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 203.01 and 203.05, as amended by Ordinance No. 511-76, passed June 14, 1976, and

Section 203.02, as amended by Ordinance No. 1039-2023, passed February 5, 2024,

are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 203.11 to read as follows:

Section 203.11 Nuisance Operations, Structures, Real Property or Vehicles

The permitting of any operation, structure, real property or vehicle to be or remain in the following conditions is declared a nuisance:

(a) Operations, structures, real properties or vehicles that are in dilapidated, decayed, unsafe or unsanitary conditions that are detrimental to the public health, safety, welfare or well-being;

(b) Operations, structures, real properties or vehicles that are a fire hazard;

(c) Any building that is or should be condemned as unfit for human habitation in violation of or pursuant to Section 369.21 of the Housing Code;

(d) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used for the commission of a felony drug abuse offense in violation of R.C. 2925.13; or

(e) Any operation, structure, real property or vehicle that is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance or provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Ohio Administrative Code and/or the Ohio Revised Code.

Section 4. 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.

KR:uo
5-12-2025
FOR: Directors Margolius and Martin-O'Toole

Ord. No. 633-2025

By Council Members Conwell, Hairston and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

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READ FIRST TIME on MAY 12, 2025 **REPORTS**
and referred to DIRECTORS of Public Health,
Building and Housing, Finance, Law;
COMMITTEES on Health Human Services and the Arts,
Development Planning and Sustainability,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON
HEALTH, HUMAN SERVICES and the ARTS
FILED WITH COMMITTEE

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DEVELOPMENT, PLANNING AND SUSTAINABILITY
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