

**FAIRFIELD TOWNSHIP  
RESOLUTION NO. 24-113**

**RESOLUTION DECLARING NUISANCE AND ORDERING ABATEMENT ON THE  
PROPERTIES LISTED BELOW AND FURTHER AUTHORIZING THE ZONING  
ADMINISTRATOR TO INITIATE COMPLAINT.**

**WHEREAS:** Uncontrolled vegetation, unsecured property, improper parking of vehicles, and/or refuse, junk, and debris were reported at the properties listed below; and

- **2129 Pater Ave- Fence in disrepair, Tree entangled in utility lines**

**WHEREAS:** The Ohio Revised Code Section 505.87 provides that, at least seven days prior to providing for the abatement, control or removal of any vegetation, garbage, refuse or debris, or securing the property, the Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land; and

**WHEREAS:** The Fairfield Township zoning resolution outlines zoning guidelines to promote public health, safety, comfort, and welfare of the residents of Fairfield Township. Violations of a provision of the resolution have been observed and proper notice has been delivered; and

**WHEREAS:** The Ohio Revised Code Section 505.87 provides that, if the Board of 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 prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

**WHEREAS:** In accordance with Ohio Revised Code Section 505.87, the Township Trustees have the authority to contract to abate the nuisances and have the costs incurred assessed to the property tax bills;

**NOW, THEREFORE, BE IT RESOLVED,** by the Board of Trustees of Fairfield Township, Butler County, Ohio, as follows;

**SECTION 1:** That this Board specifically finds and hereby determines that the unsecured property, inoperable vehicles, improperly stored vehicles, uncontrolled growth of vegetation and/or the refuse and debris on each of the said properties listed above constitute a nuisance within the meaning of Ohio Revised Code Section 505.87, and the Board directs that notice of this action be given to owners of the said property and lienholders in the manner required by Ohio Revised Code Section 505.87.

**SECTION 2:** That this Board hereby orders the owners of said property to remove and abate the nuisances within seven days after notice of this order is given to the owners and lienholders of record, and within four days after notice of this order is given to the owners and lienholders of record for properties previously determined to be a nuisance. If said nuisances are not removed and abated by the said owners, or if no agreement for removal and abatement is reached between the Township and the owners and lienholders of record within four or seven days after notice is given, the Zoning Administrator shall cause the nuisances to be removed, and the Township shall notify the County "Auditor to assess such cost-plus administrative expense to the property tax bills for the said parcel, as provided in Ohio Revised Code Section 505.87.

**SECTION 3:** The Board hereby dispense 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 4:** This Resolution is the subject of the general authority granted to the Board of Trustees through the Ohio Revised Code and not the specific authority granted to the Board of Trustees through the status as a Limited Home Rule Township.

**SECTION 5:** That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

**SECTION 6:** This Resolution shall be declared an emergency and shall take effect at the earliest period allowed by law and to facilitate remediation of the nuisance throughout the growing season.

Adopted: August 13, 2024

**Board of Trustees**

**Vote of Trustees**

Shannon Hartkemeyer:

*Shannon Hartkemeyer*

yes

Michael Berding:

*Michael Berding*

yes

Joe McAbee:

*Joe McAbee*

yes

**AUTHENTICATION**

This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 13<sup>th</sup> day of August, 2024.

**ATTEST:**

*Shelly Schultz*

Shelly Schultz, Fairfield Township Fiscal Officer

**APPROVED AS TO FORM:**

*Lawrence E. Barbieri*

Lawrence E. Barbieri, Township Assistant Law Director



FAIRFIELD TOWNSHIP PLANNING & ZONING DEPARTMENT  
 6032 MORRIS ROAD  
 FAIRFIELD TOWNSHIP, OHIO 45011  
 513-887-4400

Case Date:	7/3/2024	Courtesy Notice Date:	7/3/2024
Fairfield Twp Violation #	24-110	NOV Issue Date:	7/25/2024
Address of Violation:	2129 PATER AVE	Final NOV Issue Date:	
Complainant Name:			
Description:			
Disposition:	Send to Trustees		
Assigned to:			

**Property**

Parcel #	Address	Owner Name
A0300042000031	2129 PATER AVE	MCELROY, JANICE D AND HOWARD R

**Violations**

**Code:** 712. Fences as Accessory Uses. **Status:** In Violation

712. Fences as Accessory Uses. Fences are permitted as accessory uses in all districts provided they are not located within any street right-of-way or within the front yard. On corner lots, shall not project beyond the minimum front yard setback requirement. It is the responsibility of the property owner to maintain the fence in a safe manner in good condition in compliance with Section 518. 1. All fence construction shall require a Zoning Certificate issued from the Fairfield Township Planning and Zoning Department prior to the start of said construction. 2. Fences in residential districts are limited to a maximum of 6 feet and a minimum of 4 feet in height. 3. No fences in residential districts shall be made or constructed with barbed, electric, or any other material or configuration designed to cause any degree of harm. 4. Fences in non-residential districts shall be limited to a maximum of 8 feet and a minimum of 4 feet in height. 99 5. Persons or entities in non-residential and non-agriculturally zoned areas seeking to make or construct a fence barbed, electric, or any other material or configuration designed to cause any degree of harm or discomfort to any living thing must acquire approval from the Board of Zoning Appeals prior to construction.

**Date:** 7/3/2024 9:10:00 AM

**Required Actions:**



**Notes**





FAIRFIELD TOWNSHIP PLANNING & ZONING DEPARTMENT  
6032 MORRIS ROAD  
FAIRFIELD TOWNSHIP, OHIO 45011  
513-887-4400

## NOTICE OF NUISANCE ABATEMENT VIOLATION

Under Fairfield Township Zoning Resolution and  
(ORC 505.87 & 505.871)

Case Number: 24-110

Date:

Property Owner: MCBELROY, JANICE D AND HOWARD R  
3189 PRINCETON RD # 298  
FAIRFIELD TOWNSHIP, OH 45011

Address in Violation: 2129 PATER AVE  
FAIRFIELD TOWNSHIP, OH 45015

Parcel ID: A0300042000031

YOU ARE HEREBY NOTIFIED that you are in Violation of the Fairfield Township Zoning Resolution and/or sections 505.87 & 505.871 of the ORC at the property located at 2129 PATER AVE.

In accordance with the Fairfield Township Zoning Resolution, your property is in violation of the following section(s):

Code: 712. Fences as Accessory Uses.

Status: In Violation

712. Fences as Accessory Uses. Fences are permitted as accessory uses in all districts provided they are not located within any street right-of-way or within the front yard. On corner lots, shall not project beyond the minimum front yard setback requirement. It is the responsibility of the property owner to maintain the fence in a safe manner in good condition in compliance with Section 518. 1. All fence construction shall require a Zoning Certificate issued from the Fairfield Township Planning and Zoning Department prior to the start of said construction. 2. Fences in residential districts are limited to a maximum of 6 feet and a minimum of 4 feet in height. 3. No fences in residential districts shall be made or constructed with barbed, electric, or any other material or configuration designed to cause any degree of harm. 4. Fences in non-residential districts shall be limited to a maximum of 8 feet and a minimum of 4 feet in height. 5. Persons or entities in non-residential and non-agriculturally zoned areas seeking to make or construct a fence barbed, electric, or any other material or configuration designed to cause any degree of harm or discomfort to any living thing must acquire approval from the Board of Zoning Appeals prior to construction.

Required Actions:

Comments/Notes: Fence panels falling out.  
Nails poking out of the surrounding fence wall posing a safety hazard.



You must remedy the situation within TEN (10) days before further action is taken by Fairfield Township.

Please contact at (513) 887-4400 or at with any questions or once you are in compliance with the above notice violation(s).

Thank you in advance for your cooperation.

Hang Scott

7/15/2024  
Date



FAIRFIELD TOWNSHIP PLANNING & ZONING DEPARTMENT  
 6032 MORRIS ROAD  
 FAIRFIELD TOWNSHIP, OHIO 45011  
 513-887-4400

**Courtesy Notice of Violation**

Under Fairfield Township Zoning Resolution  
 (ORC 505.87 & 505.871)

Case Number: 24-110

Date: 7/3/2024

Property Owner: MCBELROY, JANICE D AND HOWARD R  
 3189 PRINCETON RD # 298  
 FAIRFIELD TOWNSHIP, OH 45011

Parcel ID: A0300042000031

Property in Violation: 2129 PATER AVE  
 FAIRFIELD TOWNSHIP, OH 45015

This Courtesy Notice is being sent to you in regards to your property at 2129 PATER AVE. In accordance to the Fairfield Township Zoning Resolution, your property violates section(s):

Code: 712. Fences as Accessory Uses.

Status: In Violation

712. Fences as Accessory Uses. Fences are permitted as accessory uses in all districts provided they are not located within any street right-of-way or within the front yard. On corner lots, shall not project beyond the minimum front yard setback requirement. It is the responsibility of the property owner to maintain the fence in a safe manner in good condition in compliance with Section 518. 1. All fence construction shall require a Zoning Certificate issued from the Fairfield Township Planning and Zoning Department prior to the start of said construction. 2. Fences in residential districts are limited to a maximum of 6 feet and a minimum of 4 feet in height. 3. No fences in residential districts shall be made or constructed with barbed, electric, or any other material or configuration designed to cause any degree of harm. 4. Fences in non-residential districts shall be limited to a maximum of 8 feet and a minimum of 4 feet in height. 99 5. Persons or entities in non-residential and non-agriculturally zoned areas seeking to make or construct a fence barbed, electric, or any other material or configuration designed to cause any degree of harm or discomfort to any living thing must acquire approval from the Board of Zoning Appeals prior to construction.

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Hang SA

\_\_\_\_\_  
7/3/2024  
Date