

## Kimberly A. Lapensee

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**From:** Phil Beck <beckfortrustee@fuse.net>  
**Sent:** Thursday, July 13, 2017 6:52 PM  
**To:** Kimberly A. Lapensee  
**Subject:** Fwd: PMC Discussion

Kim,  
For the Master File.  
Thanks,  
Phil

Sent from my iPhone

Begin forwarded message:

**From:** "Mike" <evh45111@zoomtown.com>  
**Date:** July 12, 2017 at 21:35:45 EDT  
**To:** <kennethbryant@fuse.net>, <jodie.leis@gmail.com>, <beckfortrustee@fuse.net>  
**Cc:** <csims@symmestownship.org>  
**Subject:** PMC Discussion

Sorry for this letter but I cannot attend the meeting tomorrow so I hope this will get my points across,

I do not see the need for another code. I feel that this is the county passing on a task and cost to us that they no longer want to do or pay for or can't. They have adequate zoning and laws in place to handle any matter that should be covered under health or safety. Everything else in the code is an overreach of government and big brother controlling how to run our lives. It is a watered down version of a Home Owners Association (HOA). I for one like the community I live in. In my opinion it is the most diverse neighborhood in all of Symmes in every aspect one can think of diversity and I would not want to change that make-up in any way. I feel the PMC would do just that and more.

I have concerns for some of the language in this version. Is this about property values or health and safety? In the last paragraph of section 1.01 it states properties having a "negative value of surrounding properties". If someone wanted to build a 1000 sq ft house in your neighborhood would it be allowed? Would you expect it to have a positive impact on the value of your house? I would expect it to be negative therefore in violation of this code. Would a permit be granted to build this house? It mentions this at least twice in the code. If someone buys a property in a neighborhood where the values are lower because of the neighborhood would you expect that the neighborhood should conform to this new neighbors standard of upkeep or they should conform to the neighborhoods? We have neighborhoods that are lower income so the amount of money available for maintaining, repair and beautification would be less. And the houses are older and require more upkeep. Is one of the intents of this code to eliminate lower income families from the township? If so, this should be stated in the purpose. After all shouldn't every neighborhood look the same? If someone builds a 5 million dollar home in your neighborhood would your house be acceptable to them?

A lot of the language in the purpose of the code is subjective and open to interpretation. The words "HAZARDOUS, BLIGHTING, PESENTABLE, SUBSTANDARD, and NEGATIVE IMPACT" would be defined differently by different people. These words are not defined in the code as to their meaning so have little value to the explanation of the code. Somehow I get the impression that that under this code that

blighted property that we knew as a gravel pit would have been developed into the expansive neighborhood, The Wharf, instead of the wonderful nature park know as Grand Valley.

I've been to a couple of meetings where a gentleman bought his dream home in Symmes and was at these meetings to complain about the neighbors. I thought he said he got a good deal on his house because of where it was. Now he wants to increase the value of his house at the expense of the neighbors. While sympathetic to his problem this did not happen overnight. Why should his neighbor suffer because he moved into a neighborhood he doesn't like. Would he have bought a house in a rundown area of Cincinnati and expect to change that neighborhood? And do we really want to drag someone through the legal system when it's obvious, in some cases, that if they cannot afford the upkeep on their house they cannot afford legal expenses. It has been mentioned in meetings that the township assist in the repairs of certain homes but I see nothing in the code mentioning this. All this code will wind up doing is expedite the loss of their home from foreclosure or sale. And if sold may sell to the very neighbor who's intentions all along were to take possession of this property.

I would also like to bring attention to some items not mentioned in the code. I don't see anything in this code to cover the dirt, dust, noise, odors, horse residue, and traffic. In our neighborhood this pertains to horse stables. Is this hidden in the code where I haven't seen it? Is this supposed to be exempt? If so, why? They have riding lessons, give parties, horse shows and board horses for money (a business) . Trucks with horses, hay, customers, vendors, and deliveries crowd our narrow streets, dust fills the air during dry spells, odors are prevalent in the direction of the wind, noise from tractors and a bobcat makes you think you're next to a construction site that's never completed, and horse droppings are where ever the horse being ridden decides to deposit them and are never cleaned up. I would expect it affects our property values as well as the safety and health of our neighborhood.

I just attended the trustee meeting last night and noticed a lot of confusion over food trucks, fencing and zoning. With all this confusion over codes and laws we already have, and have had for many years, do we really need to add the confusion of this PMC on top of that? We have enough laws in place without this. Creating another layer of legal entanglements is not the answer. If the trustees still feel this is necessary please trust in the residents and put it on the ballot. Let us decide. After all its us that will need to live with it long after you've left office.

Lastly, it has been only a scant couple of years ago that we were in enough of a financial crisis that we were ready to tax people that worked in Symmes. When did things change? Will not the advent of this code not only do the above mentioned things but also burden the township with additional expenses that we don't have money for? Is this somehow going to raise revenue at the expense of the least likely to be able to afford it and the most likely to be cited?

Thank you for your attention.

Please think carefully about what this can do,

Mike Howell

102.4/102.5 How does this address the situation where someone grows, in their front yard, wild prairie plants (often tall etc) as an ornamental garden. Back yard is a different matter, but front yard is often the point of contention. It looks like "weeds" and unstructured landscaping, but the owner is "caring for the monarch butterfly" and planting milkweed in the front. One man's flowers are another man's weeds. Not sure what to suggest here but there have been these types of situations elsewhere including vegetable gardens in the front yard.

103.1 Concern is stagnant water & mosquitos. Are ponds/retention basins a concern or does the Ham Co reference cover that issue? (Growing up in Symmes, I saw numerous ponds in the township, are any left?). Do livestock troughs need to be addressed (any still existing?).

104.2/104.8 Can hanging or missing gutters be addressed? Covered in general but is a specific citation in the code needed? Quite often an early sign of a neglected property.

104.4 not withstanding curb painted address numbers, curb numbers shall not be in lieu of numerals on or near the structure

105.2.2 Perhaps something like City of Cinti code...if refrigerator is placed outside for disposal pick-up, the door must be removed or permanently fastened shut. (entrapment danger).

207.6 "ay" is this a misspelling for "any"

#### OTHER

1. Septic or Wastewater systems. Should there be a cross ref in township code to the Ham Co Board of Health regulations concerning maintenance & inspection.

<https://www.hamiltoncountyhealth.org/services/for-residents/programs/water-quality/maintaining-household-sewage-treatment-system/>

2. Anything needed in code about keeping livestock (ex. pigs, goats, chickens)? I believe Ham Co code states that livestock buildings need to be a certain distance from all adjacent property lines, ex stables. But does that include chicken coops etc? Or is that a topic for another code? Didn't Montgomery have a situation like that (chickens)?
3. Is there concern or a need for specific call-out concerning fencing and any condition thereof, color or type or is that covered by other codes? Or did I miss that.

## Kimberly A. Lapensee

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**From:** M J Irwin <mjirwin@aol.com>  
**Sent:** Wednesday, November 28, 2018 12:40 PM  
**To:** Kimberly A. Lapensee  
**Subject:** Exterior Property Maintenance Code

Hi.

I'm interested in providing comments on the proposed EPMC. I know there is a meeting for this purpose tomorrow evening but I will be unable to attend. This was the case in April, 2016 as well and I was able to submit written comments. May I do so this time? If so, may I email them? To whom? Can you please let me know via return email?

Thank you.

M J Irwin  
11352 Donwiddle Dr.

November 29, 2018

*Submitted via email*

Symmes Township Board of Trustees  
c/o Kimberly A. Lapensee  
Symmes Township Administrator  
9323 Union Cemetery Road  
Symmes Township, OH 45140

Subject: **Exterior Property Maintenance Code V.9**

As a long-time resident of Symmes Township, I am grateful for the opportunity to review and comment on the draft Code. The Trustees' willingness to seek input from residents is appreciated. I would have liked to attend the November 29, 2018 meeting to offer these comments but I am unable to attend that meeting. Thus, I am submitting these written comments so that they may be added to the rulemaking docket and in the hope that they will be useful as deliberations continue on the draft Code.

When an earlier draft Code was under consideration in April of 2016, I took the opportunity to submit comments at that time. I note that significant changes have been made since that draft was published. Some of these changes would improve the Code significantly. However, there are still important opportunities for major enhancements. I urge the Trustees to further modify the draft Code prior to promulgating it.

Immediately following this cover letter, I have listed some general comments regarding the Version 9 draft. These comments address general principles and/or concerns that appear in multiple locations in the draft. On the pages that follow the General Comments, I have included a "mark-up" of the draft Code containing proposed changes and specific comments related to particular provisions.

Thank you for taking the time to weigh carefully these comments as you consider action on the draft Code. If you have any questions about these comments or require any clarification, please feel free to contact me.

Sincerely,



M. J. Irwin  
11352 Donwiddle Drive

## General Comments on Exterior Property Maintenance Code V.9

- **Definition of the Problem**

Although an effort has been made to focus the scope of this Code and reapply best practices, apparently by copying phrases from the 2018 International Property Maintenance Code, many of the provisions in this draft still appear to be solutions in search of a problem to solve. The Ohio Revised Code clearly empowers the Trustees to cite model regulations in certain cases. However, just because one may do something doesn't mean that one should do it, or that doing it is a good idea. Broadly lifting phrases from the IPMC is one of those cases that is, in my view, a bad idea. Model codes like the IPMC are designed to be expansive in their coverage, ensuring they address as many facets of an issue as possible. In contrast, the Symmes Township Exterior Property Maintenance Code should be narrowly focused in scope, targeting only maintenance issues found on the exterior of a property and related to health and safety (not aesthetic) considerations. Rather than citing an existing – and very general – instrument, like the IPMC, I urge the Trustees to undertake the hard work of identifying, and describing very specifically within the Code, the problem(s) that the Code is needed to solve. The list of problems should be short; it can be expanded in the future if necessary. In most cases, once a problem has been clearly and accurately defined, and recognized by the majority of residents as existing within the jurisdiction, agreement on appropriate solutions can be more easily achieved. The Trustees have an important opportunity to demonstrate real leadership in the development of the Code by taking a step back and redoubling their effort toward problem definition, while abandoning the easier but less relevant approach of cutting and pasting provisions from another deliberative body's model.

- **The Code Official**

The draft Code creates the role of Code Official and provides that individual with an incredible amount of authority and discretion. While this approach may seem efficient to the Trustees, it inappropriately erodes protections for the rights of residents. Checks and balances on the Code Official's authority are almost entirely absent, and much too broad a degree of discretion is left to this individual. I believe it is the intention of the Trustees that this individual would carry out his responsibilities in a benign and helpful manner. Nonetheless, it is the language of the Code and not the Trustees' intentions that is most important. The draft Code neither establishes required qualifications for this individual, nor places many limitations on his ability to act in an arbitrary and capricious manner. Too many of the provisions of the Code are based upon the "approval" of or are subject to the "judgment" or "opinion" of the Code Official. The draft should be amended in a way that limits the authority and discretion of the Code Official, requires findings made by the Code Official to be based on clearly established and relevant criteria (rather than judgment), articulates a minimum, appropriate skill set in order to be hired for the position, and enables a resident to comply with the Code with a minimum number of instances where approval must be sought from the Code Official.

- **Specificity of Provisions**

As obvious as it may seem, it is always important to be mindful of the fact that words have meaning and impact; especially words used in regulatory instruments. The words used in the provisions of the Code must be chosen carefully to avoid unintended consequences. This is especially true when related to restrictions or requirements that lack limiting modifiers. For example, § 102.5 says "Premises and exterior property shall be maintained **free from weeds** in **any** landscaped area ..." [emphasis added]. This literally means that it is a violation of the Code for a resident to allow a single blade of crabgrass or a single dandelion to exist in a lawn. I am certain that such an interpretation would not be the intention of the Trustees, but if that is not the intention, then the Code shouldn't say it. The Code should say what is intended and intend what is

said. If the Trustees lack either the will or the ability to craft such specific language, then they should abandon completely the effort to draft a Code.

*NB:* The task of developing clear and specific language is facilitated by narrowing the scope of the provisions in order to focus on clearly defined problems.

- **“You can’t outlaw stupid”**

This somewhat harsh, and admittedly far from politically correct sentiment, is not without basis. Further, it should be considered in determining what provisions to include in the Code. If an owner chooses to act foolishly by failing to adequately care for and protect his property from deterioration, the Township has no role to play in that until the deterioration becomes a health or safety risk. The property is the owner’s and he should be free to waste it if he chooses to do so. However, when the property becomes a safety or health risk, at that point, the Township, via this Code, can step in to protect the public by requiring repair/remediation/demolition. It is important that the Code not seek to intervene too soon. This is not to say that the Township ought not to be a resource of information and assistance to owners who want to do the right thing but do not know how. But the Township must carefully avoid crossing the line of requiring an owner to use (and potentially use up) his property in a certain way.

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513-602-2886  
swolff53@gmail.com

11740 Symmes Valley Dr  
Loveland, OH  
45140

November 29, 2018

Symmes Township  
9323 Union Cemetery Road  
Symmes Township, OH 45140-9312  
lfelter@symmestownship.org

**Subject: Proposed Property Maintenance Code**

With regard to the proposed "Property Maintenance Code" I am opposed to the passage of this code for the following reasons.

- 1. There is no proof this is needed** - My understanding is that there were 3 complaints in one year. 3 complaints do not make a trend or are they even a problem. As a Lean Six Sigma Black Belt I am an expert in problem identification and resolution. I would like the township to provide a financial justification for the township funds and time they have spent on this unneeded effort so far.
  - 1. This proposed code is killing a fly with a hammer.**
  - 2. There is no evidence that this code will benefit Symmes Township citizens all the evidence is that it will raise our costs and make our lives more difficult.**
- 2. Additional Cost to the Taxpayer** - The township will raise taxes to pay for this. This proposal will cost money to and the citizens will pay. - Pass the code and the township will spend money to enforce and administer the code. Additionally township inspectors will be writing tickets for properties in violation and citizens will have to pay. How many people want to buy a new driveway right now? For me personally to be in compliance with the proposal my additional costs at a minimum would be at least \$800 per year, who knows what the tax increase will be. Is Symmes Township going to grant tax abatements or reimburse citizens for increased costs and expenses?
  - 1. This is a new tax for Symmes Township citizens and at least a 26% increase in my annual costs.**



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**3. Power over my Property** - I don't want Symmes Township government employees to have this power over my property. I moved here 20 years ago because this type of code did not exist here. If I had wanted to live in a community with these type of rules I would have moved there 20 years ago there were plenty to choose from. Any current residents should be exempt from this code, if you want to subject new residents to the code at least they will know what they are getting into. This undoubtably will have a negative effect on home sales as you take away people's freedom and subject them to a bunch of rules. People live in a township to get away from rules.

**1. My property should be under my control not the township**

**4. Recreational Vehicle (RV) Restrictions** - What did RV owners do to Symmes Township to cause the township to declare war on us. The language in the RV section of the proposed code is very unfriendly. I have owned an RV for about 10 years and I am not bothering anyone. I have had no complaints about my RV. I worked really hard and saved my money so I could enjoy my RV in retirement which I am about to enter. Please leave us RV owners alone we are not bothering anyone.

**1. RV owners are not bothering anyone leave us alone to enjoy our RVs in peace.**

In summary the proposed property maintenance code is not needed, will cost the citizens more money in taxes and costs, will reduce freedom to use your property according to your wishes and will generally increased conflict between the township and its citizens and make trouble for everyone. The code is a bad idea kill it now.

Sincerely yours,

Steven Wolff

## Luanne Felter

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**From:** Mac Cheung <maccheung@gmail.com>  
**Sent:** Tuesday, December 4, 2018 9:15 PM  
**To:** Luanne Felter  
**Cc:** stppmc2019@gmail.com  
**Subject:** RE: Proposed Property Maintenance Code

Hiu Cheung  
9017 Symmes Hill Ct, Loveland, OH 45140  
262-553-9232

Symmes Township Trustees:

I am oppose the Proposed Property Maintenance Code !

I moved here to stay away from the HOAs and I do not want to get into an even bigger Township wide HOA again.

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Regards,

Hiu Cheung

## Luanne Felter

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**From:** Frank Danella III <frankd3@fuse.net>  
**Sent:** Tuesday, December 4, 2018 5:52 PM  
**To:** Luanne Felter  
**Cc:** stppmc2019@gmail.com  
**Subject:** Proposed Property Maintenance Code

Symmestownship Trustees:

I am opposed to the Proposed Property Maintenance Code because I find it to be a gross overreach of government.

I have read the proposed code and it is not necessary to go into such detail and force rigid standards on everybody when only a few may have caused a problem. These issues should be judged on a case by case basis which would force people to apply reasonable standards as they exist at that time. I doubt that you will be able to foresee every possible problem.

You're probably looking for a way out of legal confrontations with homeowners or at least to make it easy on yourselves. That's too bad. You should be extremely reluctant to get into any legal battle with any homeowner unless it is an extreme case of neglect. This is a person's home on which you are trying to dictate standards. It must never be easy or hassle free or it will be done too often.

I would also like to add that in my neighborhood nothing like this is required. We have a homeowners association that dictates some standards.

Everyone that I see around me does an excellent job maintaining their properties and takes great pride in doing so. If you must take some action you should try to encourage the communities in question to adopt a homeowners association type organization administered by people in that community and let them resolve the issues.

Thank you for your consideration.

Frank Danella III - Homeowner  
11656 Symmes Valley Drive  
Symmes Township, OH 45140  
landline - (513) 677-3564

## Luanne Felter

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**From:** Jim Lamb <jdgearhead.jl@gmail.com>  
**Sent:** Wednesday, December 5, 2018 12:53 PM  
**To:** Luanne Felter  
**Subject:** Exterior Property Maintenance Codes.

I am OPPOSED to what u all are doing with the EXTERIOR PROPERTY MAINTENANCE CODES! I have lived in this community for 20 years & enjoyed my time here. But this is not a good thing that u all are doing! This is going to be a hardship on a lot of us residents. IF U ALL DO THIS IT WILL DEFINITELY REFLECT THE WAY WE AS RESIDENTS & TAX PAYERS VOTE WHEN U ALL COME UP FOR RELECTION & IT WILL DEFINITELY EFFECT THE WAY WE VOTE when there's LEVEES on the ballot in the future!!!! Thanks Jim Lamb 9369 Mc Kinney Rd. VOTER & TAXPAYER!

## Luanne Felter

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**From:** Scott Beeken <sbeeken@cinci.rr.com>  
**Sent:** Friday, December 7, 2018 12:30 PM  
**To:** Luanne Felter  
**Cc:** stppmc2019@gmail.com  
**Subject:** Proposed Property Maintenance Code

To Symmes Township Trustees

I have recently become aware of the Proposed Property Maintenance Code that is under consideration by Symmes Township.

While I agree with the intent and spirit of insuring that the properties and structures within our township are well maintained, this proposed maintenance code seems akin to using a sledgehammer to deal with an ant.

I can find nothing in the accompanying slideshow or other materials to support a conclusion that a code provision this broad and all encompassing, together with the bureaucracy to enforce it, are necessary.

The rationale given is that the township does not have "the tools" to deal with these issues. There is no other evidence offered to support the necessity of this expansion of township government.

Where are the statistics for past years on past maintenance nuisance issues? The background just indicates that there were "several" in 2015 where the ORC was not deemed sufficient or dispositive.

How many issues each year have resulted which have not been able to be amicably concluded with the property owner?

What was the end result in those case examples where photographs were shown in the slideshow presentation?

I am also troubled by the seeming lack of transparency in this process. For something that has been under consideration for three years why is it that none of my friends or neighbors are aware of this proposal? I only became aware of it by seeing a yard sign on Enyart Road and Mark Leguillon telling me what it was all about. It would seem that a change of this nature should have better publicized and explained with the township's residents.

We all wish to live in a safe, clean and well-maintained community. However, we should also want to live in community that is not creating unnecessary bureaucracy. It is my sincere desire that you are attempting to strike the correct balance on this issue. However, from what I have seen on the website, I suggest that you need stronger rationale in order for me to support this measure.

Sincerely,

Scott Beeken  
8929 Appleseed Drive  
Cincinnati, Ohio 45249  
513-247-9335

## Luanne Felter

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**From:** brian knutson <bkknutson@twc.com>  
**Sent:** Saturday, December 8, 2018 4:42 PM  
**To:** Luanne Felter  
**Cc:** stppmc2019@gmail.com  
**Subject:** Proposed Prpoerty Maintenance Code

I am opposed to the trustees intention to impose a Property Maintenance Code on residents. We have by-laws which are significant enough to keep the sub-division nice for residents. I do not believe anyone should be given control over another's property based on their opinion of what is presentable. This is America, a land of diverse people and opinion. It should not fall to one group to dictate what is considered to be proper maintenance of what is one's own home.

When I moved here 22 years ago I did so because there was no such restrictions. It has been a point of contention in other sub-divisions and does not, I believe, lead to neighborly respect.

Kind regards,  
Brian Knutson  
11674 Symmes Creek Drive  
513 697 0478

## Luanne Felter

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**From:** John Wall <johnawall@gmail.com>  
**Sent:** Monday, December 10, 2018 8:36 PM  
**To:** Luanne Felter  
**Cc:** stppmc2019@gmail.com  
**Subject:** Exterior Property Maintenance Code Version 9rev

John Wall  
9418 McKinney Rd  
Loveland, Oh 45140  
5137709635

Symmestownship Trustees:

I am opposed to the Proposed Exterior Property Maintenance Code Version 9rev because it is a tremendous overreach by the government.

This permitted unrestricted inspection of property without cause.

It pits neighbor against neighbor.

It retroactively enforces codes on properties built without those codes.

If I wanted to live in a property governed by the laws and by-laws of a Home Owner's Association, I would have moved to one.

In fact I moved here because I didn't want to be under such "code".

This is ridiculous.

John Wall

## Luanne Felter

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**From:** Laura Martin <lwilmanns@gmail.com>  
**Sent:** Monday, December 10, 2018 4:22 PM  
**To:** Luanne Felter  
**Subject:** Proposed Property Maintenance Code

To Symmes Township Trustees,

I am opposed to the Proposed Property Maintenance Code because I believe it is an overreach of government. Please vote against this Code.

Sincerely,  
Laura Wilmanns, Property Owner and Resident  
11164 Loveland Trace CT  
Loveland, OH 45140  
513-262-5954



## Luanne Felter

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**From:** Kabalin, Thomas <Thomas.Kabalin@cchmc.org>  
**Sent:** Tuesday, December 11, 2018 12:35 AM  
**To:** Luanne Felter  
**Cc:** stppmc2019@gmail.com; tkabalin@me.com  
**Subject:** Maintenance code proposal

Thomas Kabalin  
9208 Geromes Way  
Loveland, Ohio 45140  
(513) 489-0022

I am personally and fundamentally opposed to the proposed code. It is an attempt to increase the power of the board of trustees over individual Liberty. It creates authority in an unelected official which not only causes an increase in the cost of government it is a recipe ripe for corruption. It unjustly places the burden of challenging accusation on the individual property owner with no repercussions for the accusatory "code official". Trying to enforce a code which allows warrantless searches opens the Township endless litigation whose cost will be shouldered by the residents of Symmes Township. All in all it is a gross overreach of government infringing on the Liberty of its citizens.