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ADMINISTRATION  
248-3725  
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SERVICE DEPARTMENT  
248-3728  
POLICE DEPARTMENT  
248-3721  
FIRE/EMS  
248-3700  
PARKS / RECREATION  
248-3727

## MIAMI TOWNSHIP

6101 MEIJER DRIVE • MIAMI TOWNSHIP, OH 45150-2189

### RESOLUTION 2022-40

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on October 18, 2022 with the following members present: Mark Schulte, Ken Tracy and Mary Makley Wolff.

A motion was made to adopt the following Resolution:

#### **Resolution Providing for the Declaration of Nuisance and Removal of an Unsafe Structure for the Property Located at Cook Road, Parcel No. 181427A047P and Authorizing all Necessary Steps to Undertake Action**

WHEREAS, the Board of Trustees is authorized under Ohio Revised Code §505.86 to remove, repair, or secure buildings or structures that have been declared unsecure, unsafe, or structurally defective by the fire department or building department, or that have been declared unfit for human habitation by the board of health, and collect the costs of said actions; and

WHEREAS, complaints have been received concerning a nuisance structure located at Parcel No. 181427A047P, aka 5832 Cook Rd, aka 5888 Cook Rd (rear), aka 5832 Western Alley within Miami Township, Clermont County, OH (“Location”); and

WHEREAS, The Location was investigated, and the commercial building located thereon (“subject building”) was found to be open and unsafe with conditions including holes in the roof, holes in the walls, exposed insulation, deformed roofing, siding that has fallen off, suspected animal infestation and the emission of a noticeable unpleasant odor; and

WHEREAS, On August 5, 2021 a Courtesy Violation Notice with detailed instructions was served on the Location owner, William Fiedler (“owner”) and again on June 17, 2022 a detailed

Notice of Property Maintenance Violation was served on the owner and to date the owner has taken no action to repair the subject building; and

WHEREAS, The Location has been the subject of several complaints from the adjoining property owner at 5892 Cook Road, dating to 2014 and the adjoining property owner advises she is unable to use her back yard due to the odor emanating from the subject building; and

WHEREAS, the neighbor in August 2021 submitted a complaint to the Miami Township Community Development office resulting in the above-referenced notifications; and

WHEREAS, under Ohio Revised Code §505.86 a condition precedent to finding a building to be an open, unsafe and unsecure nuisance is a determination of such conditions by the appropriate safety agency; and

WHEREAS, determinations of such conditions were made by the Miami Township Fire Department, the Clermont County Building Department, as well as concern raised by the Clermont County Public Health, all documented within the October 5, 2022, Memorandum provided to the Miami Township Board of Trustees at its October 10, 2022 Work Session.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Section 505.86 of the Ohio Revised Code as follows:

SECTION 1. The determinations of the Miami Township Fire Department, the Clermont County Building Department and Clermont County Public Health concerning the conditions of the subject building are hereby adopted.

SECTION 2. Subject to the requirements of Section 505.86, the Board of Trustees hereby orders the demolition and removal of the subject building from the Location.

- SECTION 3. Prior to any demolition and removal of the subject building, notice shall be given to parties in interest in accordance with Sections 505.86(B) and (C).
- SECTION 4. Prior to any demolition and removal of the subject building, a hearing will be held on the matter if requested by a party in interest timely pursuant to Section 505.86(C).
- SECTION 5. Prior to any demolition and removal of the subject building, the Board of Trustees will issue a final order deciding the matter in accordance with Section 505.86(C)(3) regarding final disposition of the subject building.
- SECTION 6. If the Board of Trustees' final order requires the demolition and removal of the subject building, costs shall be assessed to the owner of record and the county auditor shall place the costs upon the tax duplicate. The costs are a lien upon the property from and after the date of entry. The costs shall be collected as other taxes and returned to the Township general fund.
- SECTION 7. The Township Administrator is authorized to execute any agreement between the owner of the property (or other responsible party) and the Board of Trustees that is permitted pursuant to Sections 505.86(D) of the Ohio Revised Code.
- SECTION 8. The Board of Trustees finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.
- SECTION 9. This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township for the reason that an emergency situation exists whereby the subject building is creating an imminent threat to public health and safety.
- SECTION 10. This Resolution shall take effect at the earliest period allowed by law.

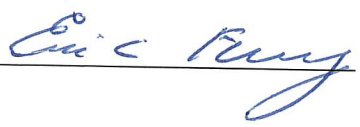
Mr. Tracy \_\_\_\_\_  
Ms. Wolff \_\_\_\_\_  
Mr. Schulte \_\_\_\_\_

The motion was seconded, and the resolution was adopted.

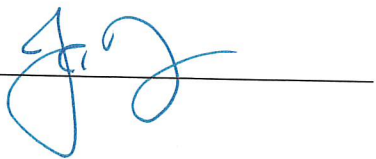
Resolution 2022-40 adopted October 18, 2022.

ATTEST:

APPROVED AS TO FORM:



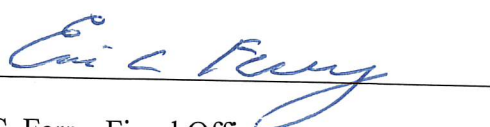
Eric C. Ferry, Fiscal Officer



Joseph J. Braun,  
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.



Eric C. Ferry, Fiscal Officer