



CITY OF NAPOLEON

BUILDING & ZONING DEPARTMENT

255 West Riverview Avenue, P. O. Box 151 Napoleon, OH 43545

Tom Zimmerman, Building Commissioner/Zoning Admin

Telephone: 419/592-4010 Fax: 419/599-8393

www.napoleonohio.com

August 16, 2007

Ward's Truck Service
Mr. David Ward, Owner
985 American Road
Napoleon, Ohio 43545

Re: Violations of City Code

Dear Mr. Ward:

The City of Napoleon, Ohio issued your company a conditional use permit on or about August 8, 2007 so that your company could operate as a truck service center at the location of 985 American Road. Certain conditions were attached to the permit as follows:

1. That the permit not be transferable without prior approval of the Planning Commission or Council.
2. There shall expressly be no outside storage, including inoperable vehicles or vehicles to be serviced, except that parking of vehicles to be serviced within 72 hours of arrival may be parked on the outside premises.
3. There shall be no other permitted use except as provided by this conditional use permit or as allowed in a C-5 zone.
4. There shall exist no nuisance on the premises.

My observation of the subject property reveals that you are currently in violation of two of the four conditions, to wit: having outside storage, including inoperable vehicles parked outside the premises in violation of any stated exception; and, having nuisance motor vehicles stored upon the premises.

You are advised that violation of the conditional use permit subjects your company to the criminal sanctions pursuant to Section 1141.04 (m) which states that: No person may make use of land or structures or any portion thereof covered under a permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit. Moreover, pursuant to City Code 1115.99, any person found violating a provision of the City's Zoning Code shall for each violation be deemed guilty of a misdemeanor and shall be fined not more than \$1000.00 per day for each violation; also, each day a violation continues constitutes a separate offense (enhanced organizational penalties

may apply of \$2000.00 per day); further, if necessary an injunction may be applied for in the Court of Common Pleas of Henry County, Ohio pursuant to City Code 1115.05.

You are further advised that your company has failed to install a paved parking lot as identified in the site plans as agreed, including the approach area as required by City Engineering Rule 4.1.3 as well as City Code 1139.07.

Lastly, it would appear that you have established a truck wash without approval of the EPA and/or the City which constitutes another violation. Violation of Engineering Rules subjects your company to penalties of \$150.00 per day (enhanced organizational penalties may apply of \$1000.00 per day) (City Ordinance 30-98 and City Code 501.99). In addition your company may be subject to civil penalties, including fines and revocation of all prior approvals.

Mr. Ward, you are hereby ordered to immediately cease and desist the violations noted above or be charged accordingly. The City will take whatever steps are necessary to assure your company is in compliance with all laws, rules, and regulations.

Be advised City Code 1141.04 (n) provides you and/or your company a method to amend or modify your conditional use permit that may or may not cure some of your violations; however, until such modification is applied for and approved, you may not violate terms and conditions of the existing permit. Should you have any questions or comments, please contact my office.

Sincerely,

Tom Zimmerman, Zoning Administrator



cc: City Manager, Jon Bisher
City Engineer, Chad Lulfs
City Law Director, David Grahn
Ohio EPA