

**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2011.07.18.03**

IN RE: Certifying Expenses for Nuisance Abatement to the Greene County Auditor
2107 Stewart Road

WHEREAS, the Board of Trustees declared the property at 2107 Stewart Road a nuisance in Resolution 2010.09.20.10 (attached); and,

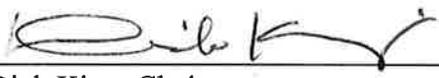
WHEREAS, the Township Planner/Zoning Official issued notice, by certified mail, of the nuisance abatement and responsibilities therein to the lien holders of record, of 2107 Stewart Road; and,

WHEREAS, Ohio Revised Code 505.87 (attached) allows the owner seven (7) days to abate, control or remove such vegetation, garbage, refuse or debris or to make provision for its abatement, control or removal; and,

WHEREAS, since no response was received from the owner of 2107 Stewart Road, the Township Planner/Zoning Official made contact with the Sugarcreek Township Roads and Services Department to control the vegetation, garbage, refuse or debris; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby certifies expenses for said nuisance abatement in the amount of Five-Hundred Sixty-Two Dollars and Forty-Five cents (\$562.45) for mowing and certified mail costs to the Greene County Auditor and any interest or other charges that may be applicable.

FURTHER BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby requests the Fiscal Office submit a written report to the Greene County Auditor of the Board's action.



Dick King, Chairperson



Nadine S. Daugherty, Vice Chairperson

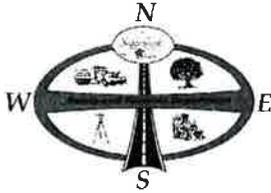
Resolution No. 2011.07.18.03
Certifying Expenses for Nuisance Abatement to the
Greene County Auditor



Michael E. Pittman, Trustee



Theodore L. Hodson, Fiscal Officer



2090 Ferry Road
Bellbrook, Ohio 45305
Phone (937) 848-8426 Fax (937) 848-7060

Cost of Services Rendered
Date: 06/26/2011

To:
Township Planner – Zoning Official
2090 Ferry Rd.
Bellbrook, Ohio 45305

For:
Services at 2107 Stewart Rd.
Bellbrook, Ohio 45305

Description	Amount
707 Ford F 350 @ \$25.00 (3.5 HR)	\$87.50
Trailer @ \$ 10.25 (3.5 HRS)	\$35.86
Super Z Mower @ \$15.65 (3 HRS)	\$46.95
Massey Mower @ \$52.50 (3.5 HRS)	\$183.75
Walk through: 1- Man @ \$23.63 (1 HR)	\$23.63
1 man @ \$22.08 (3 HRS)	\$66.24
1 man @ \$17.03 (3.5 HRS)	\$59.61
Unleaded fuel for F350 & Super Z mower	\$9.45
12.2 Gallon of Diesel Fuel @ \$3.60	\$43.92
TOTAL	\$556.91

Respectfully Submitted,


Tracey Messer
Director of Roads and Services

Thank You

505.87 Abatement, control, or removal of vegetation, garbage, refuse, and other debris.

(A) A board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.

(B) At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:

(1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the board to be a nuisance;

(2) If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement, control, or removal, and any expenses incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township.

(C) If a board of township trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same land in the township constitutes a nuisance, at least four days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the board shall give notice of the subsequent nuisance determination to the owner of the land and to any holders of liens of record upon the land as follows:

(1) The board shall send written notice by first class mail to the owner of the land and to any lienholders of record. Failure of delivery of the notice shall not invalidate any action to abate, control, or remove the nuisance. Alternatively, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it.

(2) If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to post the notice on the board of township trustee's internet web site for four consecutive days, or to post the notice in a conspicuous location in the board's office for four consecutive days if the board does not maintain an internet web site.

(D) The owner of the land or holders of liens of record upon the land may enter into an agreement with the board of township trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the board is required to provide for the abatement, control, or removal under division (E) of this section.

(E) If, within seven days after notice is given under division (B) of this section, or within four days after notice is given under division (C) of this section, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or other debris, or no agreement for its abatement, control, or removal is entered into under division (D) of this section, the board of township trustees shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses incurred exceed five hundred dollars, the board may borrow moneys from a financial institution to pay for the expenses in whole or in part.

(F) The board of township trustees shall make a written report to the county auditor of the board's action under this section. The board shall include in the report a proper description of the premises and a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris as provided in division (E) of this section, including the board's charges for its services, the costs incurred in providing notice, any fees or interest paid to borrow moneys, and the amount paid for labor, materials, and equipment. The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of the entry, shall be collected as other taxes, and shall be returned to the township and placed in the township general fund.

Amended by 128th General Assembly File No. 53, HB 393, § 1, eff. 6/18/2010.

Effective Date: 03-31-2003; 2007 HB50 03-05-2008