

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at 7:00 p.m., on November 23, 2010, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Dennis P. Deters; Mr. Jeffrey F. Ritter; and Mr. Joseph R. Wolterman

Mr. Wolterman introduced the following resolution and moved its adoption:

RESOLUTION NO. 69 -10

RESOLUTION FOR DEMOLITION OF 10217 OCTOBER DRIVE

WHEREAS, the property at 10217 October Dr. (parcel ID 510-113-157) has been found to be unfit for human habitation by the Hamilton County Board of Health as of September 2009, a copy of which Notice of Violation is attached as Exhibit A; and

WHEREAS, the property has been vacant since November of 2009, water was shut off in December of 2009 and electricity was shut off in January of 2010; and

WHEREAS, the Colerain Township Fire Department has marked the property unsafe for entry; and

WHEREAS, the property has outstanding Property Maintenance Code violations including peeling paint, loose shingles, sidewalk, driveway, and driveway apron in need of repair, missing gutters, and house number not visible; and

WHEREAS, the conditions on this property are negatively impacting the adjacent properties; and

WHEREAS, Ohio Revised Code Section 505.86 provides that, at least thirty days prior to providing for the removal, repair, or securance of any building or structure which has been declared insecure, unsafe, or structurally defective by the Township Fire Prevention Officer, or by the Hamilton County Building Department, or has been declared unfit for human habitation by the Hamilton County General Health District, the Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land; and

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

1. That the Board specifically finds and hereby determines that the conditions found at 10217 October Dr. constitute an Unsafe building within the meaning of Ohio Revised Code Section 505.86, and the Board directs that notice of this action be given to owners of the said property and lienholders in the manner required by Ohio Revised Code Section 505.86; and

2. That the Colerain Township Board of Trustees hereby orders the owners of said property to demolish the house thereon within 30 days after notice of this order is given to the owners and lienholders of record. If said building is not demolished by the said owners, or if no agreement for removal, repair or abatement of conditions on the property is reached between the Township and the owners and lienholders of record within thirty days after notice is given, the Zoning Inspector shall cause the buildings to be demolished, and the Township shall notify the County Auditor to assess such cost plus administrative expense to the property tax bills for the said parcel, as provided in Ohio Revised Code Section 505.86.

3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Ritter seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters aye, Mr. Ritter aye, Mr. Wolterman aye

ADOPTED this 23rd day of November, 2010.

BOARD OF TRUSTEES:


Dennis P. Deters, Trustee


Jeffrey F. Ritter, Trustee

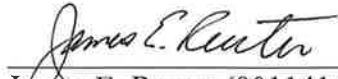

Joseph R. Wolterman, Trustee

Attest:



Heather E. Harlow,
Fiscal Officer

Prepared by and approved as to form:



James E. Reuter (0011414)
3025 W. Galbraith Road
Cincinnati, Ohio 45239-4222
(513) 521 – 8400
Attorney for Board of Trustees

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Fiscal Officer, this 23rd day of November, 2010.



Heather E. Harlow,
Colerain Township Fiscal Officer

Certified Mail # 70081830000177022301
Receipt Requested



PREVENT. PROMOTE. PROTECT.

Timothy J. Ingram
Health Commissioner

250 William Howard Taft Road, 2nd Floor
Cincinnati, OH 45219

Phone 513.946.7800
Fax 513.946.7890

hamiltoncountyhealth.org

Notice of Violation

9/29/2009

Martha Peak
10217 October Drive
Cincinnati, OH 45251

Re: 10217 October Drive

Colerain Township

29770

Dear Ms. Peak:

A site investigation was attempted on 7/15/2009 and conducted on 9/23/2009 at the above referenced property in response to a complaint received by Hamilton County General Health District. This letter details the observations made during the investigation, existing violations of the Ohio Revised Code (ORC), the Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67, and corrective actions required to obtain compliance with the applicable regulations.

Observations

851-1524

On 9/23/2009, numerous sanitation issues were observed in the unit. The water supply in the household was not operating properly. Fecal material was observed in and around the toilet in the bathroom area. A heavy infestation of drain flies was observed throughout the house. An assortment of boxed items was observed in every room in the house making cleaning the house next to impossible.

In addition, the following pictures were taken during the inspection:



Fecal Material in Bathroom (9/23/2009, LKJ)



Fecal material in toilet (9/23/2009, LKJ)

David

Violations

ORC 3707.01 states: "The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders."

You are currently in violation of Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67:

- 4.6 "All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions."
- 4.16 "The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation."
- 4.31 "Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls."

Furthermore, it is my determination that the house is unfit for human occupancy in accordance with the following section of Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67:

- 6.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner.
 - (a) **One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.**
 - (b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (c) One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

Furthermore, you are currently in violation of Ohio Revised Code (ORC) Section 3707.01 Public Health Nuisance.

Pursuant to ORC 3707.99 this/these violation(s) constitute a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense, if you are found guilty of the original minor misdemeanor.

Required Corrective Action

This property has been deemed unfit for occupancy. Due to the extenuating circumstances in this case, a thirty day hold has been put on the condemnation. As such, you are required to vacate the

premises no later than November 2nd, 2009. On November 3rd, 2009, the house will be condemned and placarded to indicate that no persons are to occupy the dwelling until inspected and cleared by this department. The condemnation stems from lack of proper water utility in the dwelling.

In order for the condemnation to be lifted, the water must be shown to be working in the household. Furthermore, the bathroom must be thoroughly cleaned and sanitized. Finally, the floors must be cleared to the satisfaction of this department.

The above actions must be complete by November 2nd, 2009. Failure to do so may result in referral of this case to the Environmental Division at the Office of the Hamilton County Prosecuting Attorney. A re-inspection of the property by the Environmental Health Division of Hamilton County Public Health will be conducted on or after November 3rd, 2009, to ensure corrective actions have been made to remedy the situation or that you have left the premises. In addition, continued surveillance of the property will be conducted to verify compliance.

Please feel free to contact me if you have any questions or concerns at (513) 946-7836.

Sincerely,

Luke K. Jacobs, MPH, RS
Environmental Health Division

cc: Greg Kesterman, Environmental Health Director
Lisa Pitchford, Hamilton County Job and Family Services