

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio,** met in regular session at 6:00 p.m., on the 11<sup>th</sup> day of June, 2013, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dennis P. Deters, Jeffrey F. Ritter, Melinda Rinehart

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

**RESOLUTION NO. 63 -13**

**RESOLUTION AMENDING PROPERTY MAINTENANCE CODE**

WHEREAS, the Board of Trustees, on October 24, 2006, pursuant to Ohio Revised Code Sec. 505.73, adopted a Property Maintenance Code pertaining to the repair and continued maintenance of structures and premises of a structure within the Township; and

WHEREAS, the Board of Trustees, on March 13, 2007, amended the Property Maintenance Code to make clear the limited application of the Code to properties in agricultural use, the requirements as to display of house numbers on structures, and related matters; and

WHEREAS, after further consideration, the Board desires to amend said Property Maintenance Code to make clear the defined person in control of a property, and related matters.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Property Maintenance Code adopted October 24, 2006 and amended March 13, 2007, shall be amended as follows:

(a) Section 301.2 shall be amended as to include the italicized and underlined language:

**“301.2 Responsibility.** The owner *or person in control* of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.”

(b) Section 202 shall be amended by addition of the following definition:

**“PERSON IN CONTROL-** The person, persons, or entity holding title to the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this resolution, including, but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a thirty party.”

2. The preceding changes are identified as minor changes to Chapters 2 and 3 of the Colerain Township Property Maintenance Code.
3. If any section, subsection, sentence, clause, or phrase of this resolution or the portions of the Property Maintenance Code, or the amendments made by Colerain Township, is, for any reason, held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this resolution or of the Property Maintenance Code of Colerain Township.
4. The effective date of the Property Maintenance Code shall be the earliest date permitted by law. It is the intention of the Board that enforcement of the Code shall begin July 12, 2013.
5. The Township Fiscal Officer shall post a notice that clearly identifies the Property Maintenance Code, states the Code’s purpose, and, in addition to being available for download on the Township’s website, states that a complete copy of the code, as amended, is on file for inspection by the public in the office of the Fiscal Officer, and in the County Law Library, and that the Fiscal Officer has copies available for distribution to the public at cost.
6. The Township Fiscal officer shall post the notice in five conspicuous places in Colerain Township for thirty (30) days before the Code becomes effective and shall publish the notice in a newspaper of general circulation in Colerain Township for three consecutive weeks. The notice shall include a brief summary of any amendments to or deletions from the Property Maintenance Code as previously approved and adopted by Colerain Township.
7. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

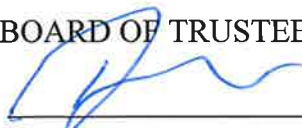
8. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings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

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

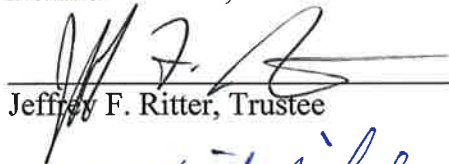
Vote Record: Mr. Deters aye, Mr. Ritter aye, Ms. Rinehart aye

ADOPTED this 11<sup>th</sup> day of June, 2013.

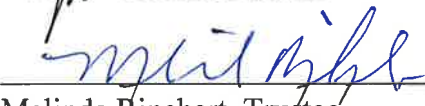
BOARD OF TRUSTEES:



Dennis P. Deters, Trustee



Jeffrey F. Ritter, Trustee



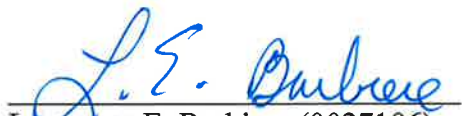
Melinda Rinehart, Trustee

ATTEST:



Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:



Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

## AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 11<sup>th</sup> day of June, 2013.



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Heather E. Harlow,  
Colerain Township Fiscal Officer