

**LIBERTY TOWNSHIP
HOME RULE RESOLUTION NO. 004
REGULATION OF PUBLIC NUISANCES**

The Board of Trustees of Liberty Township, Trumbull County, Ohio met in regular session at the Liberty Township Administration Building on the 12th day of April, 2009; with the following members present:

Trustee Stoyak, Trustee Simon and Trustee Litch;

Trustee Stoyak presented the following Resolution to the Board:

WHEREAS, R.C. 504.04(A) authorizes the Township to exercise powers of local self-government within the local police, sanitary, and other similar regulations and;

WHEREAS, R.C. 504.05 authorizes the Township to impose a civil fine up to \$1,000 for a violation of a resolution adopted pursuant to R.C. 504.04 et seq., and;

WHEREAS, it is the desire of the Liberty Township Board of Trustees to adopt a Home Rule Resolution to address the need to abate public nuisances, as herein defined, and promote property owner and/or landlord responsibility for activities occurring upon their property and/or property within their control;

NOW THEREFORE BE IT RESOLVED that the following regulations regarding public nuisances within the unincorporated area of the Liberty Township be and hereby are adopted, pursuant to the authority of the limited self-government of townships (Chapter 504 Ohio Revised Code) and approved upon First and Second readings and Publication and Codification.

SECTION 1: PUBLIC NUISANCE DEFINED

The following activities, occurring on property within the unincorporated area of the township and engaged in by an owner, lessee, occupant or invitee of the owner or occupant, are hereby declared to be public nuisances:

1. Any disorderly conduct, disturbance of the peace, noise or other similar violation under the Township Resolutions and/or statutes of the State of Ohio;
2. Any drug abuse violation under the Township Resolutions and/or statutes of the State of Ohio;
3. Any gambling violation under the Township Resolutions and/or statutes of the State of Ohio;

4. Any health, safety or sanitation violations under the Township Resolutions and/or statutes of the State of Ohio;
5. Any obstruction of official business under the Township Resolutions and/or statutes of the State of Ohio;
6. Any alcohol violations under the Township Resolutions and/or statutes of the State of Ohio;
7. Any sex offense under the Township Resolutions and/or statutes of the State of Ohio, including but not limited to public indecency, solicitation and prostitution;
8. Any offense against another person under the Township Resolutions and/or statutes of the State of Ohio, including but limited to assault, battery, menacing, endangering children and contributing to the unruliness and/or delinquency of a child;
9. Any offense against property under the Township Resolutions and/or statutes of the State of Ohio, including but not limited to criminal damaging, criminal mischief, burglary and arson;
10. Any theft violation under the Township Resolutions and/or statutes of the State of Ohio, including but not limited to theft and receiving stolen property;
11. Any fireworks violation under the Township Resolutions and/or statutes of the State of Ohio;
12. Any open burning or recreational fires in violation of the Township Resolutions and/or statutes of the State of Ohio;
13. Any activity engaged in by a person under eighteen years of age which would constitute an offense listed in this section if committed by an adult.

SECTION 2: NOTICES AND ORDERS

The Chief of Police of the Township or his designee, upon finding that three or more nuisance activities declared in Section 1 have occurred on property located within the township within any twelve month period, shall cause a written notice and order to be served on the owner and/or landlord of the property, declaring that such property is a nuisance property.

The notice and order shall set forth:

1. The nature of the nuisance(s);

2. The dates and times that the police have previously been called to the property;
3. That subsequent responses by the police to the property in question for the same nuisance will result in fines to the property owner/landlord;
4. The amount of fines to be assessed in the event of subsequent responses; and
5. That the property owner/landlord may avoid being charged costs of responses by taking steps to prevent any further nuisance activities as defined in this Resolution .

Notice and order shall be served on the property owner/landlord personally or by certified mail and regular mail to that person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address, or on the property affected.

If, within twelve months, the police respond to a fourth or successive nuisance activity on the property, the property/landlord will be charged with a violation of this resolution and upon conviction, will be assessed civil fines as prescribed in Section 4 of this resolution. The Chief of Police or designee shall issue a home rule citation to the property owner/landlord of the property.

SECTION 3: AFFIRMATIVE DEFENSES

It shall be an affirmative defense of the property owner/landlord, and a bar to the imposition of the fines set forth in Section 4, if the property owner/landlord demonstrates that:

1. He/she was not the owner of the property at the time of the occurrence of the prior nuisance activities; or
2. He/she, having received notice of the nuisance activity, promptly took reasonable and necessary action to abate each nuisance; or
3. He/she, having received notice of the nuisance activity evicted, ejected or removed from occupancy or possession of the property, those persons causing the nuisance; or
4. He/she having received notice of the nuisance activity, took action to reasonably secure the property from unwanted entry or trespass of the property; or
5. He/she is prohibited by law from taking any action to abate the nuisance; or
6. The nuisance is entirely outside the control or authority of the owner/landlord to take reasonable action to abate the nuisance.

SECTION 4: PENALTIES

Whoever violates this resolution is subject to the following civil fines:

- a) First Offense \$ 250.00
- b) Second Offense \$ 500.00
- c) Third Offense \$ 750.00
- d) Fourth and subsequent offenses \$ 1000.00

SECTION 5: EFFECTIVE DATE OF RESOLUTION

This resolution shall be in full force effect 30 days from its date of adoption upon a first and second reading and publication thereof.

First reading Township Resolution No. 10-72: 4/12/10

Moved by Trustee Stoyak and seconded by Trustee Simon.

The Roll Call resulted as follows:

	AYE	NAY
Mr Simon	<u> X </u>	_____
Ms. Stoyak	<u> X </u>	_____
Mr. Litch	<u> X </u>	_____

Second reading Township Resolution No. 10-90: 5/10/10

Moved by Trustee Stoyak and seconded by Trustee Simon.

The Roll Call resulted as follows:

	AYE	NAY
Mr Simon	<u> X </u>	_____
Ms. Stoyak	<u> X </u>	_____
Mr. Litch	<u> X </u>	_____

Liberty Township Resolution adopting Home Rule Resolution No. 004 is adopted upon second reading this 10th day of May, 2010.

Effective Date: June 10, 2010

Prepared and approved as to form:



Mark S. Finamore
Township Law Director

CERTIFICATION

I, John Fusco, Fiscal Officer of Liberty Township do hereby certify that the foregoing resolution is a true and accurate copy of the same as appears in the minutes of the official proceedings of the Board of Trustees of Liberty Township and the same was published and codified in accordance with Chapter 504 of the Ohio Revised Code.

Date: 5/11/10



John Fusco, Fiscal Officer