

**The Board of Trustees of Colerain Township, County of Hamilton, Ohio**, met in regular session at 7:00 p.m., on October 11, 2011, 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. 59 -11**

**RESOLUTION FOR DEMOLITION OF 2879 JONROSE AVE**

WHEREAS, the property at 2879 Jonrose Ave. (parcel ID 510-71-271) has been found to be Substandard, Unsafe, and a Nuisance by the Hamilton County Department of Building & Infrastructure as of March 17, 2011, a copy of which Official Building Order is attached as Exhibit A; and

WHEREAS, the property at 2879 Jonrose Ave (parcel ID 510-71-271) has been Condemned by the Hamilton County Department of Public Health as of April 14, 2011, a copy of which Notice of Condemnation is attached as Exhibit B; and

WHEREAS, the property has been vacant since April of 2011, and electricity was disconnected in April 2011; 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 missing gutters and roof draining improperly, with Final Notice sent August 2, 2011; 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 2879 Jonrose Ave. 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 structure 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 building 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:

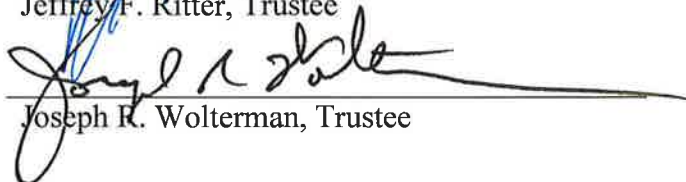
Vote Record: Mr. Deters aye, Mr. Ritter aye, Mr. Wolterman aye

ADOPTED this 11<sup>th</sup> day of October, 2011.


BOARD OF TRUSTEES:

  
Dennis P. Deters, Trustee

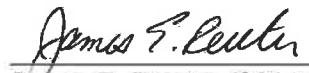
  
Jeffrey F. Ritter, Trustee

  
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 11<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

# EXHIBIT A



## COUNTY OF HAMILTON

### DEPARTMENT OF PLANNING AND DEVELOPMENT

#### BOARD OF COUNTY COMMISSIONERS

Greg Hartmann  
Chris Monzel  
Todd Portunc

#### INTERIM COUNTY ADMINISTRATOR

Christian Sigman

138 East Court Street, Room 801

Cincinnati, Ohio 45202  
Phone: (513) 946-4550  
Fax: (513) 946-4511

#### DIRECTOR

Gary R. Van Hart, PE

#### BUILDING & INFRASTRUCTURE

Tonia F. Edwards, AIA, CBO, LEED AP  
Building Commissioner

Mohammad Islam, PE, CPESC, Infrastructure  
Dennis Dickard, PE, CBO, Plans Examiner Supervisor  
Bud Haynes, Building Inspector Supervisor  
Darren Mills, Building Inspector Supervisor

March 17, 2011

John Roeder Jr.  
889 W. Wiskey Run Road  
Ramsey, Indiana 47166

**Official Building Order**  
Re: 2879 Jonrose Avenue  
Colerain Township  
BC20110016

Dear Mr. Roeder:

On March 4, 2011, I inspected the above-referenced property along with representatives from the Hamilton County Public Health Department, the Inspection Bureau, Inc., the Colerain Fire Department, the building department, and the Sheriff. We gained access to all apartments and the basement except unit 2. The Building Inspector also inspected the roof.

At that time, the roof was still leaking with a pool of water at least 2" deep in the back bedroom of Apartment 5. That apartment also had no window in the second bedroom and that room was being used by a dog for urination and defecation. Apartment 6 was found to have some evidence of dampness in the common wall with Apartment 5 at the bathroom and tar running down the wall of the hall presumed to be from the roof repair. Evidently, the roof sheathing had openings where the tar dripped through to the occupied space below.

Apartment 3, which is below Apartment 5 had been cleaned of the moisture with the drywall removed from the ceiling. Both this apartment and the one above had been ordered vacated by the health inspector. In fact, neither had been vacated. The scrubbed condition of Apartment 5 allowed the vacation order to be removed, but subsequently, the water from Apartment 3 has caused this apartment to again become a health hazard. No evidence of roof water penetration was found in Apartment 4. Apartment 1 was vacant with drywall and electrical missing and open uncloseable windows. No access was obtained to Apartment 2.

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Hamilton County, Ohio

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The boiler was not in a working condition; therefore there was no heat in the building. Apartment 4 was using the oven for heat.

The electrical panel has been illegally wired so that Apartment 2 is using the house electric for its electrical service.

The roof which has been patched numerous times was not effective in current state to prevent water penetration to the structure below.

The front door does not close properly, and there are numerous places in the brickwork where there is evidence of popping and water penetration.

This building is in a Substandard condition per Hamilton County Building Code section HC.B102, specifically:

Any building or portion thereof, including any dwelling unit...or the premises on which the same is located in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and hereby is declared to be an substandard building.

1. Inadequate Sanitation: Lack of adequate heating facilities; dampness of habitable rooms; general dilapidation of improper maintenance; and lack of compliance with Hamilton County Health Regulations (see Orders from the Hamilton County Public Health department).
2. Hazardous Wiring: (see attached inspection report dated March 7, 2011 from the Inspection Bureau, Inc.)
3. Hazardous Mechanical Equipment: Specifically non-working boiler and heating system
4. Faulty Weather Protection: Deteriorated drywall; deteriorated or ineffective waterproofing of exterior walls, roof,... including broken windows (and missing) windows and doors
5. Hazardous or Unsanitary Premises: specifically stagnant water.

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This structure also meets the definition of Unsafe Structure:

Any building or portion thereof, including any dwelling unit...or the premises on which the same is located in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and hereby is declared to be an unsafe building.

6. L. Whenever any building ...exists or is maintained in violation of any specific requirement or prohibition applicable to such building provided these Regulations or any law or regulation of this state or country relating to the condition, location, or structure of buildings. (Specifically lack of water tight roof covering.)

7. N. Whenever a building , used or intended to be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

8. O. Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, ....faulty electric wiring, ...or other cause is determined by the Fire Official to be a fire hazard.

This letter shall serve as an **Official Building Order** declaring the structure Substandard, Unsafe, and a Nuisance per Hamilton County Building Code. The Certificate of Occupancy is hereby revoked for the entire building. For this Order to be rescinded the following repairs shall be made:

The entire roof shall be replaced installing new sheathing, insulation, and flashing as required. A re-roof permit is required before this work can begin and shall be inspected per the Ohio Building Code.

All electrical defects shall be removed. Electrical work is required to be inspected and approved, and therefore, the proper electrical permits shall be obtained.

The heating system shall meet the minimum requirements of the Ohio Building Code and the Ohio Mechanical Code. The Ohio Building Code requires interior occupied spaces to be maintained at a minimum indoor temperature of 68 degrees at a point 3 feet above the floor on the design heating day.

Any and all Orders issued by the associated agencies and utilities that are referenced in the Hamilton County Building Code per Section HC.A.101.2.2 that would have the effect of denying approval shall be satisfied and lifted before the Certificate of Occupancy can be re-issued.

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The entire building shall be vacated not later than **March 30, 2011**. An inspection will be made on March 31, 2011 to verify compliance with this Order. The Building Inspector will post the building, Not Approved for Occupancy on March 31, 2011. Prompt attention to this matter is imperative. Failure to comply with this Order may result in the electrical service being disconnected to the building. It may also result in this matter being filed in court.

You shall respond within **48 hours** of receipt of this Order with your intentions to comply. Per Section 112.5 of the *Ohio Building Code*, you have a right to appeal decisions of the Building Official within thirty (30) days of the mailing of this notice by filing for a hearing with the Board of Building Appeals at 138 E. Court Street, Cincinnati, Ohio 45202. You have the right to be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing in support.

Failure to comply with the Official Building Order may result in the Building Permit being revoked and charges being filed against you in Hamilton County Municipal Court. This could result in fines up to \$1000 per day of violation.

If you have any questions, please contact this office.

Yours truly,



Tonia F. Edwards, AIA, CBO, LEED AP  
Building Commissioner

attachments: 1

cc: Gaylord Poe - Inspection Bureau Incorporated  
Luke Jacobs - Hamilton County Public Health  
Mark Walsh - Colerain Twp. Fire Department  
Bob Eifert - Hamilton County Building Inspector

**INSPECTION BUREAU, INC.**  
**250 W. COURT STREET, SUITE 125W**  
**CINCINNATI, OHIO 45202**  
Telephone (513) 381-6080 Fax (513) 381-6123  
*"Electrical Safety Since 1888"*

To: Hamilton Co. Bldg. Dept.  
138 E Court St.  
Cincinnati OH 45202  
Attn: Tonia Edwards

Date: 03/07/11

Re: 2879 Jonrose Rd HIHS110001

Dear Tonia Edwards,

In accordance with your request, a survey of the electrical wiring at the above mentioned address was completed on 03/4/11. The following defects were found upon inspection. Please be advised that the list of defects is not conclusive and that other defects may exist:

Unit #1

- 1) Wet area walls, floors, ceiling with water flowing all wiring is subject to wet conditions. 110.12 (6)
- 2) Panel open with wires hanging. Art 110.12 (a)

Unit #2

- 1) No access, doors locked

Unit #3

- 1) Wet area in bathroom and bedroom. All wiring is subject to wet conditions. Art. 110.12 (b)
- 2) Smoke detectors missing.
- 3) Kitchen receptacles test open ground.
- 4) Reversed polarity some receptacles.
- 5) Open bulb fixtures in clothes closets. Art 410.2 & 410.16
- 6) Loose receptacles. 110.12 (a)
- 7) Ground fault receptacle won't reset.

Unit #4

- 1) GFCI fails test.

Unit #5

- 1) No visible hazards were found.

Unit # 6

- 1) Plastic in floor and draped over furniture to catch water flowing through causing a pool. All wiring in this area above and below is subject to wet conditions. Art 110.12 (b)
- 2) Extension cords on floor in living room.

House

- 1) Open wiring above and behind boiler at pump. Art 110.12 (a)
- 2) Open wiring under staircase. Art. 110.12 (a)
- 3) Open ground on receptacles. Art 110.3 (b)

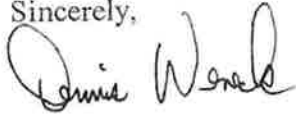


- 4) Illegal tap with back feed at service in house panel and apartment #2. Art 110.3 (b)
- 5) On outside of building fixtures broken and some missing cable. Art 110.3 (b)

All wiring and electrical devices shall be of such nature as to be safe under normal conditions of use and free from all hazards apt to result in injury or fire. All hazardous wiring or equipment shall be removed.

Should you need further assistance or clarification, please call.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Weneck". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Dennis Weneck  
Electrical Inspector

EXHIBIT B

Certified Mail # 7009 1410 0000 9092 9601  
Receipt Requested



**HAMILTON COUNTY  
PUBLIC HEALTH**

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 Notice of Condemnation**

April 14, 2011

John Roeder  
889 W. Whiskey Run Rd  
Ramsey, IN 47166

Re: 2879 Jonrose Ave

Colerain Township

33011

Dear Mr. Roeder:

A site investigation was conducted on April 7, 2011 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**

On April 7, 2011, inspections of the building were conducted with representatives from the Hamilton County Building Department, Colerain Township Fire Department, and Colerain Township Zoning Department. The inspection revealed significant structural violations as well as continued water damage in apartment 5. Moderate to heavy mold build up was also observed in unit 2. According to an order issued by the Hamilton County Building Department, the roof is in need of replacement. That same order indicated that the structure is unsafe for shall be vacated no later than April 18, 2011.

### **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:

Section 4.17: "Every foundation floor, ceiling, wall and roof shall be reasonably weather tight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness."

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. The building has been deemed unsafe by the Building Department and is therefore condemned. The property must be vacated no later than April 18, 2011. An inspection will be conducted on or after April 19, 2011 to ensure compliance with this order.

This condemnation will only be lifted once the orders from the Hamilton County Building Department dated April 8, 2011 are satisfied.

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

Sincerely,



Luke K. Jacobs, MPH, RS  
Supervisor

Environmental Health Division

cc: Jeremy Hessel, Environmental Health Director  
Mark Walsh, Colerain Fire Dept; Tonia Edwards, Hamilton County Building Dept.