

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. 61 -11

RESOLUTION FOR DEMOLITION OF 2900 JONROSE AVE

WHEREAS, the property at 2900 Jonrose Ave. (parcel ID 510-71-258) has been Condemned by the Hamilton County Department of Public Health as of September 29, 2011, a copy of which Notice of Condemnation is attached as Exhibit A; and

WHEREAS, the property has been vacant prior to September 2011, copper has been stripped, and utilities have been disconnected; 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 11th day of October, 2011.


BOARD OF TRUSTEES:


Dennis P. Deters, Trustee


Jeffrey F. Ritter, Trustee

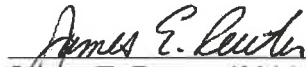

Joseph R. Wolterman, Trustee

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 11th day of October, 2011.



Heather E. Harlow,
Colerain Township Fiscal Officer

EXHIBIT A

Certified Mail # 7008 1830 0002 0321 6239
Receipt Requested



PREVENT. PROMOTE. PROTECT.

Timothy I. 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

September 29, 2011

**MIDWEST MANAGEMENT
ATTN: PHIL OMTROP
4328 ERASTUS DURBIN RD
FORT RECOVERY OH 45846**

Re: **2900 JONROSE COLERAIN TWP Report # 33972**

Dear **Mr. Ontrop**:

A site investigation was conducted on September 26, 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 September 26, 2011 A sight investigation from the common areas appeared that the interior of the property was found to be vacant. Most of the copper had been stripped from the building and the utilities appeared to be off. All apartment doors were open and there was an extreme amount of clutter and food debris within the apartments seen from the hallways. There is evidence that people have been coming and going from the property (recent food debris and stolen copper). In addition there was a large cockroach infestation within the complex seen in common areas.

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**:

- 4.5 Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.
- 4.6 All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- 4.13 Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70°F under ordinary minimum winter conditions.
- 4.16 The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation.
- 4.20 Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling-or-wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 4.29 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.
- 4.30 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

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.

In addition, your home is condemned and considered unfit for human habitation under the authority of the Hamilton County General Health District. Environmental Sanitation Regulation No. 1-67 states:

- 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.

Required Corrective Action

As the owner of the property, you are responsible for maintaining the property in a clean and sanitary condition. You must restore all utilities, eliminate the cockroach infestation, remove all clutter and debris and secure the structure to be safe for human habitation.

The above actions must be complete by October 27, 2011. 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 **October 28, 2011** to ensure corrective actions have been made to remedy the situation. 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) 946-7833.

Sincerely,

Tucker Stone RS
Environmental Health Division

cc: Jeremy Hessel, Environmental Health Director
Greg Kesterman, Assistant Health Commissioner