

RESOLUTION G2021-50

RESOLUTION PROVIDING FOR THE DECLARATION OF NUISANCE FOR THE PROPERTY LOCATED AT 8723 BIRCHBARK ROAD AND AUTHORIZING ALL NECESSARY STEPS FOR THE ABATEMENT OF THE NUISANCE

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio is authorized under Ohio Revised Code §505.87 to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the Board determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio is further authorized under Ohio Revised Code §505.86 to remove, repair, or secure buildings or structures that have been declared insecure, unsafe, or structurally defective by the fire department or building department, or buildings or structures that have been declared unfit for human habitation by the board of health; and

WHEREAS, complaints have been received regarding the condition of the property located at **8723 BIRCHBARK ROAD (Parcels 620-0210-0259-00)** ("property"); and

WHEREAS, visual inspections have determined the presence of serious nuisance conditions on the property including junk and debris; and

WHEREAS, Ohio Revised Code §3767.02 provides that any person, who uses, occupies, establishes, or conducts a nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance and shall be enjoined from further maintaining such a nuisance; and

WHEREAS, Ohio Revised Code §3767.03 provides that whenever a nuisance exists, the law director of a township that has adopted a limited home rule government under Chapter 504 of the Revised Code may bring an action in equity to abate the nuisance and to perpetually enjoin the person maintaining the nuisance from further maintaining it.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

Section 1. That the property is hereby declared to be a nuisance.

- Section 2.** That the Township Administrator is hereby directed to notify the property owner and known occupants of the property, and any lien holders of record upon said parcel that the property has been declared a nuisance using notice language and manner of notice specified in Ohio Revised Code and this resolution.
- Section 3.** That if the nuisance is not abated by the owner or occupants, the Township Administrator is authorized to take all necessary steps to abate the nuisance or remove, repair, or secure the building and/or junk related items located on the property.
- Section 4.** That the Township Law Director is hereby authorized to bring an action in equity to abate the nuisance and to perpetually enjoin the person maintaining the nuisance from further maintaining it, pursuant to Ohio Revised Code § 3767.03.
- Section 5.** That the Township Fiscal Officer shall pay out of the Township General Fund for all expenses incurred for abating the nuisance and to bill the property owner for said expenses.
- Section 6.** That the Township Fiscal Officer shall enter upon the tax duplicate for said expenses if not paid within fourteen (14) days from the date of billing.
- Section 7.** That, in addition to the authority granted the Township Law Director, the Township Administrator is directed to monitor said property for ninety (90) days to ensure compliance and is authorized to take appropriate measures to abate future nuisances after written notification (including posting notice on the subject nuisance property) is made to the property owners.
- Section 8.** Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.
- Section 9.** That it is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
- Section 10.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED JUNE 1, 2021 – RESOLUTION G2021-49

Vote Record: Mr. Bryant ____ Ms. Leis ____ Mr. Beck ____

BOARD OF TRUSTEES:

Kenneth N. Bryant, President

Jodie L. Leis, Vice-President

Philip J. Beck, Trustee

ATTEST:

APPROVED AS TO FORM:

Joseph C. Grossi, Fiscal Officer

Jeff Forbes, Law Director