

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at 6 p.m., on the 16th day of August, 2012, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Jeffrey F. Ritter; Mr. Dennis P. Deters; and Ms. Melinda Rinehart

Mr./Ms. Deters introduced the following resolution and moved its adoption:

RESOLUTION NO. 37 -12

RESOLUTION FOR DEMOLITION OF 10170 WINDSWEPT LANE

WHEREAS, the property at 10170 Windswept Lane (parcel ID 510-42-29), in Colerain Township, was condemned and found to be unfit for human habitation by the Hamilton County Board of Health by Notice of Violation dated July 13, 2012, attached as Exhibit A; and

WHEREAS, the property is vacant and water service was shut off January 31, 2012, and electric service was shut off in March, 2012; and

WHEREAS, the Colerain Township Fire Department has declared the property unsafe and insecure by memorandum dated July 27, 2012, a copy of which is attached hereto as Exhibit B; 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 10170 Windswept Lane 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./Ms. Rinehart 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, Ms. Rinehart aye

ADOPTED this 16th day of August, 2012.

BOARD OF TRUSTEES:



Dennis P. Deters, Trustee



Jeffrey F. Ritter, Trustee



Melinda Rinehart, 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 16th day of August, 2012.



Heather E. Harlow,
Colerain Township Fiscal Officer

EXHIBIT A

*Certified Mail # 7008 1830 0321 9293
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

July 13, 2012

Current Owner
10170 Windswept Lane
Colerain, Ohio 45251

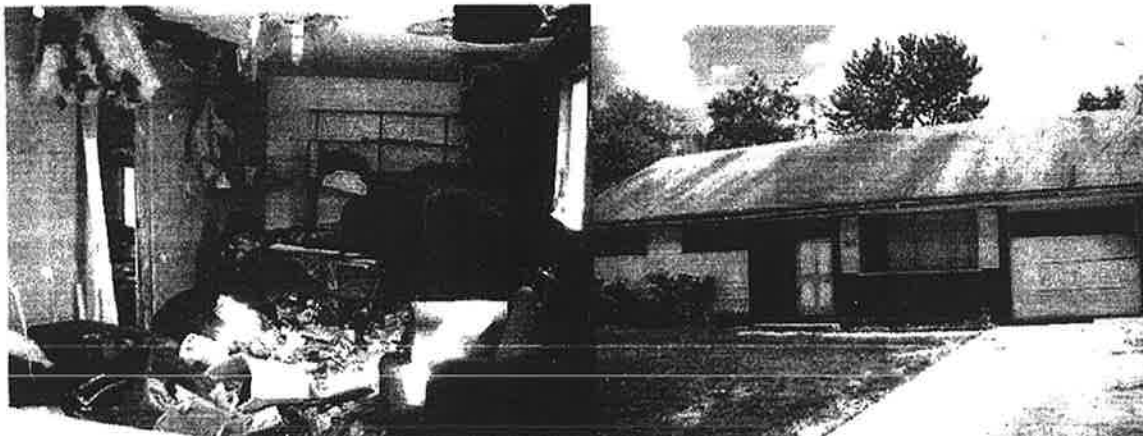
Re: 10170 Windswept Lane COLERAIN TWP

Dear Current Owner:

A site investigation was conducted on May 5, 2012 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 May 5, 2012 a site investigation was performed on the property. It was observed that the home has multiple leaks in the roof causing mold. I observed large amounts of garbage in food debris in home. It also had multiple unsecured entry points including garage and multiple windows that present potential for pest harborage. In addition the following photographs were taken during the inspection.



5/5/12 Leak in Roof, Mold, Garbage. ATB 5/5/12 Multiple entry points, open windows and garage ATB



5/5/12 Observed entry points, garbage/food debris, water leak from roof and mold. ATB

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:**

4.17 Every Floor, ceiling, wall and roof shall be reasonably weather tight and rodent proof.

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.

4.7 Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are acceptable to the Health Commissioner and shall be disposed of in a manner acceptable to the Health Commissioner.

4.18 Every window, exterior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof.

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.

1. Ensure all entry points are fixed and sealed including garage door and windows.
2. All leaks are repaired and mold removed.
3. All garbage and food debris is cleaned and removed.
4. All holes in walls and ceilings are fixed.

The above actions must be complete by August 13, 2012. 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 **August 14, 2012** to ensure corrective actions have been made to remedy the situation. In addition, continued surveillance of the property will be conducted to verify compliance.

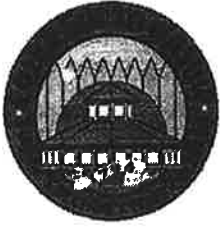
Please feel free to contact me if you have any questions or concerns at (513) 946-7961.

Sincerely,

Anthony T. Buschle

Sanitarian 1
Environmental Health Division

cc: Jeremy Hessel, Environmental Health Director
Scott Puthoff, Supervisor of Environmental Health Division



Colerain Township

DEPARTMENT OF FIRE AND EMS • G. BRUCE SMITH
3251 Springdale Road • Colerain Township, Ohio 45251-1419
(513) 825-6143 FAX (513) 825-0475 • www.coleraintwp.org

EXHIBIT B

Trustees
DENNIS P. DETERS
MELINDA A. RINEHART
JEFFREY F. RITTER

Fiscal Officer
HEATHER E. HARLOW

Administrator
JAMES ROWAN

To: Chief Bruce Smith

From: Fire Inspector James Bowman

Re: 10170 Windswept

Date: July 30, 2012

On July 27, 2012, I visited the property located at 10170 Windswept in Colerain Township to evaluate this structure for unsafe conditions. The residential structure has been damaged by vandals and sits open to the elements. This structure has become an attractive nuisance to thieves and vandals in an already at risk neighborhood.

This structure is uninhabitable in its current condition and is structurally deteriorating.

In compliance with ORC Section 505.86 (B), I am declaring the property at 10170 Windswept as unsafe and insecure. It is my opinion that this property should be demolished.

