



# ROSS TOWNSHIP RESOLUTION NUMBER 2017-038

## RESOLUTION AMENDING THE POLICY FOR DECLARING A NUISANCE FOR ACCUMULATED DEBRIS, EXCESSIVE VEGETATION AND/OR JUNK MOTOR VEHICLE ADOPTED AT ROSS TOWNSHIP RESOLUTION NUMBERS 2011-012 AND 2011-081

WHEREAS, Section 505.86 of the Ohio Revised Code authorizes the Board of Trustees to provide for the removal, repair or securance of buildings or other structures within the township that have been declared insecure, unsafe or structurally defective by an authority responsible under Chapter 3781; and

WHEREAS, Section 505.87 of the Ohio Revised Code authorizes the Board of Trustees to abate, control or remove vegetation, garbage, refuse or other debris determined to constitute a nuisance (“nuisance” or “nuisance conditions”); and

WHEREAS, Section 505.871 of the Ohio Revised Code authorizes the Board of Trustees to provide for the removal of junk motor vehicles from public or private property in the Township (“junk motor vehicles”);

**BE IT RESOLVED** by the Board of Trustees of Ross Township, Butler County, Ohio, pursuant to Section 505.86, Section 505.87 and Section 505.871 of the Revised Code, as follows:

### **SECTION 1-A:**

That the Board of Trustees desire to rid the Township and its inhabitants of insecure, unsafe or structurally defective buildings or other structures; abate, control or remove vegetation, garbage, refuse or other debris determined to constitute a nuisance; and remove junk motor vehicles from public or private property in the Township; and,

### **SECTION 1-B:**

That the Board of Trustees finds the non-compliance with these issues to be detrimental to the health, safety and general welfare of all persons who live, work or own property within Ross Township; and

### **SECTION 1-C:**

That the Board of Trustees finds it necessary to adopt a policy as outlined in Exhibit “A” as attached and hereby incorporated into this resolution to insure compliance with Sections 505.86, 505.87 and 505.871 of the Ohio Revised Code throughout the Township; and

**SECTION 1-D:**

That Ross Township Resolution Numbers 2011-012 and 2011-081 are hereby amended as follows.

**SECTION 2:**

This resolution shall take effect on August 17, 2017 upon the filing of this resolution with the Ross Township Fiscal Officer.

**SECTION 3:**

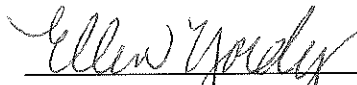
It is hereby determined that all formal actions of the Board of Trustees relating to their adoption of this Resolution were taken in an open meeting of the Board of Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

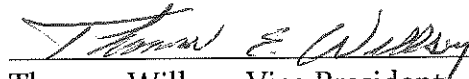
**INTRODUCTION AND VOTE RECORD:**

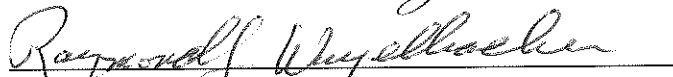
Trustee Yordy introduced the foregoing Resolution and moved its adoption, Trustee Willsey seconded the Motion. The roll being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Trustees: Willsey AYE Wurzelbacher AYE Yordy AYE

Adopted at the meeting of the Ross Township Board of Trustees this 17<sup>th</sup> day of August, 2017.

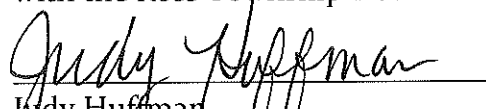
  
\_\_\_\_\_  
Ellen Yordy, President

  
\_\_\_\_\_  
Thomas Willsey, Vice President

  
\_\_\_\_\_  
Raymond Wurzelbacher, Trustee

**AUTHENTICATION**

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Ross Township Fiscal Officer, this this 17<sup>th</sup> day of August, 2017.

  
\_\_\_\_\_  
Judy Huffman  
Ross Township Fiscal Officer

**I. Building Security** – Ohio Revised Code Section 505.86(B) allows a board of township trustees to provide for the removal, repair or securance of buildings or other structures in the township that have been declared insecure, unsafe or structurally defective by any authority responsible under O.R.C. Chapter 3781.

- A. Upon receipt of a nuisance complaint from a resident of Ross Township or by direction of any official or employee of the Township, which may require the removal, repair or securance of buildings or other structures on the property, the Administrator will:
1. Investigate the property, take photographs and make notes which will be used to assist the Board of Trustees in the determination of the constitution of a nuisance under the guidelines of the law.
  2. Request an order be issued by the Ross Township Fire Chief, the Butler County Building Department or the Butler County Health District acting as an authority responsible under O.R.C. Chapter 3781;
  3. Prepare a resolution which requests that the Board of Trustees consider the conditions on the property to constitute a nuisance and order that the property be repaired or secured immediately; or in the case of removal within a time frame ordered by the Butler County court of Common Pleas.
- B. Immediately after a nuisance is declared, the Administrator will;
1. If the order for the structure is to repair or secure:
    - a. Determine the most cost effective and effectual manner for repairing or securing the subject building or structure. This work may include the use of contractual and/or in-house services.
    - b. Order the work to be performed in the most cost effective and effectual manner.
    - c. Compile and detail all costs associated with the abatement including the physical labor and materials used, all processing costs and a 10% administration services fee.
  2. If the order for the structure is to demolish and remove:
    - a. Determine the most cost effective and effectual manner for demolishing and removing the subject building or structure. This work may include the use of contractual and/or in-house services.
    - b. Contact the Butler County Prosecutor to request approval for the demolition and removal through the Butler County Court of Common Pleas
    - c. Upon receipt of the order from the court, solicit five sealed bids from demolition contractors via the process used by the Butler County Department of Community Development.
    - d. Once the most responsive and responsible bidder is determined, order the work to be performed in the most cost effective and effectual manner.
    - e. Compile and detail all costs associated with the abatement including the physical labor and materials used, all processing costs and a 10% administration services fee.

- C. Upon completion of all work mandated to satisfy the order, the Administrator will:
1. Prepare an assessment resolution for the recovery of the costs involved in performing the abatement for Board of Trustees consideration. Within the resolution, the Fiscal Officer will certify the total costs and provide a proper description of the land on which the work was performed as prescribed in O.R.C. Section 505.86(C)(1).
  2. Assure that the approved assessment resolution be sent to the Butler County Auditor who shall place the costs on the tax duplicate to act as a lien upon the property.
  3. Assure that all paperwork relating to the order is filed for proper record retention.

**II. Nuisance Violations** – Ohio Revised Code Section 505.87 allows a board of township trustees to provide for the abatement, control or removal of vegetation, garbage, refuse and other debris which constitutes a nuisance.

- A. Upon receipt of a nuisance complaint from a resident of Ross Township or by direction of any official or employee of the Township, the Administrator will:
  1. Investigate the property, take photographs and make notes which will be used to assist the Board of Trustees in the determination of the constitution of a nuisance under the guidelines of the law.
  2. Prepare a resolution which requests that the Board of Trustees consider the conditions on the property to constitute a nuisance and order that the property be abatement within 7 days (4 days if the violation is a repeated offense).
- B. Immediately after a nuisance is declared, the Administrator will:
  1. Send a certified notice of violation letter to the property owner and any lien holder which details the corrections needed to abate the nuisance.
  2. If the certified notice is unclaimed or refused, the Administrator will place a notice in the newspaper in accordance with O.R.C. Section 505.871(C)(2)&(3).
  3. Track the progress of the abatement of the nuisance to insure compliance with the terms set forth in the nuisance resolution.
- C. If the abatement does not occur in a timely fashion by the property owner or the lien holder(s), the Administrator will:
  1. Determine the most cost effective and effectual manner for abating the nuisance. This work may include the use of contractual and/or in-house services.
  2. Order the work to be performed in the most cost effective and effectual manner.
  3. Compile and detail all costs associated with the abatement including the physical labor and materials used, all processing costs and a 10% administration services fee.
- D. Upon completion of all work mandated to satisfy the nuisance abatement, the Administrator will:
  1. Prepare an assessment resolution for the recovery of the costs involved in performing the work for Board of Trustees consideration. Within the resolution, the Fiscal Officer will certify the total costs and provide a proper description of the land on which the work was performed as prescribed in O.R.C. Section 505.87(D).
  2. Assure that the approved assessment resolution be sent to the Butler County Auditor who shall place the costs on the tax duplicate to act as a lien upon the property.
  3. Assure that all paperwork relating to the order is filed for proper record retention.

### III. **Junk Motor Vehicle** - Ohio Revised Code Section 505.871 allows a board of township trustees to provide for the removal of junk motor vehicles from public or private property within the Township.

- A. Upon receipt of a junk motor vehicle complaint from a resident of Ross Township or by direction of any official or employee of the Township, the Administrator will:
  1. Investigate the complaint, take photographs and make notes which will be used to assist the Board of Trustees in the determination of the constitution of a junk motor vehicle under the guidelines O.R.C. Section 505.173.
  2. Prepare a resolution which requests that the Board of Trustees consider the vehicle to be a junk motor vehicle and order that it be removed from the private property within 14 days (immediately if on public property).
- B. Immediately after a junk motor vehicle is declared, the Administrator will:
  1. Send a certified notice of violation letter to the property owner and any lien holder which details the actions needed to remove the junk motor vehicle. The letter will contain the following information:
    - a) a description of the junk motor vehicle;
    - b) the Board's determination that it constitutes a junk motor vehicle under O.R.C. Section 505.173;
    - c) the Board's intent to remove the vehicle immediately after the deadline period to insure compliance; and that
    - d) a lien may be placed upon the property to recover the cost incurred by the Township.
  2. If the certified notice is unclaimed or refused, the Administrator will place a notice in the newspaper in accordance with O.R.C. Section 505.871(C)(2)&(3).
  3. Track the progress of the removal of the junk motor vehicle to insure compliance with the terms set forth in the nuisance resolution.
- C. If the removal does not occur in a timely fashion by the property owner or the lien holder(s), and the removal is to be preformed by an outside contractor, the Administrator will:
  1. Order the work to be performed in the most cost effective and effectual manner.
  2. Utilize the motor vehicle salvage dealer or scrap metal processing facility with which the Board has entered into a contract with to perform the removal.
  3. Require the fiscal officer will execute three copies of an affidavit describing the junk motor vehicle and the manner of removal, and certifying that all requirements of R.C. 505.871, as well as the notice and records search requirements of R.C. 4505.101, are met. The Board retains the original affidavit, and the remaining two copies go to the motor vehicle salvage dealer or scrap metal processing facility. The motor vehicle salvage dealer or scrap metal processing facility presents one copy of the affidavit to the clerk.

4. Compile and detail all costs associated with the abatement including the physical labor and materials used in removing the vehicle,, all processing costs and a 10% administration services fee. Incidental costs associated with the abatement such as impoundment, storage and salvage title fees are covered in the contract with the motor vehicle salvage dealer or scrap metal processing facility and are not to be included in the associated assessment resolution
- D. Upon completion of all work mandated to satisfy the nuisance abatement, the Administrator will:
1. Prepare an assessment resolution for the recovery of the costs involved in performing the work for Board of Trustees consideration. Within the resolution, the Fiscal Officer will certify the total costs and provide a proper description of the land on which the work was performed as prescribed in O.R.C. Section 505.871(D).
  2. Assure that the approved assessment resolution be sent to the Butler County Auditor who shall place the costs on the tax duplicate to act as a lien upon the property.
  3. Assure that all paperwork relating to the order is filed for proper record retention.