

ORDINANCE NO. 2025- 48

AN ORDINANCE ENACTING A NEW CHAPTER 510 OF THE OF THE
CODIFIED ORDINANCES OF THE CITY OF WILLOWICK ENTITLED
“NUISANCE ABATEMENT.”

WHEREAS, the residents of the City of Willowick have been adversely affected by criminal activity that occurs repeatedly at, or originating from, certain residential or commercial properties in the City; and

WHEREAS, repeated violations of law stemming from a single property place an undue burden on the City’s safety resources, and therefore, an undue burden on taxpayers; and although most property owners take responsibility for activities on their property, some property owners fail to take aggressive action, or any action at all, to deal with such nuisance activities by people whom they have allowed to live at, or visit, or conduct business at their property; and

WHEREAS, such repeated criminal activities greatly interfere with the comfortable enjoyment of life and property for the neighbors of such nuisance properties, and lead to the deteriorations of neighborhoods and the City as a whole, as responsible property owners lose property value and move out of neighborhoods and/or the City where such activity recurs; and

WHEREAS, the City of Willowick has declared by ordinance and listed a number of activities and conditions as nuisances, and has set forth administrative steps in order to identify the properties that allow nuisance activities to occur and to allow the City to recoup the costs of City services rendered; and

WHEREAS, this Council determines that changes need to be made to the existing Criminal Nuisance Ordinance to ensure the enforceability of this provision. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, THE
COUNTY OF LAKE AND STATE OF OHIO:

Section 1. That new Chapter 510, titled “Nuisance Abatement,” is hereby enacted to read as follows:

510.01 DECLARATION OF NUISANCES.

(a) **Definition of Nuisance Activity.** The following activities occurring either on residential or commercial property, or within 1,000 feet of the property line of said residential or commercial property, and engaged in by an owner, or the owner's agent, or, the owner's lessee, occupant, invitee or the person or entity in charge of said residential or commercial property (including individual apartment and condominium units) are hereby declared to be public nuisances:

(1) Any animal violations under Sections 505.01 (dogs running at large), 505.13, 505.15 and 505.20 (animal noise, excrement and biting), 505.14 or Chapter 506 (dangerous, nuisance or vicious animals), 505.05 (killing or injuring animals), 505.07 (cruelty to animals) of the Codified Ordinances;

(2) Any disorderly conduct disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;

- (3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;
 - (4) Any noise violation under Chapter 515 of the Codified Ordinances;
 - (5) Any gambling violation under Chapter 517 of the Codified Ordinances;
 - (6) Any health, safety, or sanitation violation under Chapter 521 or 961 of the Codified Ordinances;
 - (7) Any littering or deposition of waste under Section 521.08 of the Codified Ordinances;
 - (8) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;
 - (9) Any alcohol violations under Chapter 529 of the Codified Ordinances or under Chapter 4301 of the Ohio Revised Code;
 - (10) Any sex offenses under Sections 533.05 (public indecency), 533.08 (procuring), 533.09 (soliciting) or 533.10 (prostitution) of the Codified Ordinances;
 - (11) Any offenses against persons under Chapter 537 of the Codified Ordinances except Sections 537.055 (menacing by stalking) and 537.14 (domestic violence);
 - (12) Any offenses against property under Sections 541.03 (criminal damaging or endangering) or 541.04 (criminal mischief) of the Codified Ordinances;
 - (13) Any theft violation under Sections 545.05 (petty theft), 545.08 (unauthorized use of property), of the Codified Ordinances;
 - (14) Any weapons, explosives, firearm or handgun violation under Chapters 549 of the Codified Ordinances;
 - (15) Any fireworks violation under Section 549.10 of the Codified Ordinances;
 - (16) Any false alarm call which is defined for the proposes of this chapter as being an emergency call by an alarm company triggered by either an automated or manual alarm activation which, after investigation by the Division of Police it is determined that there is no need for criminal investigation and that the alarm activated for some other reason.
 - (17) Any false alarm call which is defined for the purposes of this chapter as being an emergency call by an alarm company triggered by either an automated or manual alarm activation which, after investigation by the Division of Fire it is determined that there is no need for fire protection or investigation and that the alarm activated for some other reason.
 - (18) Any offense that is a felony under the Ohio Revised Code.
- (b) For purposes of subsection (a), the occurrence of a nuisance activity means either a citation has been issued, or an arrest has been made, or a conviction has been obtained, or a City Department, including, but not limited to, Police, Fire, Animal Control, or Building, has documented the activity in lieu of arrest or citation.

(c) **Initiation of Nuisance Declaration Process.** The Director of Public Safety or his or her designee, upon finding that two or more nuisance activities or any one felony as outlined in subsection (a) have occurred within a twelve-month period, may cause a written notice and order to be served on the owner of the property. The notice shall declare that if a third nuisance activity, or any additional felony as outlined in subsection (a) hereof occurs within a twelve-month period of the first nuisance activity, such property shall be declared a nuisance property. The notice and order shall set forth the nature of the nuisances and the estimated costs to abate any future nuisance and shall state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that the City may abate the nuisance by responding to the activities using administrative and law enforcement actions and the costs of such abatement shall be assessed on the nuisance property as set forth in subsection (g). Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

(d) **Nuisance Declaration.** If a third nuisance activity as declared in this section, or any additional felony, occurs within twelve months after the first of the two nuisance activities referred to in subsection (c), the Director of Public Safety or his or her designee may declare the property to be a nuisance under this chapter. Once a property has been declared a nuisance then any subsequent occurrence of any activity listed in subsection (a) may cause another nuisance declaration. The cost of responding to the nuisance activity shall be assessed on the nuisance property. The nuisance declaration may come before or after the City has incurred the response costs. The costs shall be calculated as set forth in subsection (g) hereof. The City shall provide notice to the owner of the nuisance property to pay the costs of abatement at least thirty (30) days before such costs are certified to the County Auditor for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. If the same is not paid within thirty (30) days of the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected, or the City may seek recovery of such costs by civil action. Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

(e) **Reconsideration Request.** The owner of a nuisance property who receives a nuisance declaration notice from the Director of Public Safety or his or her designee pursuant to subsection (d) may appeal such notice by submitting a written request for reconsideration to the Director of Public Safety within thirty (30) days of the date of the nuisance declaration notice. If the Director of Public Safety or his or her designee finds that the facts presented do not constitute a public nuisance then the Director of Public Safety or his or her designee shall rescind the notice. Otherwise the Director of Public Safety or his or her designee shall deny the request and advise the appellant in writing of the denial and of the appellant's right to file an appeal to the Willowick City Council Safety Committee.

(f) **Appeal to the Willowick City Council Safety Committee.** The owner may appeal the denial of the request for reconsideration by submitting a written appeal letter to the Willowick City Council Safety Committee within thirty (30) days of the date of the denial. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the City must show by a preponderance of the evidence that each nuisance activity stated in the notice being appealed, or if the activities stated in the notice number more than three, each nuisance activity for which the City seeks compensation, has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement

costs, whichever is applicable, is justified. If a nuisance activity has been evidenced by a criminal conviction then it shall be per se proof that the activity has occurred.

The City shall be deemed to have failed to meet this standard if the owner demonstrates by a preponderance of evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or

(3) He or she had no knowledge of the nuisance activity and could not with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(g) **Costs of abatement.** Costs of abatement shall be a combination of a defined minimum cost and the actual cost based upon the hourly wage of any safety, animal control officer, building department personnel or any other personnel involved in the response to the nuisance activity defined in subsection (d). The minimum defined costs are: two hundred and fifty dollars (\$250.00) upon the first declaration of nuisance under this chapter; five hundred dollars (\$500.00) on the second nuisance declaration; seven hundred fifty dollars (\$750.00) on the third nuisance declaration; and one thousand dollars (\$1,000.00) on each subsequent nuisance declaration.

(h) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, does not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Adopted by Council: _____, 2025

Monica Koudela, Council President

Submitted to the Mayor: _____, 2025

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2025

ATTEST: _____
Alyssa Moran, Clerk of Council

