

# COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2018-32

By Rick Skoczen Sponsored By Mayor Cyril M. Kleem  
AN ORDINANCE

AMENDING SECTIONS 1329.06, 1329.09, 1329.11, 1329.12 AND 1329.13, AND ENACTING  
NEW SECTION 1329.15, OF CHAPTER 1329, EXTERIOR PROPERTY MAINTENANCE CODE,  
OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE  
CITY OF BREA, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Berea in Ordinance No. 2018-25 established an Auxiliary Exterior Code Enforcement Unit in the Department of Public Safety for the express purpose of conducting exterior property maintenance code inspections; and

WHEREAS, existing Chapter 1329, Exterior Property Maintenance Code, of the Codified Ordinances of the City of Berea provides that the primary enforcement authority is the Chief Building Official and/or Zoning Administrator; and

WHEREAS, in accordance with Ordinance No. 2018-25, primary authority to perform exterior maintenance code inspections should be transferred to the Department of Public Safety; and

WHEREAS, the Council of the City of Berea finds that violations of Chapter 1329 constitute an immediate threat to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the City; and

WHEREAS, it is further found and determined that the exterior appearance of certain properties that lack proper maintenance and have subsequently proceeded to deteriorate cause blighting conditions that, if not curtailed and corrected, could contribute to depressed neighborhoods that will, in time, require large expenditures of public funds in order to eliminate; and

WHEREAS, the effective monitoring of exterior maintenance throughout the City, as well as efficient remediation policies and procedures as herein contained, could help prevent the aforementioned blight and protect neighborhoods and property values throughout Berea; and

WHEREAS, in order to prevent further blight and threats to the health, safety, welfare and reasonable comfort of the residents and inhabitants, it is found that violations of Chapter 1329 shall constitute a public nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 1329.06, Enforcement, which heretofore has read as follows:

1329.06 Enforcement

The enforcement of any and all provisions of this Chapter is placed with the Chief Building Official/Zoning Administrator, as designated by the Mayor, and such Chief Building Official/Zoning Administrator, together with such additional enforcement officers, including police officers as may be required, shall carry out and effectuate all of the provisions herein. The Building Department shall write rules and regulations and Departmental policies for the enforcement of this Code which shall be available to the public during business hours.

(a) Inspection. All buildings and premises within the City are subject to exterior inspections from time to time by the Chief Building Official/Zoning Administrator, or his designees, including the Department of Police as assigned by the Director of Public Safety.

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(b) Notice and Appeal.

- (1) Where a violation of any provision of this Chapter is found to exist, the Chief Building Official/Zoning Administrator or the Chief Building Official/Zoning Administrator's designee shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time, not more than thirty (30) days, to correct or abate the violation.
- (2) Notice may be served personally, by certified mail or by regular mail with a certificate of mailing addressed to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.
- (3) In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a Final Order as to these administrative proceedings.

(c) Appeal.

- (1) Within ten (10) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Municipal Plan Commission by filing a written request with the Clerk of the Commission. The Chairman of the Commission, upon receipt of the request, shall, within forty-five (45) days therefrom, and upon at least five (5) days notice to the party and the Zoning Administrator, set the matter down for hearing. The Commission may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a Final Order as to these administrative proceedings, provided, however, that any order of modification or dismissal shall be effective for two (2) years following the date of issuance of such order, and thereafter, the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein.
- (2) The Municipal Plan Commission shall consider only the following in determining appropriate action to be taken, to wit:
  - A. That any modification of the original order of the Chief Building Official or the Zoning Administrator shall not, in any material way, alter the standards of this Chapter, and shall not affect detrimentally the health or safety of occupants, or the health, safety or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and
  - B. That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager or resident, by reason of compelling an expenditure for repair of the premises which would be substantially disproportionate to any benefit to health, safety or welfare of the community that might be derived therefrom.

No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provisions herein relieve any owner, manager or resident from complying with any such other provision, nor any official of the City from enforcing any such other provisions.

shall be and is hereby amended to read in its entirety as follows:

## 1329.06 Enforcement

The enforcement of any and all provisions of this Chapter is placed with the Director of Public Safety, together with such additional enforcement officers, including auxiliary exterior code

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enforcement officers, police officers or any official of the City of Berea Building or Service Department, as may be required, to carry out and effectuate all of the provisions herein. The Director of Public Safety shall write rules and regulations and Departmental policies for the enforcement of this Code which shall be available to the public during business hours.

(a) Inspection. All buildings and premises within the City are subject to exterior inspections from time to time by the Director of Public Safety, or her designees, including officials of the Building and Service Departments.

(b) Notice and Appeal.

(1) Where a violation of any provision of this Chapter is found to exist, the Director of Public Safety or her designee shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time, not more than thirty (30) days, to correct or abate the violation.

(2) Notice may be served personally, by certified mail or by regular mail with a certificate of mailing addressed to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.

(3) In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a Final Order as to these administrative proceedings.

(c) Appeal.

(1) Within ten (10) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Municipal Planning Commission by filing a written request with the Clerk of the Commission. The Chairman of the Commission, upon receipt of the request, shall, within forty-five (45) days therefrom, and upon at least five (5) days notice to the party and the Director of Public Safety or her designee, set the matter down for hearing. The Commission may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a Final Order as to these administrative proceedings provided, however, that any order of modification or dismissal shall be effective for two (2) years following the date of issuance of such order, and thereafter, the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein.

(2) The Municipal Planning Commission shall consider only the following in determining appropriate action to be taken, to wit:

- A. That any modification of the original order of the Director of Public Safety or her designee shall not, in any material way, alter the standards of this Chapter, and shall not affect detrimentally the health or safety of occupants, or the health, safety or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and
- B. That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager or resident, by reason of compelling an expenditure for repair of the premises which would be substantially disproportionate to any benefit to health, safety or welfare of the community that might be derived therefrom.

No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provisions herein relieve any owner, manager or resident from

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complying with any such other provision, nor any official of the City from enforcing any such other provisions.

**SECTION 2.** That Section 1329.09, Exterior Surfaces, which heretofore has read as follows:

1329.09      Exterior Surfaces.

(a) All exterior surfaces of every structure within the City shall be maintained so as to resist decay or deterioration from any naturally occurring cause. All exterior surfaces shall be covered with paint, finish or other surface coating so as to prevent such decay or deterioration. An exterior wall segment, facing or other distinguishable surface area determined by the Chief Building Official/Zoning Administrator or the Chief Building Official/Zoning Administrator's designee to have more than fifteen percentum (15%) of its total area bare, peeling, flaking, pitted, corroded, unclean or otherwise deteriorated, shall be surface-coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture and design with the entire structure. If the entire exterior surface of a structure is to be surface-coated, such surface coating shall be compatible in color, texture and design with similar structures in the immediate neighborhood.

(b) All deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, decks or parts of features thereof, shall be repaired or replaced.

(c) All damaged or broken windows, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced.

shall be and is hereby amended to read in its entirety as follows:

1329.09      Exterior Surfaces

(a) Exterior surfaces of every structure within the City shall be maintained so as to resist decay or deterioration from any naturally occurring cause. All exterior surfaces shall be covered with paint, or other surface coating so as to prevent such decay or deterioration. An exterior wall segment or other distinguishable surface area determined by the Director of Public Safety or her designee to have more than fifteen percentum (15%) of its total area bare, peeling, flaking, pitted, corroded, unclean or otherwise deteriorated, shall be surface-coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture and design with the entire structure. If the entire exterior surface of a structure is to be surface-coated, such surface coating shall be compatible in color, texture and design with similar structures in the immediate neighborhood.

(b) All deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, decks or parts of features thereof, shall be repaired or replaced.

(c) All damaged or broken windows, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced.

**SECTION 3.** That Section 1329.11, Roofs, Gutters, Downspouts and Chimneys, which heretofore has read as follows:

1329.11      Roofs, Gutters, Downspouts And Chimneys.

(a) The roof of every structure within the City shall be maintained weather-tight and free of debris, including moss and mildew. All missing shingles, or other roofing materials shall be replaced with materials of similar kind, nature, design and color as the original thereof. Any roof, or distinguishable portion thereof, determined by the Chief Building Official/Zoning Administrator or the Chief Building Official/Zoning Administrator's designee to have more than

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twenty-five percentum (25%) of its total area compromised of missing or deteriorated shingles, or other roofing material, shall be replaced in its entirety.

(b) Any structure with the City having gutters and/or downspouts in place shall have such gutters and downspouts properly mounted to such structure, maintained in good working condition and kept free of exterior rust and corrosion. Such rust and corrosion as may develop in the course of ordinary use of the same shall be removed, painted or otherwise surface-coated so as to keep such gutters and/or downspouts free of visible rust or corrosion.

(c) The chimney of every structure within the City shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired.

shall be and is hereby amended to read in its entirety as follows:

## 1329.11 Roofs, Gutters, Downspouts and Chimneys

(a) The roof of every structure within the City shall be maintained weather-tight and free of debris, including moss and mildew. All missing shingles, or other roofing materials shall be replaced with materials of similar kind, nature, design and color as the original thereof. Any roof, or distinguishable portion thereof, determined by the Director of Public Safety or her designee to have more than twenty-five percentum (25%) of its total area compromised of missing or deteriorated shingles, or other roofing material, shall be replaced in its entirety.

(b) Any structure with the City having gutters and/or downspouts in place shall have such gutters and downspouts properly mounted to such structure, maintained in good working condition and kept free of exterior rust and corrosion. Such rust and corrosion as may develop in the course of ordinary use of the same shall be removed, painted or otherwise surface-coated so as to keep such gutters and/or downspouts free of visible rust or corrosion.

(c) The chimney of every structure within the City shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired.

**SECTION 4.** That Section 1329.12, Yard Area Maintenance, which heretofore has read as follows:

## 1329.12 Yard Area Maintenance.

(a) Refuse.

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structure within the City over a period in excess of twenty-four (24) hours, provided however, that such of the items as are set forth herein which are usually and ordinarily placed for municipal refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled municipal refuse hauling date.

(2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Zoning Administrator or the Zoning Administrator's designee, create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.

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(b) Trees, Grass and Shrubbery.

- (1) All trees, shrubs and plants shall be trimmed in the conformance with Chapter 327 of the Codified Ordinances of the City, and dead, decayed or broken portions thereof shall be removed.
- (2) Grass and weeds shall be maintained, controlled and cut in conformance with Chapter 327 of the Codified Ordinances of the City. Where a violation of this provision of this Code is found to exist, a notice to remedy the violation shall specify that remedial action shall be taken in not more than five (5) days.

(c) Appurtenant Structures.

- (1) All structures located in the yard area contiguous to any residential, commercial or industrial structure within the City, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Chapter having regard to foundations, roofs and exterior surfaces.
- (2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential, commercial or industrial structure within the City shall be repaired or removed.

(d) Automobile Parking.

- (1) The parking or storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of Chapter 301 of the Zoning Code of the Codified Ordinances of the City of Berea.

(e) Driveways.

- (1) A driveway is that area giving access and egress to motor vehicles from the street to the garage, and having a surface of concrete, asphalt, or other suitable material, and shall be constructed in accordance with specifications of the Building Code of the City of Berea, Ohio, and Chapter 301 of the Zoning Code of the Codified Ordinances of the City of Berea.

(f) Ground Surface Hazards.

- (1) Holes, cracks, excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Chief Building Official/Zoning Administrator or the Chief Building Official/Zoning Administrator's designee are a hazard to persons using the premises, shall not be permitted. Wells, cisterns and other similar structures which are abandoned and no longer in use on the premises shall be filled and totally covered in a manner subject to the approval of the Chief Building Official/Zoning Administrator to eliminate any hazard to persons on the premises.

(g) Wood Piles: All wood stored outside in any R-SF-A, R-SF-B, R-O, or MF-R zoning district shall be arranged in stacks and shall:

- (1) Not be stacked closer than five (5) feet from any lot line;
- (2) Not be stacked higher than five (5) feet in height;
- (3) Be elevated at least nine (9) inches off the ground, except when stored on any asphalt, concrete or other suitable hard surface;
- (4) Not be stacked closer than three (3) feet from the main dwelling; and
- (5) Not be stacked in front of the front building line.

(h) No person shall place, use, keep, store, or maintain any outdoor cooking facilities, refrigerators, beer kegs, garbage, debris or furniture not manufactured for outdoor use, including

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without limitation, upholstered chairs, upholstered couches, and mattresses, on any porch or balcony, unless such porch or balcony is fully enclosed by a roof and side walls constructed of wood, glass or some type of solid screening material.

shall be and is hereby amended to read in its entirety as follows:

1329.12 Yard Area Maintenance.

(a) Refuse.

- (1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structure within the City over a period in excess of twenty-four (24) hours, provided however, that such of the items as are set forth herein which are usually and ordinarily placed for municipal refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled municipal refuse hauling date.
- (2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Director of Public Safety or her designee, create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.

(b) Trees, Grass and Shrubbery.

- (1) All trees, shrubs and plants shall be trimmed in the conformance with Chapter 327 of the Codified Ordinances of the City, and dead, decayed or broken portions thereof shall be removed.
- (2) Grass and weeds shall be maintained, controlled and cut in conformance with Chapter 327 of the Codified Ordinances of the City. Where a violation of this provision of this Code is found to exist, a notice to remedy the violation shall specify that remedial action shall be taken in not more than five (5) days.

(c) Appurtenant Structures.

- (1) All structures located in the yard area contiguous to any residential, commercial or industrial structure within the City, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Chapter having regard to foundations, roofs and exterior surfaces.
- (2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential, commercial or industrial structure within the City shall be repaired or removed.

(d) Automobile Parking.

- (1) The parking or storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of Chapter 301 of the Zoning Code of the Codified Ordinances of the City of Berea.

(e) Driveways.

- (1) A driveway is that area giving access and egress to motor vehicles from the street to the garage, and having a surface of concrete, asphalt, or other suitable material, and shall be constructed in accordance with specifications of the Building Code of the City of Berea, Ohio, and Chapter 301 of the Zoning Code of the Codified Ordinances of the City of Berea.

(f) Ground Surface Hazards.

- (1) Holes, cracks, excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Director of Public Safety or her

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designee are a hazard to persons using the premises, shall not be permitted. Wells, cisterns and other similar structures with are abandoned and no longer in use on the premises shall be filled and totally covered in a manner subject to the approval of the Director of Public Safety or her designee to eliminate any hazard to persons on the premises.

(g) Wood Piles: All wood stored outside in any R-SF-A, R-SF-B, R-SF-T, MFR, TO, CD and PU zoning district shall be arranged in stacks and shall:

- (1) Not be stacked closer than five (5) feet from any lot line;
- (2) Not be stacked higher than five (5) feet in height;
- (3) Be elevated at least nine (9) inches off the ground, except when stored on any asphalt, concrete or other suitable hard surface;
- (4) Not be stacked closer than three (3) feet from the main dwelling; and
- (5) Not be stacked in front of the front building line.

(h) No person shall place, use, keep, store, or maintain any outdoor cooking facilities, refrigerators, beer kegs, garbage, debris or furniture not manufactured for outdoor use, including without limitation, upholstered chairs, upholstered couches, and mattresses, on any porch or balcony, unless such porch or balcony is fully enclosed by a roof and side walls constructed of wood, glass or some type of solid screening material.

**SECTION 5.** That Section 1329.13, Abandoned Structures And Unoccupied Lots, which heretofore has read as follows:

## 1329.13 Abandoned Structures And Unoccupied Lots.

(a) If any structure shall become abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

(b) Whenever the Zoning Administrator shall find any structure to be abandoned within the meaning of this Section, he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days by placing the structure in operation in accordance with this Section, adapting and using the structure for another use permitted in the Zoning District, or by razing the structure, removing all debris, any signs, goods, supplied and equipment, and filling depressions to the grade level of the lot, provided however, that if the structure is in use at the time notice is given and remains in operation for ninety (90) consecutive days, the provisions of this Section 1329.13 shall not apply.

(c) Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Administrator shall advise the Director of Law of all the facts and the Director of Law shall proceed to exercise on behalf of the City any remedy which shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed at the instance of the City.

(d) Unoccupied or inoperative structures, whether or not abandoned, the lot upon which any such structure is located, with any other unoccupied lot, shall be maintained in accordance with the provisions of this Chapter. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid run-off of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited, and the Zoning Administrator may order the

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owner of the premises to install fencing approved by the Zoning Administrator which will be sufficient to block motor vehicles access to said property.

shall be and is hereby amended to read in its entirety as follows:

## 1329.13 Abandoned Structures as Nuisance and Unoccupied Lots.

(a) If any structure shall become abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

(b) Whenever the Director of Public Safety or her designee shall find any structure to be abandoned within the meaning of this Section, she shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days by placing the structure in operation in accordance with this Section, adapting and using the structure for another use permitted in the Zoning District, or by razing the structure, removing all debris, any signs, goods, supplies and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is in use at the time notice is given and remains in operation for ninety (90) consecutive days, the provisions of this Section 1329.13 shall not apply.

(c) Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Director of Public Safety or her designee shall advise the Director of Law of all the facts and the Director of Law shall proceed to exercise on behalf of the City any remedy which shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed at the instance of the City.

(d) Unoccupied or inoperative structures, whether or not abandoned, and the lot upon which any such structure is located, with any other unoccupied lot, shall be maintained in accordance with the provisions of this Chapter. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid run-off of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited, and the Director of Public Safety or her designee may order the owner of the premises to install fencing approved by the Director of Public Safety or her designee which will be sufficient to block motor vehicles access to said property.

## SECTION 6. That new Section 1329.15, Declaration of Public Nuisance; Order and Authority to Abate, shall be enacted to read as follows:

### 1329.15 Declaration of Public Nuisance; Order and Authority to Abate.

Any violation of this Chapter shall constitute a public nuisance if the physical conditions of a property or structure by reason of one or more violations result in the deterioration of materials, lack of repair or maintenance which is dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist; is otherwise no longer fit and habitable; or is a blighting or deteriorating factor on the neighborhood or impairs or adversely affects the value of neighboring property.

If the Director of Public Safety or her designee finds that a nuisance condition exists as defined herein, or otherwise by ordinance passed by Council, on any property, the City may issue a notice declaring the existence of such nuisance and may order the abatement of the nuisance or proceed to abate the nuisance, in accordance with Chapter 931 of the Codified Ordinances.

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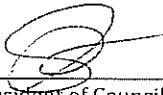
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**SECTION 7.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any 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.

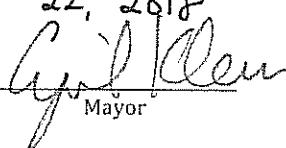
**SECTION 8.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is necessary to clarify those parties responsible for enforcement of this Code and to allow the City to commence nuisance proceedings for structures already found to be in violation of this Code or that constitute a nuisance. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 21, 2018

  
President of Council

ATTEST: Mayo E.  
Clerk of Council

APPROVED: May 22, 2018

  
Mayor

Approved as to Form:

Paul J.  
Director of Law