First Reading: July 23, 2024 Second Reading: Dispensed

RESOLUTION NO. 2024 - 081

RESOLUTION AUTHORIZING THE REMOVAL, REPAIR, OR SECURANCE OF UNSECURE AND/OR UNSAFE BUILDINGS AT 12108,12106,12094, 12098 THIRD AVE, 45249 (A.K.A 12098 THIRD AVE, 45249)

WHEREAS, pursuant to Ohio Revised Code Section 505.86, a Board of Trustees may provide for the removal, repair, or securance of buildings or other structures in the Township that have been declared unsecure, unsafe, or structurally defective by the Sycamore Township Fire Department or by the Hamilton County Building Department or other authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, and;

WHEREAS, the Sycamore Township Planning & Zoning Department, the Sycamore Township Fire Department, the Hamilton County Health Department, and the Hamilton County Planning + Development Department have received complaints regarding, and have subsequently investigated the conditions present on, the following properties: (See Exhibit "A")

Address	Auditor's Parcel ID # (PIN)
12108 Third Ave, Cincinnati, OH 45249	060000110764
12106 Third Ave, Cincinnati, OH 45249	060000110765
12094 Third Ave, Cincinnati, OH 45249	060000110769
12098 Third Ave, Cincinnati, OH 45249	060000111341

and have determined that the structures situated thereon to be unsafe, unsecure, and structurally defective, to such an extent as to represent a direct and real threat to the public health and safety, thereby constituting a nuisance as documented in photographic evidence identified as Exhibit "A" as an attachment to this Resolution, and;

WHEREAS, the Sycamore Township Fire Department (Exhibit "B"), Hamilton County Planning + Development Department (Exhibit "C"), and Hamilton County Public Health Department (Exhibit "D") has determined that the structures and conditions present on the aforementioned property are unsafe and structurally defective, and a danger human life and the public welfare, and;

WHEREAS, the owner(s) of record of the aforementioned property have elected not to pursue removal of the unsafe and structurally defective structures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Sycamore Township, State of Ohio, by authority of Section 505.86 of the Ohio Revised Code, as amended, that:

SECTION 1.

The structures located at 12108,12106,12094,12098 Third Ave, Sycamore Township OH 45249 / PIN, 060000110764, 060000110765, 060000110769, 060000111341 (A.K.A 12098 Third Ave, Sycamore Township OH, 45249) are hereby determined to be unsafe, unsecure, and structurally defective, thereby constituting a direct threat to the public health & safety and requiring removal pursuant to Section 505.86 of the Ohio Revised Code.

SECTION 2.

The Board of Trustees of Sycamore Township hereby declares its intention to make entry onto the property identified herein for the purposes of taking any and all actions necessary to secure the unsafe structures and remove the direct threat to the public health, safety and welfare situated therein, pursuant to Section 505.86 of the Ohio Revised Code.

SECTION 3.

The Board of Trustees of Sycamore Township hereby gives notice to all "parties in interest" as further defined in ORC 505.86, that the securance or removal of said structures will occur at least thirty (30) days after the date upon which the Board of Trustees of Sycamore Township gives notice by certified mail, return receipt requested, to each party in interest of its intention with respect to the removal, repair, or securance of an insecure, unsafe, or structurally defective or unfit building or other structure.

SECTION 4.

The Board of Trustees of Sycamore Township hereby directs notice to any parties in interest also be published in the Enquirer, a newspaper of general circulation within Sycamore Township.

SECTION 5.

Pursuant to ORC 505.86(C)(1), any and all parties in interest are hereby notified that each party in interest is entitled to a hearing if the party in interest requests a hearing in writing within twenty days after the date of mailing of this notice. The written request for a hearing shall be made to the Township Fiscal Officer.

SECTION 6.

Pursuant to ORC 505.86(C)(2), if a party in interest timely requests a hearing, the Board of Trustees of Sycamore Township shall set the date, time, and place for the hearing and notify the party in interest by certified mail, return receipt requested. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the party in interest has requested a hearing, unless otherwise agreed to by both the board and the party in interest. The hearing shall be recorded by stenographic or electronic means.

SECTION 7.

If a party in interest requests a hearing pursuant to ORC 505.86(C)(3), the Board of Trustees of Sycamore Township shall make an order deciding the matter not later than thirty days after said hearing. The order may dismiss the matter or direct the removal, repair, or securance of the building or other structure. At any time, a party in interest may consent to any such order.

SECTION 8.

Pursuant to ORC 505.86(C)(4), a party in interest who requests and participates in a hearing, and who is adversely affected by the order of the board, may appeal the order under Section 2506.01 of the Ohio Revised Code.

SECTION 9.

If no hearing is requested by a party in interest pursuant to ORC 505.86(C)(3), the Board of Trustees of Sycamore Township issues an order thirty (30) days from the date of mailing notice of the adoption of this Resolution. This order directs the removal, repair, or securance of the building or other structures. At any time, a party in interest may consent to this order.

SECTION 10.

The cost of the securance of the structures and all associated site restoration work shall be assessed to the parcel or parcels of record and the county auditor shall place the costs upon the tax duplicate as certified by the Sycamore Township Fiscal Officer. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as other taxes and returned to the township general fund.

SECTION 11.

The Township Administrator, or appointed representative, is hereby authorized by the Board of Trustees of Sycamore Township to execute any agreement between a party in interest and the Board of Trustees of Sycamore Township to perform the removal, repair, or securance of the insecure, unsafe, or structurally defective or unfit building or other structure as otherwise permitted pursuant to Section 505.86 of the Ohio Revised Code.

SECTION 12.

That this Board hereby 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 13.

The Board hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to RC 504.10, and authorizes the adoption of this Resolution upon its first reading.

SECTION 14.

This Resolution shall take effect immediately, or upon the earliest date as otherwise allowed by law.

VOTE RECORD:

	Mr. Kellums And	Ms. Schwegmann	Mr. Weidman Ans
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PASSED at the meeting of the Board of Trustees this 23rd day of July, 2024.

Thomas J. Weidman, Chairman

Tracy Schwegmann, Vice Chairman

Tracy Kellums, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, this 23^{rd} day of July, 2024.

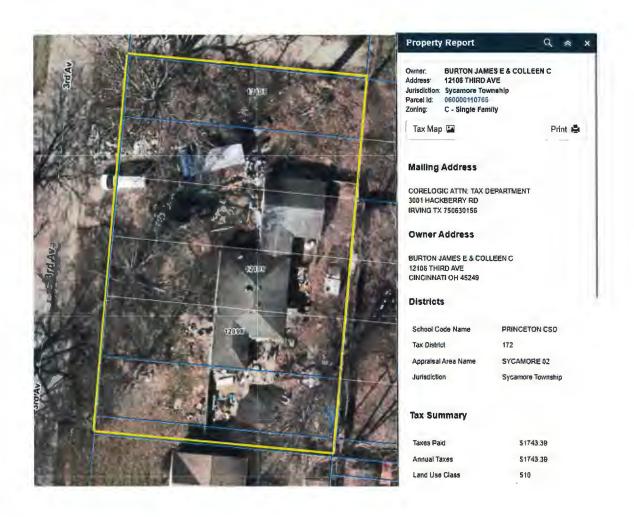
ATTEST:

Ionathan T. Deters, Sycamore Township Fiscal Officer

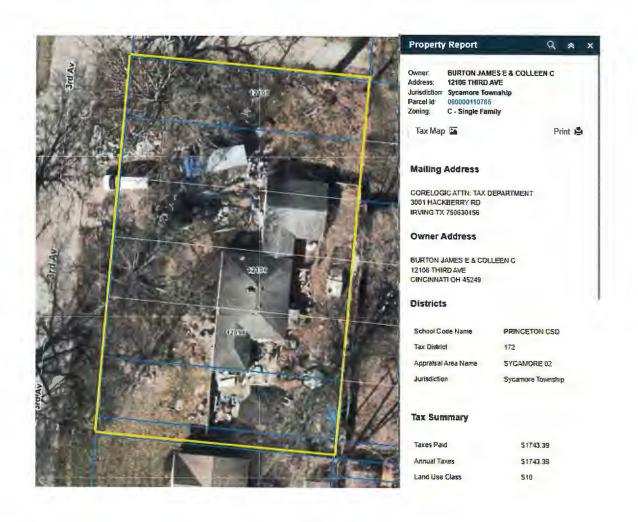
APPROVED AS TO FORM:

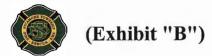
Lawrence E. Barbiere, Township Law Director

(Exhibit "A")



(Exhibit "A")







Parcel ID Address Inspection Date / Time 12106 3rd Ave 5/3/2024 10:45:45 AM Safety Hazard Scale 1=Minumum **Case Number** 10 Building need repaired Yes Repair by: Building need razed Yes Razed by: Overall structural integrity Resolution Completed **Nuisance Property** Building currently under repair By whom: **Property Owner** Inspector Inspector Title Department Colleen Burton DOUG MORATH Fire Marshall Fire Occupied By Address 12106 3rd Ave Property Owner Address Owner Phone Phone Number Contact Person 12106 3rd Ave Colleen Burton **Building Inspection Building Livable** Unkn Is there running water No Signs of water leaks or floods Yes Chimney falling Unkn Defective wiring/electric HVAC working properly Yes Signs of broken pipes Signs of natural gas leaks No Yes Floor problems (Sagging, Holes) Yes Signs of walls / ceiling cracks Any broken windows / doors No Signs of fire / smoke damage No Yes **Building Secure** Signs of roof damage / holes Signs of cave-ins / walls leaning Yes Yes Yes Other Contributing Issues Signs of roaches, insects, bugs Signs of rats, nice, vermin Yes Mold present Unkn Yes Peeling paint / plaster Yes Signs of lead paint Signs of asbestos Unkn Bad ventilation present Excessive garbage / clutter Smell of fumes Unkn Yes Yes Storage of flammable materials Storage of hazardous materials Unkn Crime / illegal activity Unkn Yes **Building Dynamics/ Citations** Building use Number of stories Neighborhood Resident Residential 1 Number of square foot n/a Construction type Wood/Block Basement present Patial Basement Need Boarded Up Unkn Roof construction Asfault Shingles Floor construction Wood Referred to Building Dept. Citation Issued No Yes Date 7/10/2024 Date Citation Number





Fire Code references

(1) 110.1 General. If during the inspection of a premises, the fire code official finds a building or structure or any building system, in whole or in part, constitutes a dangerous condition described in division (A), (B) or (C) of section 3737.41 of the Revised Code, the fire code official shall issue such citation and orders to remove or remedy the conditions as shall be deemed necessary in accordance with section 3737.41 of the Revised Code and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required. Nothing in this paragraph shall be construed as prohibiting or limiting a fire code official's ability to take any other enforcement actions authorized by Chapter 3737. of the Revised Code, including issuance of citation pursuant to section 3737.42 of the Revised Code.

(A) If the fire marshal, an assistant fire marshal, or any certified fire safety inspector, upon an examination or inspection, finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or for any other reason, is especially liable to fire or endangers life or other buildings or property, such officer shall issue a citation and order such building or structure to be repaired, torn down, demolished, or materials removed, and all dangerous conditions remedied.(A) If, upon inspection or investigation, the fire marshal, an assistant fire marshal, or a certified fire safety inspector believes that the state fire code or an associated order has been violated, the fire marshal, assistant fire marshal, or certified fire safety inspector shall, with reasonable promptness, issue a citation to the responsible person. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a certified fire safety inspector or an assistant fire marshal, a copy of the citation shall be furnished to the fire marshal.





Comments

This residence is in very bad shape and is not fit for any people to live in. There is debris all over the floor. Floor appears to be soft in places, the basement has about 10 inches or more of water causing the support post to rot. The basement per the homeowner was dug after the house was built. Basement and first floor is full of mosquitoes, fly's and gnats. Health inspector also reports of rat droppings. Ceiling drywall has fallen in some areas. Open electrical wiring was seen in kitchen. No running water and reports of human waste and dog feces in the basement and on the first floor throughout the residence. They do have operating electric service at this time. See photos below.

Outside the residence the front wall has a large section the appears to be falling away from the house and the concrete front porch is tilting towards the basement. These two issues may be falling into the basement. A visual from the basement steps was not confirmed due to the water level and other obstructions. There is a lot of junk and debris all the way around the property that will hamper any rescues or to fight any fires.

In my opinion, the structure is unsafe and insecure and needs to be posted as an Unsafe Structure / Building. Hamilton County Building Department also was present and did their inspection.

Right of Entry

Owner / Occupant Name

Signature

Date 7/10/2024

Photos

Front of House (taken on first inspection)



Front of Garage (taken on first inspection)







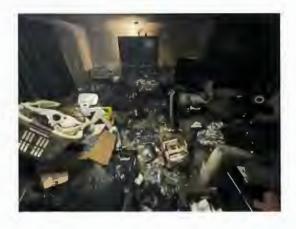
Front of house 7/10/24



Rear of house 7/10/24



Living room 7/10/24



Front of house 7/10/24



Over grown side yard 7/10/24



Bedroom where the hold in wall is located. 7/10/24







Hold in corner of bedroom wall to outside. 7/10/24



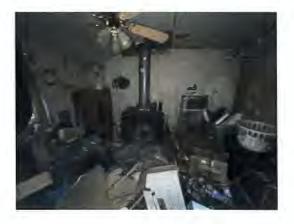
Main bedroom looking in from living room. 7/10/24



Old truck in rear yard 7/10/24



Living Room 7/10/24



Open electrical wiring in kitchen 7/10/24



Basement 1 with about 10 inches of water 7/10/24







Inside the Garage 7/10/24



Basement 2 7/10/24



Basement 4 7/10/24



Server cracking in front wall leaning outward and concrete



Basement 3 7/10/24





HAMILTON COUNTY

Planning + Development

Adjudication #HBC 2024009

Property Address: 12106 Third Ave. Cincinnati, Ohio 45249 - Sycamore Twp (Exhibit "C")

Owner:

James E. & Colleen C. Burton 12106 Third Ave. Cincinnati, Ohio 45249

Re: Official Building Order/Nuisance Notification

Date: July 11, 2024

138 E COURT ST., RM 801 CINCINNATI, OH 45202

GENERAL INFORMATION (513) 946-4550 www.hamiltoncountyohio.gov/pd

> Director James Noyes

Assistant Director Steve Johns, AICP

Divisions

Chief Building Official Michael Stehlin, AIA

Community Development Maria Collins

> Community Planning Chris Schneider

Land Use + Zoning Bryan Snyder, AICP

Stormwater + Infrastructure Mohammad Islam, PE

Board of County Commissioners

Denise Driehaus Stephanie Summerow Dumas Alicia Reece Dear Sirs;

The Hamilton County Building Inspections Division has received notification of a property maintenance/nuisance complaint.

As directed by Ohio Revised Code (ORC) Sections 3781 and 3791, the purpose of this letter is to advise you that the building is found to have conditions which do not comply with the Ohio Building Code (OBC) and the Residential Code of Ohio (RCO) for an occupiable structure. This letter is an adjudication order, listing the item(s) requested for appeal, pursuant to OBC/RCO Section 109.1.

(UNSAFE STRUCTURE - DEMOLISH OR REPAIR)

Observations:

On July 11, 2024, an inspector from our office inspected the property and found that it was unsafe and unsanitary as follows:

- The front wall of the house is concrete masonry and has moved, settled and severely cracked.
- Lintels over the doors and windows have failed in several locations.
- The ceiling has collapsed in many locations.
- Daylight can be seen through the cracks at the corners of the rooms.,
- The basement has standing water in excess of a foot deep. The basement is open to the outdoors.
- The windows are not functioning.
- The plumbing is not fully functional.
- The roofline is bowed, showing signs of structural failure.
- There is debris and garbage inside and outside in the yard such that it is not possible to enter all the spaces.
- The yard has noxious weeds and they have clogged the gutters.

Conclusions:

The house is unsafe for occupancy and is condemned. Significant repairs are required for reoccupancy. If no repairs are done, the building shall be razed.

OBC 105.1: Approvals required.

1. Permits are required for either demolition or repair of the house.

Per OBC Section 110 you have a right to appeal this decision within thirty (30) days of the mailing of this notice by filing for a hearing with the Board of Building Appeals at 138 E. Court Street, Cincinnati, Ohio 45202. You have the right to be represented by counsel, present arguments, or contentions orally or in writing, and present evidence and examine witnesses appearing for or against you. This right shall expire August 15, 2024.

The Owner or Owner's agent shall notify the Building Official if any of the above adjudication items will be brought into compliance within thirty (30) days from the date of this letter. Failure to comply with this adjudication order may result in prosecution and penalties in accordance Section 3791.04 of the Ohio Revised Code.

Sincerely,

Michael Stehlin

Chief Building Official

Michael Stehlin

(Exhibit "D")

Certified Mail # 9589 0710 5270 0957 8060 59 Receipt Requested

Second Notice of Violation Notice of Condemnation

July 11, 2024

BURTON JAMES E & COLLEEN C 12106 THIRD AVE CINCINNATI OH 45249

Re: 12106 Third Ave

Sycamore Twp



PREVENT. PROMOTE. PROTECT.

250 William Howard Taft Road, 2nd Floor. Cincinnati, OH 45219

Phone 513.946.7800 Fax 513.946.7890

hamiltoncountyhealth.org

Nuisance # 518765

To Whom it May Concern:

A site investigation was conducted on July 10, 2024, at the above referenced property in response to a complaint received by Hamilton County General Health District. This letter details the observations made during the investigation, existing violations of the Ohio Revised Code (ORC), the Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67, and corrective actions required to obtain compliance with the applicable regulations.

Observations

At the time of the inspection, I observed that the home was heavily cluttered with garbage and belongings. I observed that there were no pathways present. There were structural concerns that allowed for water intrusion. There is no running water to the house. The basement is holding approximately 18 inches of water, which we assume contains sewage due to the odor. The basement is breeding a lot of mosquitoes, and there were a lot of fresh rat droppings throughout the entire inside of the home. The following photographs were taken at the time of the inspection:



7/10/24 No Pathways TS



7/10/24 Bathroom TS



7/10/24 Failing roof TS

7/10/24 Fresh rodent droppings TS



7/10/24 Kitchen TS



7/10/24 Family room TS

Violations

ORC 3707.01 states: "The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders."

You are currently in violation of Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67:

- 4.4 Every kitchen sink, lavatory, bathtub, or shower shall be properly connected with hot and coldwater lines. The hot water lines shall be connected to a hot water heating facility of adequate size which provides at times a temperature of not less than 120°F.
- 4.5 Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold-water outlets.
- 4.6 All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- 4.9 Every dwelling shall have a safe unobstructed means of egress leading to a safe and open outdoor space at ground level.
- 4.15 Exterior property areas and accessory structures shall be free from health, fire, and accident hazards, and vermin, insect and rodent harborage and conditions which might create a nuisance.
- 4.16 The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation.
- 4.17 Every foundation floor, ceiling, wall and roof shall be reasonably weathertight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness.
- 4.18 Every window, exterior door and basement shall be reasonably weathertight, watertight and rodent proof.

PURSUANT TO ORC 3707.48 No person shall violate sections <u>3707.01</u> to <u>3707.50</u> or section <u>3707.53</u> of the Revised Code, or any order or regulation of the board of health of a city or general health district made in pursuance thereof, obstruct or interfere with the execution of such order, or willfully or illegally omit to obey such order.

In addition, your home is condemned and considered unfit for human habitation under the authority of the Hamilton County General Health District. Environmental Sanitation Regulation No. 1-67 states:

- 6.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner.
 - (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (b) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (c) One which, because of its general condition or location, is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

Required Corrective Action

For the condemnation to be lifted the following will be required:

• Ensure that all plumbing is installed correctly.

- Ensure that the home is equipped with water, gas, and power.
- Ensure that the home is professionally exterminated for rodents.
- Ensure that the home is maintained clean, so as not to attract unwanted pests.
- Ensure that the home is weather tight.
- Ensure that any secondary structures on the property are not used for habitation
- Ensure that you comply with local Fire and Building
- Ensure that the basement is drained and thoroughly cleaned and sanitized

The above actions must be completed by August 9, 2024. Failure to do so may result in referral of this case to the Environmental Division at the Office of the Hamilton County Prosecuting Attorney.

This home presents an immediate public health danger to the surrounding homes due to the large rodent infestation and the large number of mosquitoes breeding in the basement.

A re-inspection of the property by the Environmental Health Division of Hamilton County Public Health will be conducted on or after **August 9**, **2024**, to ensure corrective actions have been taken to remedy the situation. In addition, continued surveillance of the property will be conducted to verify compliance.

Please feel free to contact me if you have any questions or concerns at (513) 946-7833 or at tucker.stone@hamilton-co.org

Sincerely,

Tucker \$tone REHS

Supervisor, Environmental Health Division

VAN 25119

CC: Jeremy Hessel, Environmental Health Director
Craig Davidson, Assistant Health Commissioner
Matthew J Byrnes Esq, Sycamore Township Solicitor
Scott E Prickett, Hamilton County Sherriff
Jeff Uckotter, Sycamore Township Zoning
Doug Morath, Sycamore Township Fire

Mike Inman, Hamilton County Building Department