

## Resolution 2024- 176

### A Resolution Declaring the Property Owned by Shawn Furlong Located at 1221 Brown Rd, a Nuisance

#### PREAMBLE

**WHEREAS**, the Franklin Township Board of Trustees (the "Board") has found the Property owned by Shawn Furlong, located at 1221 Brown Rd Franklin Township, Franklin County, Ohio, known as Parcel Numbers 140-001336-00 (the "Property"), is littered with garbage, refuse, and debris, including, but not limited to, solid household waste, miscellaneous cardboard, plastic containers, miscellaneous building materials, miscellaneous metal, trash, tires, refuse and debris, etc. in the front and rear of property (the "Garbage, Refuse and Debris");

**WHEREAS**, pursuant to §505.87 of the Ohio Revised Code, the Board is authorized to determine that the maintenance of vegetation, garbage, refuse, and other debris upon a property constitutes a nuisance and order the property owner to remove such vegetation and debris within seven (7) days, and if the owner fails to remove the refuse and debris or to make arrangements for the removal within the allotted time period, the Board may proceed to remove the refuse and debris and enter the cost of such removal upon the tax duplicate for the Property; and

**WHEREAS**, it is in the best interest of Franklin Township (the "Township") and its residents to proceed under §505.87 of the Ohio Revised Code to remove the Garbage, Refuse, and Debris from the Property.

#### RESOLUTION

**BE IT RESOLVED** by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board has found that the property owned by Shawn Furlong, located at 1221 Brown Rd, Franklin Township, Franklin County, Ohio, known as Parcel Number 140-001336-00 in Franklin Township, Franklin County, Ohio, is littered with garbage, refuse and debris. The Board hereby determines that the maintenance of the Garbage, Refuse, and Debris on the Property constitutes a nuisance and, pursuant to §505.87 of the Ohio Revised Code, orders the following actions:

- (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 costs 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 costs incurred, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the costs incurred exceed five hundred dollars, the board may borrow moneys from a financial institution to pay for the costs 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 costs 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 county auditor shall place the costs upon the tax duplicate. The costs are a lien upon the land from and after the date of the entry. The costs shall be returned to the township and placed in the township's general fund.

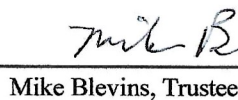
**BE IT FURTHER RESOLVED** This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby and that this Resolution shall be in full force and effect immediately upon its adoption.

**BOARD OF TRUSTEES, FRANKLIN TOWNSHIP,  
FRANKLIN COUNTY, OHIO**

ATTEST: October 17<sup>th</sup>, 2024

  
James Leezer, Chairman

  
John Flëshman, Vice Chairman

  
Mike Blevins, Trustee

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Linzie Justus, Franklin Township Fiscal Officer

*Adopted:* October 17<sup>th</sup>, 2024