



ROSS TOWNSHIP RESOLUTION NUMBER 2020-032

RESOLUTION AMENDING THE ROSS TOWNSHIP NUISANCE ABATEMENT POLICY

WHEREAS, at Resolution 2011-012, the Ross Township Board of Trustees adopted a comprehensive Nuisance Abatement Policy to assist Ross Township properties be maintained free from nuisance in conformance with the laws of the State of Ohio; and

WHEREAS, in order that the Township make better efforts to obtain voluntary compliance from property owners prior to exercising its authority under the law, that verbiage must be amended.

BE IT RESOLVED, by the Trustees of Ross Township, Butler County, Ohio, as follows:

SECTION 1-A:

That the Board of Trustees hereby amends the Ross Township Nuisance Abatement Policy as attached hereto as Exhibit "A".

SECTION 2:

This resolution shall take effect on July 2, 2020, following the filing of this resolution with the Ross Township Fiscal Officer.

SECTION 3:

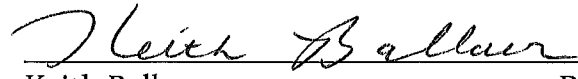
It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements,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

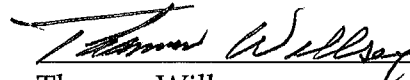
INTRODUCTION AND VOTE RECORD:

Trustee Ballauer 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: Ballauer Aye Willsey Aye Yordy Aye

Adopted at the meeting of the Ross Township Board of Trustees this 2nd day of July, 2020.

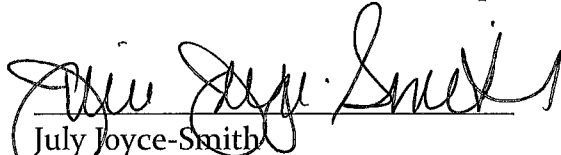

Keith Ballauer, President


Thomas Willsey, Vice President


Ellen Yordy, 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 2nd day of July, 2020.


July Joyce-Smith
Ross Township Fiscal Officer

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ROSS TOWNSHIP NUISANCE POLICY AND PROCEDURES

NUISANCE POLICY

It is the policy of Ross Township that properties shall be maintained free from nuisance in conformance with the laws of the State of Ohio. The Township and its Officers will make reasonable efforts to obtain voluntary compliance from property owners prior to exercising its authority under the law.

DEFINITION OF A NUISANCE - A premises shall be considered in violation if any of the following exists:

- A. Accumulation of refuse/debris: being garbage, trash, filth, junk, scrap and other discarded materials, including a junk motor vehicle.
 1. As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:
 - three years old, or older;
 - apparently inoperable;
 - extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
 2. Discarded and/or dismantled motor vehicle materials or parts.
 3. Discarded or used building materials.
 4. Household or industrial appliances.
 5. Any garbage, including but not limited to, food and/or organic waste.
- B. Excessive Vegetation:
 1. Any growth of grass, weeds or other vegetation (i.e. thistles, burdock, damson, ragweed, milkweed, poison ivy, poison oak, iron weed and all other noxious weeds and rank vegetation) to a height of eight inches (8") or more.
 2. Dead plant material piled such that it emits objectionable and foul odors or presents a haven for rodents.
 3. Dead trees, shrubs, or other plant material, if they should fall, which presents a safety hazard to adjacent public or private property.
 4. Any vegetation which presents a sight distance safety hazard to motorists using either public or private streets or driveways.
 5. Any vegetation which, because of its characteristics of growth, spreads onto adjacent property and cannot be controlled.
- C. Dangerous Structure: being a building, house or other structure so out of repair and dilapidated by way of want of repair, defective drainage, plumbing, lighting, ventilation or construction, infected with contagious diseases or the existence of an unsanitary condition likely to cause sickness among occupants of the structure, as to be declared insecure, unsafe or structurally defective by the Ross Township Fire Chief or the Butler County Building Department and/or unfit for human habitation by the Butler County Health Board.

NUISANCE COMPLAINT PROCEDURE

- A. Complaints will be taken in person, in writing, or by telephone.
- B. Complainants are required to give their name, address and telephone number.
- C. Anonymous complaints will not be accepted.

NUISANCE ENFORCEMENT PROCEDURE

I. Dangerous Structure – 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.

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- 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).
- 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.
- Assure that all paperwork relating to the order is filed for proper record retention.

II. Vegetation and Debris 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. Nuisance complaints may be submitted by a resident of Ross Township
- B. 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 abated within 7 days (4 days if the violation is a repeated offense).
- C. 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 505.87(B)(1)&(2).
 - 3. Track the progress of the abatement of the nuisance to insure compliance with the terms set forth in the nuisance resolution.
- D. 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.
- E. 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(F).
 - 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 performed 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 to 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 of Courts, if needed.

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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.