

RESOLUTION NO. 18-05

**PROVIDING FOR THE REMOVAL, REPAIR, OR SECURANCE OF
INSECURE, STRUCTURALLY DEFECTIVE, OR
UNFIT BUILDINGS OR STRUCTURES
AND ESTABLISHING A DEMOLITION EXPENSE FUND**

WHEREAS, the Colerain Township Board of Trustees is authorized by Ohio Revised Code 505.86 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 the Township Fire Prevention Officer or by the Hamilton County Building Department, or that have been declared unfit for human habitation by the Hamilton County General Health District; and

WHEREAS, the Colerain Township Board of Trustees finds it necessary to provide for the removal, repair, or securance of such buildings or structures in the Township.

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

Section 1. That as used hereinafter "total cost" shall mean any costs incurred due to the use of employees, materials, or equipment of the Township, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required by later sections of this Resolution.

Section 2. That subject to the procedures outlined hereinafter, the Board of Trustees may, in its discretion, order the removal, repair, or securance of any building or structure or in the Township which has been declared insecure, unsafe, or structurally defective by the Township Fire Prevention Officer, or by the Hamilton County Building Department, or of any building or structure that has been declared unfit for human habitation by the Hamilton County General Health District.

Section 3. That at least thirty (30) days prior to the removal, repair, or securance of any building or structure which has been so declared insecure, unsafe, structurally defective, or unfit for human habitation, the Board of Trustees shall give notice by certified mail or its intention with respect to such removal, repair, or securance to the holders of legal or equitable liens of record upon the real property on which such building or structure is located and to owners of record of such property. In the event that any owner's address is unknown and cannot reasonably be obtained, the notice may be given by way of a one-time publication in any newspaper of general circulation in the Township. The owners of record of such property or the holders of liens of record upon such property may, in response to such notice or otherwise, enter into an agreement with the Board of Trustees whereby they agree to promptly undertake the removal, repair, or securance to be done in a manner satisfactory to the Township Fire Prevention Officer, Hamilton County Building Department and/or Hamilton County General Health District, as the situation may require. In the event an emergency exists, as determined by the Board of Trustees, notice may be reasonably given

other than by certified mail and less than thirty (30) days prior to such removal, repair, or securance.

Section 4. That the Board of Trustees may collect and be reimbursed for the total cost of removing, repairing, or securing any such building or structure, as well as the total cost of making emergency corrections or hazardous conditions, as above provided, by either of the following methods:

(1) The Board may have the Clerk of the Township certify the total costs, together with a proper description of the lands, to the Hamilton County Auditor who shall place the costs upon the tax duplicate. Such costs shall be a lien upon such lands from and after the date of entry. They shall be collected as other taxes and returned to the Township general fund; or,

(2) The Board may commence a civil action to recover the total costs from the owner(s).

Section 5. That whenever a policy or policies of insurance are in force providing coverage against the peril of fire on a building or structure and the fire damage loss agreed to between the named insured or insureds and the insurance company or companies is more than \$5,000.00 (Five Thousand Dollars) and equals or exceeds 60% (Sixty Percent) of the aggregate limits of liability on all fire policies covering the building or structure in the property, the Board of Trustees is empowered to accept payment or security from such insurance company or companies as such payment is made or security given pursuant to the provisions set forth in Division (C) and (D) of Ohio Revised Code Sec. 3929.86, as the Township officer authorized to receive the proceeds tendered by such insurance company or companies. The Township Clerk shall place the proceeds in a separate fund to be used solely for securing such damaged building or structure. In thereafter handling such funds, the Township Clerk shall, at all times, adhere to the procedures described in Divisions (C) and (D) of Ohio Revised Code Sec.3929.86.

Section 6. That this Resolution shall take effect and be in force from and after the earliest period allowed by law, and that, for purposes of effectuating Section 5 above, a certified copy of this Resolution shall be immediately filed for public record with the Ohio Superintendent of Insurance.

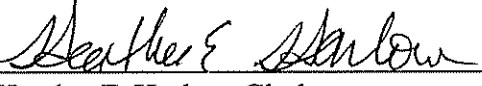
Adopted in regular session on this 24th day of May, 2005.

Keith N. Corman, Trustee

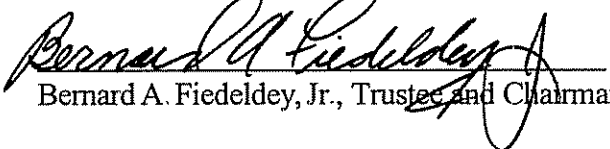


Diana Lynn Rielage, Trustee

Attest:



Heather E. Harlow, Clerk



Bernard A. Fiedeldej, Jr., Trustee and Chairman

Prepared by :

James E. Reuter
3025 West Galbraith Road
Cincinnati, OH 45239-4222
513/521-8400
Attorney for Board of Trustees