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CITY OF NAPOLEON
Building & Zoning Division

255 W. Riverview Avenue, PO Box 151, Napoleon, OH 43545
Phone: 419-592-4010 - Fax: 419-599-8393

BUILDING & ZONING
DIVISION

NOTICE TO ABATE NUISANCE

Zoning Administrator
Building Commissioner
Tom Zimmerman

TO: Fernando Gonzalez Jr.
625 Arden Ct.
Napoleon, OH 43545

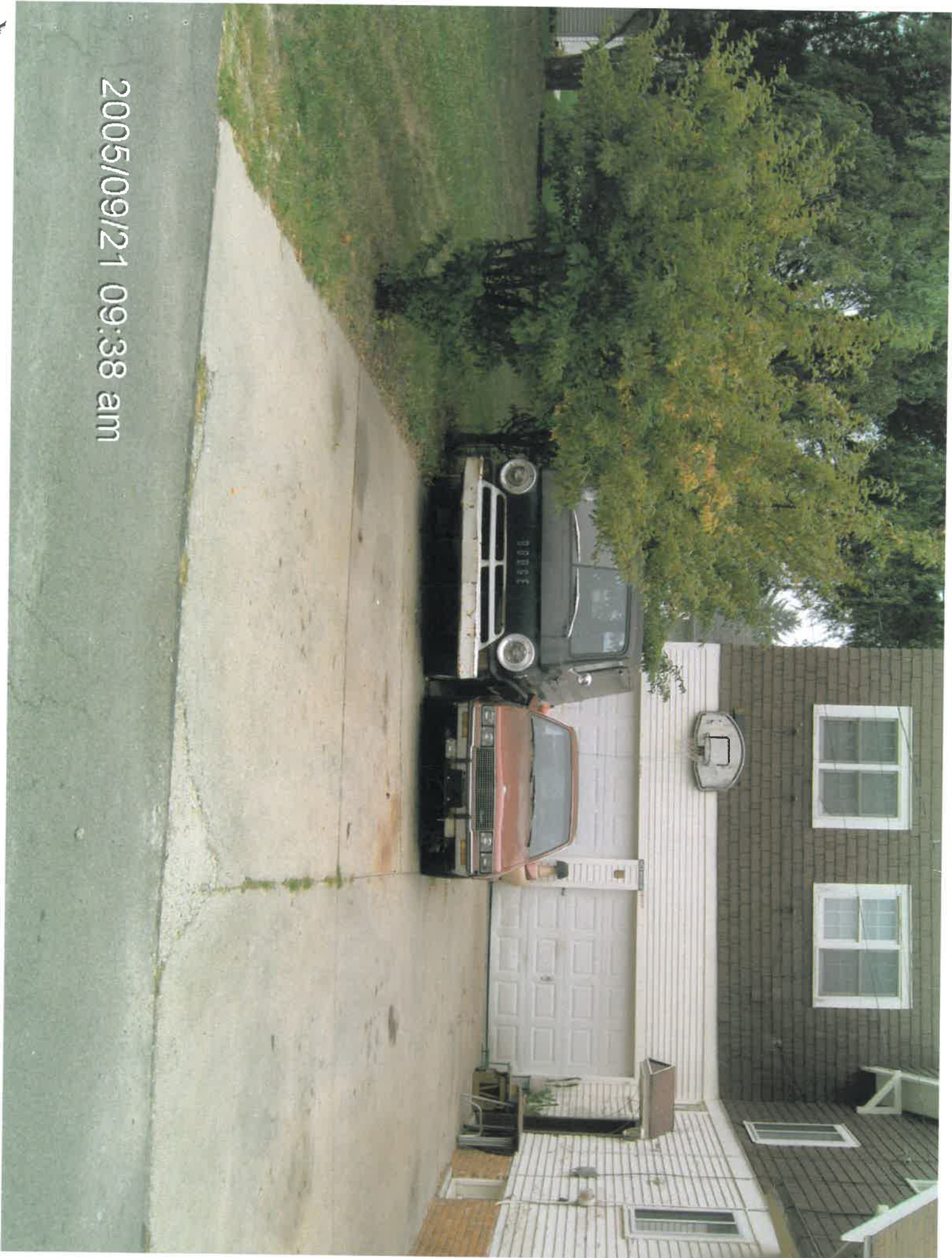
You are hereby notified that the nuisance as defined in 503.05(k) of the Codified Ordinances of the City of Napoleon, Ohio, maintained, operated or permitted to exist by you located in the side driveway at 625 Arden Ct., Napoleon, Ohio consisting of a black Dodge van and a red (rust color) car both inoperable vehicles with no valid license plate must be abated by removal of the same and that if this Notice is not complied with, within 15 days of service of this notice **you are hereby directed to appear before the City Manager of Napoleon, Ohio in the Conference Room in City Hall located at 255 W. Riverview, Napoleon, Ohio 43545 on September 19th 2005, at 10:00 am** to show cause why the same shall not be abated and that upon your failure to so appear the undersigned will take necessary steps to abate such nuisance. The cost of abatement incurred by the City shall be assessed against you, and a lien may be imposed on the property to secure such payment. If the abatement concerns a motor vehicle or other personal property, you are advised that it may be sold or disposed of in order to abate and/or to cover the cost of abatement.

Note: You are entitled to be represented by legal counsel at the hearing.

Orders or Findings of the City Manager may be appealed pursuant to 503.11 of the Codified Ordinances of the City of Napoleon, Ohio.

Tom Zimmerman
Building & Zoning Administrator

TZ;as
cc: file



2005/09/21 09:38 am



2005/09/21 09:39 am



**CITY OF NAPOLEON – Building & Zoning
Division**

255 W. Riverview Avenue, PO Box 151, Napoleon, OH 43545
Phone: 419-592-4010 - Fax: 419-599-8393

NOTICE DELIEVERED TO: Fernando Gonzalez Jr.

AT: 2225 Ardor Cr.

DATE: 8/30/05 TIME: 5pm

BY: JG

NOTICE DELEIVERED BY MEANS OF:

- PERSONAL DELIEVERY
- CERTIFIED MAIL, RETURN RECEIPT, RESTRICTED
- CONSTRUCTIVE

COMMENTS: _____

TOM ZIMMERMAN, ZONING ADMINISTRATOR DATE _____

Completed
Cars have valid tags.

**IN THE ADMINISTRATIVE HEARING BY CITY MANAGER
OF CITY OF NAPOLEON, OHIO**

Case No. 05-ADM00009

IN THE MATTER OF:

**625 Arden Court
Napoleon, Ohio**

ORDER

The matter of an alleged nuisance existing on the property located at 625 Arden Court, Napoleon, Henry County, Ohio, consisting of a black Dodge van and a red Cadillac, both vehicles being presumably inoperable with no valid license plate, came on for hearing this 19th day of September, 2005 at the Napoleon City Conference Room. Present at the hearing were Tom Zimmerman, Zoning Administrator and Fernando Gonzales, Jr., the admitted owner of the vehicles and controller of the property. After due notice of hearing was delivered to the person owning or controlling the property, the owner or controller of the property or other interested parties, were present for the hearing.

Evidence was produced by the Zoning Administrator demonstrating to the satisfaction of this hearing officer that a nuisance does in fact exist.


It is therefore **ORDERED** that:

- I. On the red Cadillac there shall be validly license plates visible no later than October 1, 2005 by 5:00 pm, or said vehicle shall otherwise be removed, placed in a building or structure or otherwise in compliance.

On the Dodge van there shall be validly license plates visible no later than October 1, 2005 by 5:00 pm, or said vehicle shall otherwise be removed, placed in a building or structure or otherwise in compliance.
- II. Judgment is rendered for the City in those amounts actually expended by the City of Napoleon, Henry County, Ohio to abate all nuisances on said premises, including but not limited to all publication costs and postage.

- III. In the event the Law Director of the City of Napoleon must initiate any legal action in order to compel Owner to abide by the terms, conditions and orders of this Judgment, Owner shall be liable to the Law Director of the City of Napoleon for any costs relating to such action, including but not limited to, a reasonable sum for attorney fees.
- IV. This Hearing Officer shall retain jurisdiction to enforce compliance with the terms of this Order.

IT IS SO ORDERED:



Dr. Jon A. Bisher, City Manager
Hearing Officer
19 September 2005

You may appeal this decision in accordance with Section 503.11 of the Codified Ordinances of the City of Napoleon, Ohio, within ten (10) business days by filing notice with the City Finance Director.

*503.11 APPEALS.

(a) Right to Appeal: An appeal to the City Council may be taken by any person aggrieved where it is alleged there is an error in any order, requirement, decision or determination made by the City Manager in the enforcement of this chapter.

(b) Notice of Appeal: An appeal shall be taken within ten (10) City business days from the determination complained of by filing with the City Finance Director a notice of appeal, specifying the grounds thereof. The City Finance Director, upon receipt of notice, shall forthwith transmit to the Council and the City Manager true copies of all the paper constituting the record of the matter. Upon receipt of the record, the City Finance Director shall set the matter for public hearing before the Council. Notice of said public hearing shall be given by publication once in a news paper of general circulation in the City, and by sending regular U.S. mail to the last known address of the appealing party at least three (3) days in advance of the hearing. A thirty-five dollar (\$35.00) deposit is required for an appeal, refundable should the appealing party prevail; moreover, if expenses are incurred by the City in removing personal property as the subject of abatement, a bond covering the expense must be posted by the owner if release of the property is requested pending appeal. Said deposit and/or bond may be waived by the City Finance Director upon a showing of indigence.

(c) Council Action: The Council shall hold a public hearing and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as is consistent with this Ordinance and all other applicable resolutions, ordinances and statutes. The concurring vote of a majority of the current members of the Council shall be necessary to reverse any order of the City Manager.

(d) Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the City Manager from whom the appeal is taken certifies to the Council, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in writing, a stay would in his/her opinion cause imminent peril to life or property.

NUISANCE ABATEMENT HEARING

Monday, September 19, 2005
10:00 a.m.

Present: Jon Bisher, City Manager
Tom Zimmerman, Building and Zoning Inspector
Fernando Gonzales, Jr.

1.
Hearing Called to Order Jon Bisher called the hearing to order at 10:04 a.m.

2.
Notice Nuisance Properties 625 Arden Court, black Dodge van and a red (rust color) car both inoperable vehicles with no valid license plate.

3.
Responses Tom Zimmerman, Building & Zoning Inspector, said there was a complaint from people in the area about vehicles, there were four (4) Police Department contacted you about the two (2) vehicles on the street; issue today is for two (2) vehicles in the driveway. City ordinance states vehicles cannot be set out in the open, inoperable or without license. May be operable, obviously not licensed. Need to be in a garage or structure.

Mr. Gonzales – this car, red car, wife’s first car, since have notice, have put tags on.

Tom Zimmerman – did not see tags this morning.

Mr. Gonzales – are in the garage, need to put them on. The other car, black van, ’68 Dodge van, that thing picked up in Chicago, has Illinois tags cannot get Ohio tags, for me to do that need to drive over here without tags or have someone come over to the house.

Jon Bisher – is your intention to get licensed?

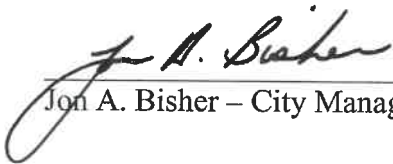
Mr. Gonzales – yes. Left message with Matt at Snyder’s to come over to the house, need to have checked to make sure serial numbers match before can get licensed.

Jon Bisher – we are willing to work with you, need to get plates on red Cadillac.

4.
Abatement Finding Finding: You are trying to abate the nuisance. Red car already licensed need to see plates on that, give you two (2) weeks until 1st October to get plates on van.

5.
Vehicles Licensed Tom Zimmerman – when you get the vehicles tagged would appreciate you giving me a call.

5.
Adjourn Bisher adjourned hearing at 10:15 a.m.


Jon A. Bisher – City Manager