

City of Willoughby Hills

ORDINANCE NO. 2013-46

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1337 – EXTERIOR MAINTENANCE CODE, SECTION 1337.15, SUBSECTION (i) – OVERGROWTH AND SUBSECTION (j) – VACANT STRUCTURES AND DECLARING AN EMERGENCY.

WHEREAS, on May 27, 2010, the Council of City of Willoughby Hills adopted Ordinance No. 2010-22 enacting an Exterior Maintenance Code; and

WHEREAS, in the Building Commissioner’s Interoffice Memo addressed to the Council Planning and Zoning Committee, dated October 18, 2013 pertaining to the subject of *Maintenance of Overgrowth in the Right-of-Way of Vacant Land*, consisting of one (1) page, attached hereto, as the Exhibit “A” and referenced herein, the Building Commissioner stated that the growth of grasses and other vegetation on vacant undeveloped land has become a nuisance to neighboring property owners; and

WHEREAS, in order for the Building Commissioner to provide notification to compel compliance to Section 1337.15, Subsection (i) – Overgrowth and Subsection (j) – Vacant Structures and Land, the Commissioner requires a specific ordinance or rule which governs said request; the Commissioner feels that Section 1337.15(j) for Vacant Land of the City Exterior Maintenance Code is non-specific and ambiguous; and

WHEREAS, the Building Commissioner is requesting specific standards to sight to request such maintenance of overgrowth in the right-of-way of vacant land; and

WHEREAS, the Building Commissioner acknowledged that the Service Department does maintain the right-of-way on State Routes and other areas of the City; however, with manpower stretched thin, the City needs to have a vehicle in which land owners can be requested to share in the burden.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Existing Section 1337.15 – Subsection (i) – Overgrowth be and same hereby is amended to read and provide in its entirety as follows:

“(i) **Overgrowth.** Where landscaping has been maintained on the premises the exterior property shall be maintained free from weeds or plant growth in excess of nine (9) inches. (*See Section 1337.15, Subsection (j) Vacant Structures and Land*).

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a Notice of Violation, they shall be subject to prosecution in accordance with **Section 1337.08(b) - Prosecution of Violation** and as prescribed by the authority having jurisdiction. Upon failure to comply within fourteen (14) days to the Notice of Violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the overgrowth thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.”

SECTION 2. Existing Section 1337.15 – Subsection (j) – Vacant Structures and Land be and same hereby is amended to read and provide in its entirety as follows:

“(j) **Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(1) All land which is undeveloped and/or vacant shall be maintained in the right-of-way area with no fence, structure or planting between 2.5 feet and eight (8) feet above the natural grade to the edge of street pavement.”

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Building Department and further reason being to immediately provide the Building Commissioner with specific standards pertaining to the maintenance of overgrowth in the right-of-way of vacant land; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: _____, 2014

David A. Reichelt
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2014

Approved by the Mayor
_____, 2014

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor