



**RESOLUTION G2017-27**

**RESOLUTION PROVIDING FOR THE DECLARATION OF NUISANCE FOR THE PROPERTY LOCATED AT 8723 BIRCHBARK DRIVE 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 Drive (Parcel 620-0210-0259-00)** ("property"); and

**WHEREAS**, visual inspections have determined the presence of serious nuisance conditions on the property including overgrowth, materials strewn around the property, trailers parked in the front yard, garbage cans being left in front of the house for long periods of time, a lawn mower being left out, and unlicensed vehicles all over the property to hide all of the junk sitting in front of the house; 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

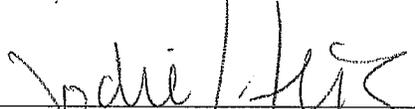
Township, Hamilton County, Ohio:

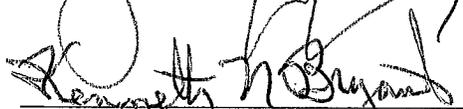
- Section 1.** That the property is hereby declared to be a nuisance.
- Section 2.** That the Township Administrator is hereby directed to notify the property owner and known occupants of the property, and any lien holders of record upon said parcel that the property has been declared a nuisance using 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.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

**ADOPTED MAY 2, 2017 – RESOLUTION G2017-27**

Vote Record: Ms. Leis ay Mr. Bryant AYO Mr. Beck AYE

**BOARD OF TRUSTEES:**

  
\_\_\_\_\_  
Jodie L. Leis, President

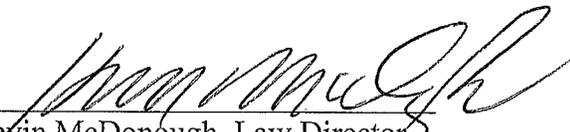
  
\_\_\_\_\_  
Kenneth N. Bryant, Vice-President

  
\_\_\_\_\_  
Philip J. Beck, Trustee

**ATTEST:**

\_\_\_\_\_  
Carol A. Sims, Fiscal Officer

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kevin McDonough, Law Director

**SYMMES TOWNSHIP**  
HAMILTON COUNTY, OHIO

9323 UNION CEMETERY ROAD  
SYMMES TOWNSHIP, OHIO 45140-9386

(513) 683-6644  
(513) 683-6626 (Fax)  
www.symmestownship.org

**BOARD OF TRUSTEES**  
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**FISCAL OFFICER**  
JOHN C. BORCHERS

**ADMINISTRATOR**  
BRIAN E. ELLIFF

June 29, 2011

Marshall Goddman  
8723 Birchbark Drive  
Cincinnati, OH 45249

Dear Mr. Goodman:

You have been notified on many occasions about the poor condition of your property (Parcel No. 620-0210-0259) but, to date, have not taken any action. The items stored on your property need to be removed.

If this situation is not corrected immediately, we have no choice but to refer the matter to the Board of Trustees for discussion at their meeting on July 12, 2011. At that time, the Trustees may invoke a Nuisance Resolution and arrange for the immediate maintenance of the property. Expenses incurred by such maintenance will be charged to you as the property owner and, if left unpaid, will result in a lien upon the property. You are, of course, welcome to attend this meeting and discuss this situation with the Board.

Sincerely,



Luanne Felter  
Administrative Assistant

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BOARD OF TRUSTEES  
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FISCAL OFFICER  
JOHN C. BORCHERS

ADMINISTRATOR  
BRIAN E. ELLIFF

June 6, 2011

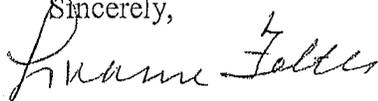
Marshall Goodman  
8723 Birchbark Drive  
Cincinnati, OH 45249

Dear Mr. Goodman:

You have been notified several times in the past about the poor condition of your property (Parcel No. 620-0210-0259) but, to date, have not taken any action. The property needs to be cleaned up as soon as possible and maintained on a regular basis. The condition is unfair to the residents living in the neighborhood and must be resolved.

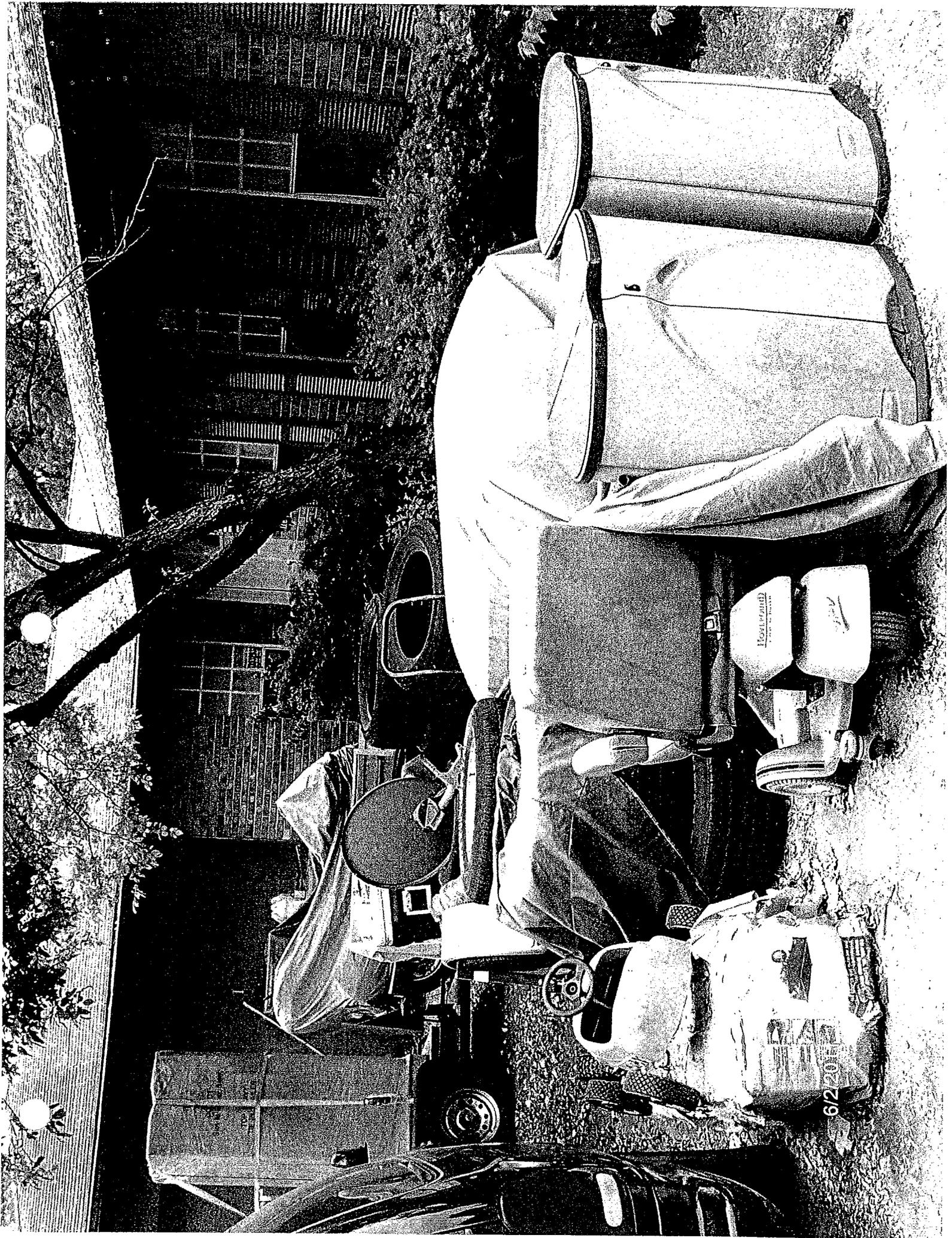
Therefore, please make arrangements to clean up this property as soon as possible and make efforts to maintain it on a regular basis. If this matter is *not* corrected, it may constitute as a nuisance under Township Resolution G-8707. Under this Resolution, the Township has the authority to invoke the Nuisance Resolution and arrange for maintenance of the property. Expenses incurred by such maintenance will be charged to you as the property owner and, if left unpaid, will result in a lien upon the property.

Sincerely,



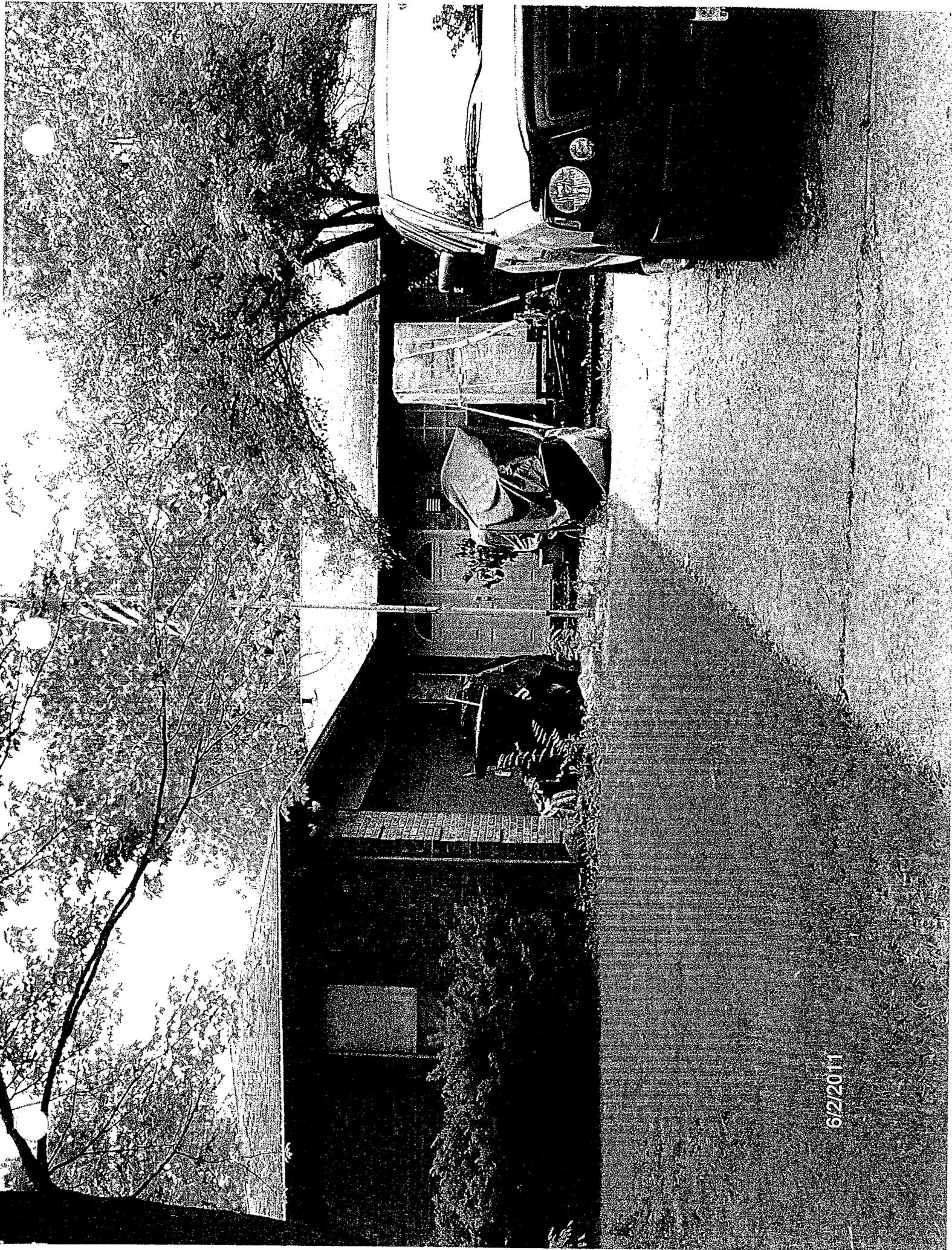
Luanne Felter  
Administrative Assistant

6/6 - Has friends coming to help  
cleanup property. Will utilize  
cleanup Day.  
6/13 - Didn't make cleanup Day but  
still plans on cleaning up  
property. needs more time.



HestonSmith  
THERMALLY INSULATED  
COOLER

6/20/17



6/2/2011