

ORDINANCE NO. 2019-3976

AN ORDINANCE AMENDING CHAPTER 1505 PUBLIC NUISANCES CODE SECTIONS 1505.02 SUMMARY ABATEMENT AND 1505.04 NONCOMPLIANCE; ABATEMENT BY FIRE CHIEF; SALE OF MATERIALS FOR THE CITY OF FREMONT, AND DECLARING AN EMERGENCY.

WHEREAS, The City desires to amend Chapter 1505 Public Nuisances Code Sections 1505.02 Summary Abatement and 1505.04 Noncompliance; Abatement by Fire Chief; Sale of Materials; and

WHEREAS, the amendments proposed are described herein:

Section 1505.02 which currently reads as follows:

1505.02 SUMMARY ABATEMENT.

Whenever complaint is made to the Fire Chief of the existence of a public nuisance in the City, he shall promptly inspect or cause to be inspected the premises on which it is alleged such public nuisance exists. Should the Fire Chief find that a public nuisance does exist, he shall promptly notify the Safety-Service Director and the person, firm or corporation who, from the records in the Sandusky County Treasurer's office, appears to be the owner of the aforesaid property. The Fire Chief shall leave a copy of the aforesaid notice with the person in possession of such premises, if any, or if there is no person in possession thereof, he shall post a copy of the notice on the premises. It shall be the duty of the Fire Chief to inspect the premises on which it is alleged that such nuisance exists and to make a written report of his findings in conjunction therewith to the Safety-Service Director. Should the Fire Chief and the Director find that a public nuisance exists and that the nature thereof is such as to require its summary abatement, it shall be the duty of the Fire Chief to cause photographs of such nuisance to be made, to file and keep in his office the written reports of the findings aforesaid, and further, to cause the abatement of the aforesaid nuisance within three days of the time within which such findings are reported by him. In abating such nuisance, the Fire Chief shall not be required to give any further notice to the owner thereof.
(Ord. 988. Passed 6-15-67.)

Section 1505.04 which currently reads as follows:

1505.04 NONCOMPLIANCE; ABATEMENT BY FIRE CHIEF; SALE OF MATERIALS.

(a) Should the nuisance not be abated as ordered under Section 1505.03 at the expiration of the time stated in such notice, the Fire Chief shall have the right to enter upon such premises and to abate the nuisance found thereon. In abating such nuisance he may go to whatever extent may be necessary

to complete the abatement of the same and should it be practicable to sell or salvage any material derived in the aforesaid abatement he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be deposited in the General Fund of the City and any difference between the amount so received and the cost of the abatement shall be levied as an assessment against the aforesaid property by Council, certified to the Sandusky County Auditor and collected as any other assessment by the City. Should the proceeds of the sale of such salvaged material exceed the cost of such abatement, the overage, if any, shall be paid to the owner of the premises from which such nuisance was abated when his proper claim therefor is established. In abating such nuisance the Fire Chief may call upon the Department of Public Safety-Service for whatever assistance may be necessary or may, by private contract, obtain the abatement thereof if such private contract is first authorized by Council.

(b) The remedy provided in this section shall be in addition to any penalty provided in Section 1505.99.
(Ord. 988. Passed 6-15-67.)

(c) If the owner, within thirty days thereafter fails, neglects or refuses to repay the Fire Chief the expenses thereby incurred by him in abating the public nuisance, the City Auditor shall certify such expenses, together with a twenty-five percent (25%) penalty thereon to the County Auditor, and the Auditor shall enter such expenses on the tax duplicate of the County as a special charge against the real estate on which such building is or was situated, and the same shall be collected as other taxes and, when collected, shall together with the penalty thereon be refunded to the City.

Section 1505.02 shall hereby be amended to read as follows:

1505.02 SUMMARY ABATEMENT.

(a) Whenever complaint is made to the Fire Chief of the existence of a public nuisance in the City, he shall promptly inspect or cause to be inspected the premises on which it is alleged such public nuisance exists. Should the Fire Chief find that a public nuisance does exist, he shall promptly notify the Safety-Service Director and the person, firm or corporation who, from the records in the Sandusky County Treasurer's office, appears to be the owner of the aforesaid property. The Fire Chief shall leave a copy of the aforesaid notice with the person in possession of such premises, if any, or if there is no person in possession thereof, he shall post a copy of the notice on the premises. It shall be the duty of the Fire Chief to inspect the premises on which it is alleged that such nuisance exists and to make a written report of his findings in conjunction therewith to the Safety-Service Director. Should the Fire Chief and the Director find that a public nuisance exists and that the nature thereof is such as to require its summary abatement, it shall be the duty of the Fire Chief to cause photographs of such nuisance to be made, to file and keep in his office the written reports of the findings aforesaid, and further, to cause the abatement of the aforesaid nuisance within three days of the time within which such findings are reported by him. In abating such nuisance, the Fire Chief shall not be required to give any further notice to the owner thereof.

(b) The remedy provided in this section shall be in addition to any penalty in Section 1505.99.

(c) If the owner, within thirty days thereafter fails, neglects, or refuses to repay the Fire Chief the expenses incurred by him in abating the public nuisance, the City Auditor shall certify such expenses, together with a twenty-five percent (25%) penalty thereon to the County Auditor, and the Auditor shall enter such expense on the tax duplicate of the County as a special charge against the real estate on which such building is or was situated, and the same shall be collected as other taxes and, when collected shall together with the penalty thereon be refunded to the City.

(d) The City may also elect to file a Mechanic's Lien against the property owner with the costs of the filing assessed to the property owner.

Section 1505.04 shall hereby be amended to read as follows:

1505.04 NONCOMPLIANCE; ABATEMENT BY FIRE CHIEF; SALE OF MATERIALS.

(a) Should the nuisance not be abated as ordered under Section 1505.03 at the expiration of the time stated in such notice, the Fire Chief shall have the right to enter upon such premises and to abate the nuisance found thereon. In abating such nuisance he may go to whatever extent may be necessary to complete the abatement of the same and should it be practicable to sell or salvage any material derived in the aforesaid abatement he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be deposited in the General Fund of the City and any difference between the amount so received and the cost of the abatement shall be levied as an assessment against the aforesaid property by Council, certified to the Sandusky County Auditor and collected as any other assessment by the City. Should the proceeds of the sale of such salvaged material exceed the cost of such abatement, the overage, if any, shall be paid to the owner of the premises from which such nuisance was abated when his proper claim therefor is established. In abating such nuisance the Fire Chief may call upon the Department of Public Safety-Service for whatever assistance may be necessary or may, by private contract, obtain the abatement thereof if such private contract is first authorized by Council.

(b) The remedy provided in this section shall be in addition to any penalty provided in Section 1505.99.

(c) If the owner, within thirty days thereafter fails, neglects or refuses to repay the Fire Chief the expenses thereby incurred by him in abating the public nuisance, the City Auditor shall certify such expenses, together with a twenty-five percent (25%) penalty thereon to the County Auditor, and the Auditor shall enter such expenses on the tax duplicate of the County as a special charge against the real estate on which such building is or was situated, and the same shall be collected as other taxes and, when collected, shall together with the penalty thereon be

refunded to the City.

(d) The City may also elect to file a Mechanic's Lien against the property owner with the costs of the filing assessed to the property owner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:

SECTION 1. Chapter 1505 Public Nuisances is hereby amended to reflect the changes to Sections 1505.02 and 1505.04.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 3. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the immediate need to pass the amendment in an expeditious manner.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.




Jamie Hafford
President of Council


PASSED: 9-5-19

Effective date: 9-5-19

YEAS: 7 NAYS: 0



Stephanie L. Martin, City Council Clerk



Daniel R. Sanchez, Mayor

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Approved as to form:

A handwritten signature in black ink, appearing to read 'J. Melle', is written over a horizontal line.

James F. Melle, Director of Law
City of Fremont, Ohio