

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in regular session at 7:00 p.m., on June 26, 2013, at the Danbury Township Building, 5972 E. Port Clinton Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt

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

RESOLUTION NO. 06 - 2013

**AMENDING DANBURY TOWNSHIP RESOLUTION 8/9/06-B
REGULATIONS REGARDING ABATEMENT, CONTROL, OR
REMOVAL OF VEGETATION, GARBAGE, REFUSE AND
OTHER DEBRIS IN THE TOWNSHIP**

WHEREAS, the Danbury Board of Township Trustees has determined that regulations regarding abatement, control or removal of vegetation, garbage, refuse or debris in accordance with ORC 505.87 shall be adopted and regulated as follows:

Section 1. 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 such vegetation, garbage, refuse, and other debris constitutes a nuisance.

Section 2. The Danbury Board of Township Trustees determines under this section 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.

Section 3. At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:

(a) 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;

(b) If such vegetation, garbage, refuse, or 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 lien holders 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.

Section 4. 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:

(a) 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.

(b) 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.

Section 5. 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 (C) of this section~~ Section 6 of this Resolution.

Section 6. If, within seven days after notice is given under Section 3, or within four days after notice is given under Section 4 of this Resolution, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or debris, or no agreement for its abatement, control, or removal is entered into under ~~division (B) of this section~~ Section 5 of this Resolution, 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 shall, when approved by the board, 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.

Section 7. 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 statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, as provided in ~~division (C) of this section~~ Section 6 of this Resolution, 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, ~~and a proper description of the premises.~~ The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of the entry, and shall be collected as other taxes and returned to the township and placed in the township general fund.

NOW, THEREFORE, be it resolved that the Danbury Board of Township Trustees will, effective immediately, hereafter exercise its authority under the Ohio Revised Code to provide for the abatement, control or removal of vegetation, garbage, refuse or debris on private property within the Township which constitutes a nuisance.

This Resolution shall take effect and be in force from or after the earliest period allowed by law.

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

Vote Record: Ms. Rozak yes Mr. Scott yes Mr. Hirt yes

ADOPTED this 26th day of June, 2013.

Attest:

Shelley J Seamon
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio

Dianne Rozak
Dianne Rozak

Charles B. Scott
Charles B. Scott

David Hirt
David Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 26th day of June, 2013 and filed with the Danbury Township Fiscal Officer.

Shelley Seamon
Shelley Seamon
Danbury Township Fiscal Officer