

RESOLUTION 37-2001

RESOLUTION ADOPTING NUISANCE ABATEMENT PROCEDURES AS PROVIDED FOR IN SECTION 505.87 OHIO REVISED CODE

WHEREAS, the State of Ohio has enacted legislation to permit townships to provide for the abatement, control or removal of nuisances, and

WHEREAS, the Butler Township Board of Trustees believe that it is in the best interest of Butler Township to adopt procedures in accordance with O.R.C. Section 505.87 to abate, control or remove nuisances in Butler Township

NOW, THEREFORE, BE IT RESOLVED by the Butler Township Board of Trustees to enact the following nuisance abatement policy and procedure as follows, effective immediately.

NUISANCE ABATEMENT

- A. Policy Statement – It is the policy of Butler Township to encourage property owners to voluntarily maintain their property in a nuisance free condition. When the Board of Trustees determines that a property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance, the Board of Trustees may take appropriate action to abate the nuisance.
- B. Definitions:
1. Nuisance: A nuisance condition may be determined to exist if vegetation, garbage, refuse or other debris is kept in such a manner that causes damage, annoyance, inconvenience, blight, and/or effects the health, safety and welfare of adjacent residents or properties.
- C. Procedures:
1. Upon information that a nuisance condition exists, the Board of Trustees will make cause to inspect the property. If the Board of Trustees finds a possible nuisance condition to exist, notice to the owner(s) of such property and all lien holders of record shall be made to attend a public hearing, where the Board of Trustees will determine if the property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance. Notification of said public hearing will be made in the following manner:

- a. By certified mail and regular mail with certification of mailing, or
- b. Posting on property in question and regular mail with certification of mailing, or
- c. Hand delivery to owner(s) or lien holder, or
- d. If the owner(s) address is unknown and cannot be reasonably obtained, it shall be sufficient to publish the notice once in a newspaper of general circulation in the Township.

2. The notice of public hearing shall contain:

- a. The date, time and location of the public hearing;
- b. The location of property containing the alleged nuisance;
- c. A description of the alleged nuisance;
- d. That the property owner(s) may appear at said hearing and present evidence and/or witnesses on his/her behalf; and
- e. That the property owner(s) may be represented by an attorney at said hearing;
- f. That if the Board of Trustees determines that the property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance, the Board will cause said nuisance to be abated or removed as provided below.

D. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that a nuisance exists, the Board of Trustees shall notify the property owner(s) and any holders of liens of record upon the land, that:

1. That the Board of Trustees has determined, after public hearing, that a nuisance exists on the property;
2. The property owner(s) is ordered to abate, control or remove the vegetation, garbage, refuse or debris; and
3. If such vegetation, garbage, refuse, or other debris is not abated, controlled, or removed within seven (7) days of notification, the Board of Trustees will provide for the abatement, control, or removal of the nuisance, and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.
4. That the property owner or the lien holders may, within the seven day period after notification, enter into an agreement with the Board of Trustees providing for either the property owner(s) or the Board to perform the abatement, control, or removal.

- E. Said notice, containing the abatement order as described in Section D above, shall be sent to the property owner(s) and all lien holders by certified mail and regular mail with certificate of mailing. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will publish the notice once in a newspaper of general circulation in the Township. The Board of Trustees shall also cause a posting of said order to be placed at the property.
- F. If, within seven (7) days after notice is given, the property owner(s) fails to abate, control or remove the vegetation, garbage, refuse and other debris, or if the property owner(s) fails to enter into an agreement with the Board of Trustees to provide for abatement of the nuisance, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance. All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.
- G. Upon having the nuisance abated, the Board of Trustees shall prepare, and the Clerk shall submit, a written report to the Montgomery County Auditor. The report shall include a statement of the Board of Trustees' actions under this Resolution and Ohio Revised Code Section 505.87, as well as a statement of all expenses incurred in providing for the abatement, control or removal of any vegetation, garbage, refuse or debris, including the Board's charges for its services, notification, the amount paid for labor, materials and equipment along with a proper description of the property.

**BUTLER TOWNSHIP
BOARD OF TRUSTEES**

Joseph Ellis, President

Ellie Lewis, Vice President

Doug Orange, Trustee

I hereby certify that **Resolution No. 03-?????** was adopted by the Butler Township Board of Trustees at their meeting on , **2003**.

Gregory Brush, Clerk