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DANBURY TOWNSHIP ZONING DEPARTMENT

COMPLAINTS & VIOLATIONS PROCEDURE POLICY

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Updated 2015

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INTRODUCTION

It is the policy of Danbury Township that properties shall be maintained free from nuisance or junk vehicles in conformance with the laws of the State of Ohio under O.R.C. §505.173, §505.86, §505.87 and §505.871, as well as Danbury Township Board of Trustees Resolutions #09-2015 and #06-2013 . Properties shall also be in compliance with Danbury Township Zoning Resolution by obtaining the appropriate permits necessary for new projects and completing those projects. Failure to do so is punishable in accordance with Section 7.4 of the Danbury Township Zoning Resolution.

The Township and its Officers will make reasonable efforts to obtain voluntary compliance from property owners prior to exercising its authority under the law.

COMPLAINT PROCEDURES

All complaints or concerns regarding a property in the Township are required to fill out one of two complaint forms. The Complainant must live or have property within 500 feet of the property being reported.

Complaints concerning tall grass, abandoned property, or junk vehicles must fill out a **Nuisance Complaint** form. This form must be signed by the complainant. The form can then be submitted to the Zoning Department or directly to a Trustee. At the next Trustee meeting, the Board will discuss the issues of the complaint and a Trustee will be assigned the case to follow-thru on.

Complaints concerning potential Zoning Violations, (i.e. Construction with no building permit, illegal business operation, illegal rentals) must fill out a **Zoning Violation Complaint** form. Anonymity is acceptable but is not prioritized and will only be investigated when all regularly scheduled work has been completed and there is additional time available within the Department. The form must be submitted to the Zoning Department before the Inspector will start the investigation.

Complaints will be taken in person or in writing. Telephone complaints will only be logged, but the Inspector will not begin an investigation until the complaint form has been received. Complaints that are filed with an identifiable complainant will be immediately prioritized and dealt with in a timely manner. A response will be forwarded to identifiable complainants regarding the conditions found and intended course of action following initial investigation of the complaint.

VIOLATION PROCESS SUMMARY

Every violation is allotted a timeframe (typically 7 days, 14 days or 30 days) for compliance based on the severity of the situation. In unique situations, a compliance schedule may be coordinated with the property owner to achieve conformity. The position of the Township is to work with a property owner and provide reasonable time for compliance prior to filing court action. In most cases, a written Warning Letter will be sent to the property owner of record (not the tenant or occupant) outlining the infractions and the time period to comply. Upon reinspection, if the owner has failed to comply, another letter "Final Notice to Comply" will be sent. If upon the follow-up inspection, the owner still has not complied, then all photographs, letters and any other supporting documentation concerning the violation will be forwarded to the Trustees to declare a Nuisance and potentially abate, or to the Township's Legal Counsel, the County Prosecutor or the Municipal Court, whichever is the most appropriate action to take.

If the property owner complies with the Zoning Inspectors request following the written Warning Letter or Final Notice to Comply, then the violation will be considered closed. Any repeat offenses that reoccur within 6 months to 1 year of the last notice will result in the next course of action to be taken without any verbal or written warning that such action is going to take place. A repeat offense after 1 year will result in the violation process starting over again with a written Warning Letter.

FINES

For properties that have been declared a nuisance and abated by the Township, the Township may assess the costs incurred for that abatement on the tax duplicate in accordance with the applicable laws of the State of Ohio under O.R.C. Any violations that are filed with the court are ultimately punishable as decided upon by the court. Municipal Court fines can result in a misdemeanor conviction and punishable up to \$500 each day the violation continues to occur.

SPECIFIC PROCEDURES FOR TALL GRASS, JUNK OR DEBRIS ON PROPERTY (SEE RESOLUTION 06-2013)

The Ohio Revised Code outlines the provisions for addressing property nuisances such as tall grass and weeds, specifically §505.87. The Danbury Board of Township Trustees has determined in Resolution #06-2013 that tall grass or vegetation on land in the Township, which is not agriculturally used land, and is 12” high or more, shall be deemed “uncontrolled” and not maintained. This same process is to be followed for other junk or debris on property found to be a nuisance.

Initial Steps:

1. Nuisance Complaint form filed at the Township Zoning Office.
2. Zoning Inspector inspects the property to determine whether the grass and/or weeds are in excess of the 12” allowance (or if other junk or debris exists that qualifies as a nuisance). If, as the result of the inspection, a violation is observed occurring, the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the conditions of the property.

Warning Letter:

3. A Warning Letter including the photographs taken at the inspection shall be sent to the property owner of record by regular or certified U.S. Mail (by sending certified initially, this will help ensure the letter is being sent to the appropriate location and with the timeframes given to correct).
4. Typically 7-14 days is given to cut the grass. This all depends on whether the owner is local or not, as well as the severity of the tall grass and size of the property.

Follow-up:

5. Once notice is received by the owner, the owner may contact the Zoning Office to discuss the violation and the course of action to be taken. If there are unique circumstances surrounding the property or the property owner, then the Zoning Inspector may grant a reasonable extension (let the owner decide based on their schedule – it’s more likely to get done then).
6. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation from the Warning Letter (or extension if one was granted).
7. If upon re-inspection no action has been taken by the property owner to abate the tall grass, then the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the conditions of the property.

Notice to Comply:

8. A Final Notice to Comply Letter including the photographs taken at the last inspection shall be sent to the property owner of record by regular or certified U.S. Mail (by sending certified, this will help ensure the letter is being sent to the appropriate location and with the timeframes given to correct).
9. Typically, only 7 days is given in the 2nd notice to cut the grass.

Follow-up:

10. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation from the Warning Letter (or extension if one was granted).
11. If upon re-inspection no action has been taken by the property owner to abate the tall grass, then the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the conditions of the property.

Trustee Action:

12. The Zoning Inspector prepares a Resolution to present to the Board of Trustees at their next regularly scheduled meeting.
13. The Zoning Inspector presents the photographic evidence of the nuisance, with copies of the Warning Letter and Final Notice to Comply letter sent to the property owner.
14. The Trustees determine whether a nuisance exists by the adoption or rejection of the Resolution.

Nuisance Abatement:

15. If the Trustee Resolution is passed, the notification process outline as in O.R.C. §505.87 is followed.
16. A lienholder exam is requested from a local title agency. Once this is received, notification, including the photographs taken at the last inspection as well as the resolution passed, shall be sent to the property owner of record and any lienholders by certified U.S. Mail notifying them the property has been declared a nuisance and they have 7 days to remove the noxious vegetation or abate the nuisance.

17. The same notification is posted on the property in question. A photograph (with a camera capable of placing a date and timestamp on the photo) of the property posting must be taken as well.

**If the property owner's address is unknown or the property owner is unknown, the property must be posted and legal notice publication placed in the newspaper. 7 days from the date of the publication & posting of the property, the remainder of this process may then be followed.*

18. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation.
19. If the property owner or lienholder fails to abate, control, or remove the vegetation, garbage, refuse, or debris, or no agreement for its abatement, control, or removal is entered into, then the Township may contact the appropriate contractor to enter onto the property and abate the nuisance.
20. The Zoning Inspector prepares a written report to the Ottawa County Auditor which includes the proper description of the premises and statement of all expenses incurred in providing for the abatement including the Board's charges for its services, the costs incurred in providing notification, any fees or interest paid to borrow moneys, and the amount paid for the labor, materials, and equipment.
21. All expenses incurred for the cost of the abatement are then certified by the Township Fiscal Officer forwarded onto the Ottawa County Auditor to place upon the tax duplicate as a lien which is collected with the property taxes and returned to the Township.

Repeat Offences

If the same property owner is found to have another, reoccurring nuisance on the same property within 12 consecutive months of the Trustee Resolution being passed the following steps apply:

1. The property owner of record and any lienholders by first class mail must receive notification of the subsequent offence.
2. Only 4 days' notice is required.
3. The same notification is posted on the property in question. A photograph (with a camera capable of placing a date and timestamp on the photo) of the property posting must be taken as well and left on the property for 4 consecutive days.
4. If the owner's address is unknown, then it is sufficient to post the notification on the Township website for 4 consecutive days.
5. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation.
6. If the property owner or lienholder fails to abate the nuisance, then steps #19-#21 are repeated.

This maybe done multiple times in a calendar year of the date of the Trustee's Resolution declaring such property a nuisance, provided ownership remains the same.

SPECIFIC PROCEDURES FOR JUNK VEHICLES

(SEE RESOLUTION 09-2015)

The Ohio Revised Code, specifically §505.173 & §505.87 outlines the provisions for addressing junk motor vehicles and unlicensed collector vehicles. The Danbury Board of Township Trustees has determined in Resolution #09-2015 that it is necessary to control junk motor vehicles on private land in the Township.

Initial Steps:

1. Nuisance Complaint form filed at the Township Zoning Office.
2. Zoning Inspector inspects the property to determine whether a junk vehicle(s) is present. In order to be considered as a junk vehicle, all of the following shall apply:
 - (1) three model years old or older; and
 - (2) apparently inoperable; and
 - (3) extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

If, as the result of the inspection, a violation is observed occurring, the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the vehicle(s) on the property.

Additional things to consider and look for on the inspection are whether the vehicle(s) is visible from public view and whether the vehicle is currently tagged and licensed.

Follow-up:

3. After 72 hours have passed from the initial inspection, a reinspection must take place to ensure the vehicle(s) is still there. If, as the result of the inspection, a violation is observed occurring, the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the vehicle(s) on the property again.
4. If possible, the VIN# should be obtained, make, model, year, color and license plate number all documented.

Warning Letter:

5. A Warning Letter including the photographs taken at the last inspection shall be sent to the property owner of record (*not the vehicle owner*) by regular or certified U.S. Mail (by sending certified initially, this will help ensure the letter is being sent to the appropriate location and with the timeframes given to correct).
6. The Warning Letter shall include when the vehicle(s) was first observed, the VIN# (if possible), make, model, year, color and license plate number (if applicable). The letter shall also state the action to be taken by the property owner which includes either removing the vehicle(s) from the premises, or completely concealing the vehicle(s) from public view.
7. 14 days is given to correct the violation.

Follow-up:

8. Once notice is received by the owner, the owner may contact the Zoning Office to discuss the violation and the course of action to be taken. If there are unique circumstances surrounding the property or the property owner, then the Zoning Inspector may grant a reasonable extension (let the owner decide based on their schedule – it's more likely to get done then).
9. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation from the Warning Letter (or extension if one was granted).
10. If upon re-inspection no action has been taken by the property owner to remove or conceal the junk vehicle(s), then the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) to establish that the violation is continuing.

Trustee Action:

11. The Zoning Inspector prepares a Resolution to present to the Board of Trustees at their next regularly scheduled meeting.
12. The Zoning Inspector presents the photographic evidence of the junk vehicle(s), with copies of the Warning Letter sent to the property owner.
13. The Trustees determine whether a junk vehicle(s) exists by the adoption or rejection of the Resolution.

Junk Vehicle Abatement:

14. If the Trustee Resolution is passed, the notification process outline in O.R.C. §505.871 is followed.

15. A lienholder exam is requested from a local title agency. Once this is received, a Notice to Comply/ Violation Order Letter, including the photographs taken at the last inspection as well as the resolution passed, shall be sent to the property owner of record and any lienholders by certified U.S. Mail notifying them they have 14 days to remove or conceal the junk motor vehicle(s) from property and failure to do so will result in the Township removing said vehicle(s).
16. The same notification is posted on the property in question. A photograph (with a camera capable of placing a date and timestamp on the photo) of the property posting must be taken as well.

**If the property owner's address is unknown or the property owner is unknown, the property must be posted and legal notice publication placed in the newspaper. 14 days from the date of the publication & posting of the property, the remainder of this process may then be followed.*

17. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation.
18. If the property owner or lienholder fails to remove or conceal the junk vehicle(s), then the Township may contact the appropriate motor vehicle salvage dealer or scrap metal processing facility to enter onto the property and remove the vehicle.

** Coordination may need to be made with Legal Council and the Salvage Dealer regarding the title of the vehicle especially if the owner of the vehicle does not claim the vehicle following the removal from the property.*

19. The Zoning Inspector prepares a written report to the Ottawa County Auditor which includes the proper description of the premises and statement of all expenses incurred in providing for the abatement including the Board's charges for its services, the costs incurred in providing notification, any fees or interest paid to borrow moneys, and the amount paid for the labor, materials, and equipment.
20. All expenses incurred for the cost of the abatement are then certified by the Township Fiscal Officer forwarded onto the Ottawa County Auditor to place upon the tax duplicate as a lien which is collected with the property taxes and returned to the Township.

Per§505.173 of the ORC, this is also punishable through the Municipal Court and can be found guilty of a minor misdemeanor. Each day that a violation of this section continues constitutes a separate offense. Fines levied and collected under this section shall be paid into the township general revenue fund.

Vehicles left on property without the property owner's permission or abandoned on public property will be handled by the Danbury Township Police Department.

SPECIFIC PROCEDURES FOR ZONING VIOLATIONS

Initial Steps:

1. Zoning Complaint form filed at the Township Zoning Office.
2. Zoning Inspector inspects the property to determine whether a zoning violation(s) is occurring.
3. If, as the result of the inspection, a violation(s) is observed occurring, the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the violation(s) on the property.

Warning Letter:

4. A Warning Letter including the photographs taken at the inspection shall be sent to the property owner of record by regular or certified U.S. Mail (by sending certified initially, this will help ensure the letter is being sent to the appropriate location and with the timeframes given to correct). The letter shall include the specific sections of the Zoning Resolution that the property is found to be in violation of.
5. Depending on the severity of the violation and the extent needed to correct the violation (i.e. does a shed need to be relocated, are there multiple violations, is it an unsafe situation that needs to be corrected quickly) the Zoning Inspector shall specify the timeframe to correct the violation. Typically 7-14 days. Severe situations may be given 30 days.

Follow-up:

6. Once notice is received by the owner, the owner may contact the Zoning Office to discuss the violation and the course of action to be taken. If there are unique circumstances surrounding the property or the property owner, then the Zoning Inspector may grant a reasonable extension (let the owner decide based on their schedule – it's more likely to get done then).
7. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation from the Warning Letter (or extension if one was granted).
8. If upon re-inspection no action has been taken by the property owner to correct the violation, then the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the conditions of the property.

Notice to Comply:

9. A Final Notice to Comply Letter including the photographs taken at the last inspection shall be sent to the property owner of record by regular or certified U.S. Mail (by sending certified, this will help ensure the letter is being sent to the appropriate location and with the timeframes given to correct).
10. Typically, ½ of the original time given previously is given in the 2nd notice - again, dependent on the circumstances.

Follow-up:

11. Zoning Inspector re-inspects the subject property following the allotted timeframe to correct the violation from the Warning Letter (or extension if one was granted).
12. If upon re-inspection no action has been taken by the property owner to correct the violation, then the Zoning Inspector shall photograph (with a camera capable of placing a date and timestamp on the photo) the conditions of the property.

After any of the violation notices, the property owner has the right to file an Appeal of the Zoning Inspector's decision with the Board of Zoning Appeals. Such application must be made 20 days after receiving such notification.

Should such application not be filed with the Zoning Office, then the Zoning Inspector may proceed with a formal citation.

Citation Process:

13. A Misdemeanor Citation Ticket can be filled out or the Ottawa County Municipal Court "Complaint Against Individual" – Rule 4 form is filled out. A ticket needs to be signed by the defendant, the other form does not.
14. Contact the Danbury Police Department for a Personal Identifier Form in which they can provide the defendants SSN# which is a requirement for either form filed with the Court.
15. Take the ticket or "Complaint Against Individual" to the Municipal Court. Process followed then will be handled thru the court.

Danbury Township Complaints & Violations Procedure Policy

This flowchart is a generality of the process.
To be used in conjunction with the
"COMPLAINTS & VIOLATIONS PROCEDURE POLICY"
Established in 2013
Updated in 2015



File with Township

Zoning Inspector
inspects property &
takes photos.

Makes determination
if Violation exists or
not & which process
to follow.



Warning Letter
(by Certified Mail)

**Wait 7 Days

Reinspect
Take Photo's

Notice to Comply
(by Certified Mail)

**Wait 7 Days

Reinspect
Take Photo's

Prepare Trustee
Resolution

Trustee's Declare
Nuisance

Order Lienholder
Report

Send Notice of
Nuisance to Owner
& Lienholders
(by Certified Mail)
AND Post Property

Wait 7 Days

Reinspect
Take Photo's

Order Abatement

Forward Assessment
to County Auditor

Wait 72 hrs.

Reinspect
Take Photo's

Warning Letter
(by Certified Mail)

**Wait 14 Days

Reinspect
Take Photo's

Prepare Trustee
Resolution

Trustee's Declare
Junk Vehicle

Order Lienholder
Report

Send Notice to
Comply to Owner
& Lienholders
(by Certified Mail)
AND Post Property

Wait 14 Days

Reinspect
Take Photo's

Order Abatement/
Removal of
Vehicle

Nuisance Violation

Zoning Violation

**CASE
CLOSED**

Citations can be filed every 24 hrs. that the violation exists. Citations should be filed for each infraction as well.

Issue Citation with
Municipal Court

Fill out
"Complaint Against
Individual" form along
with "Personal
Identifier" Form
obtained by Danbury
Police Department

File Injunction with
Common Pleas

Contact County
Prosecutor or Twp.
Attorney

Process then follows Court
Assigned Schedule

*If Owner is Repeat Offender within 6 months to 1 year following Warning Letter, proceed with Notice to Comply.
If Property Owner is a Repeat Offender after Trustee Resolution is Passed, see ORC 505.87.*

If Corrected - Close

If Corrected - Close

If Corrected - Close

Per ORC 505.173 also punishable thru Municipal Court as a Minor Misdemeanor.

If No Violation - Close

If Corrected - Close

If Corrected - Close

If Corrected - Close

Within 20 days following any Notification the Owner has the right to Appeal the Zoning Inspector's Interpretation to the Board of Zoning Appeals in accordance with the Zoning Resolution Chapter 6 & 7.

If Owner is a Repeat Offender within 6 months to 1 year following Notifications, proceed to the next step.

***An Extension can be requested by the property owner during the Notification process. If the owner fails to meet an extended deadline, then the process picks up where it left off.*