

Larry and Elizabeth Lather
213 West Barnes Avenue
Napoleon, Ohio 43545
(419)-592-2576

February 5, 2001

COPY

Robert Weitzel, Police Chief of Napoleon City
310 Glenwood Avenue
Napoleon, Ohio 43545

Dear Bob:

This letter is concerning the conversation that we had on January 29, 2001 regarding the safety hazards and unsanitary conditions at the home at 223 West Barnes. We would like to make reference to the multiple garbage bags containing secretions, medical supplies and human excrement, the inoperable vehicles that litter the yard and the unsanitary conditions in which four small dogs are being housed. Upon our conversation on this day, we understood that they were sending an officer to investigate and confront the residents about the parking of their van that blocks the access to a public sidewalk. This same van has been blocking the sidewalk for the one week since our conversation. We also would like to offer our assistance to you and your officers in giving additional factual information about the vehicles parked at this residence and other various major safety hazards and issues that we and the neighbors have noted for many years.

First, we would like to share with you the types of vehicles, the plate numbers and the tag expiration dates that are parked at 223 West Barnes. There is a black Cutlass has been parked behind the east side of this residence since May of 1998 that has not run or has ever been moved. The license plate number of this vehicle is XQW293 and has a tag that expired in March of 1998. This vehicle has been filled with clothes and other assorted items that we feel is a safe haven for natural wildlife and/or domestic animals that could pose a safety risk to the children, and the residents in this area. Next, there is a blue Tempo that has sat for a year along the east side the house that bares no plates and hasn't for over 6 months. This vehicle has not been moved for approximately one year. A silver Impala sits in front of the house on the east side with a license plate number CFB3759 with an expired tag dated January of 2001. This vehicle has not moved for over 9 months. The silver and gray van has blocked access to the sidewalk for over one week. The tag will expire in October of this year. There are two buses that stop in front of this residence and the children cannot use the side walk. Again, given the past history of this residence it is customary for the occupants to remove batteries and leave them along side the property for anyone to access. This again poses a safety hazard to the children, domestic animals, natural wildlife and residents in this area. There is also a Ford truck that sits in the yard on the west side of the house that has a tarp kept over the plates. This vehicle was driven a month ago when it removed three loads of junk strewn about the property. A blue Ford Taurus that is currently being driven has a plate number of AEF7115 with a tag that expired in January of 2000. This vehicle was also was parked on the east side of the house

on February 4, 2001 and is currently being driven today. We are aware that there are multiple curious natural wildlife and domestic animals that share this area and they have taken advantage of these inoperable vehicles, again posing a safety risk to the children and the residents of this area. The most disheartening fact to report to you is that Mr. Reinbolt that resides at this residence drove a burgundy Lincoln during day light hours without any plates or tag on February 2, 2001 and parked this vehicle on the east side of the house along side the inoperable vehicles previously mentioned. This vehicle continues to be parked on the east side of this residence without any plates. Our question to you is, why are these people allowed to get away with this total dereliction of the laws? Is there not a law that states that vehicles must be licensed and carry insurance even if parked on your own property. And, how many operable and inoperable vehicles parked in this manner on private property constitutes a used car lot? We call upon you to expedite the removal of these mentioned vehicles that pose a safety hazard to the residents, natural wildlife, domestic animals and the children of this area.

Secondly, we would like to address the numerous bags of garbage that are thrown out the east side door of this residence located at 223 West Barnes by the occupants. These green garbage bags are sitting between the house and the shed on the east side that faces our residence located at 213 West Barnes. The bags are starting to overflow into the yard. We also are very much aware that there must be human excrement in these bags from a ventilator dependent quadriplegic occupant of this residence. The fact that one of the occupants is ventilator dependent quadriplegic and the medical knowledge that we posses, we can factually state that there are medical supplies, suctioning materials that contain secretions, and excrements being disposed of out this east side door in these bags. The curious wildlife and domestic animals in the area have taken advantage of these garbage bags on many occasions. Again this poses a medical safety risk to the residents, children, natural wildlife and domestic animal life in this area. And, the fact that there are multiple inoperable vehicles parked outside this residence and the multiple trash bags with the forementioned secretions, excretions and medical supplies, we believe that the sanitary conditions of this residence is unacceptable for the ventilator dependent quadriplegic occupant at this residence. We call upon you to act on this matter to ensure the safety of the children, domestic animals, natural wildlife and the residents of this area. There must be a zoning code that these occupants of 223 West Barnes are in dereliction of that could be expedited due to the unsanitary and hazardous nature of this matter. We compliant residents that want to abide by the laws and the rules of this community are appalled that the occupants of 223 West Barnes have been able to get away with this obvious dereliction of the laws for such an extended period of time. The occupants do not place any garbage bags on the curb on the assigned day or any other day in an attempt to be compliant with the rules, laws or zoning codes of this community. We also are appalled that there are no obvious biohazard protocols in place at this residents to contain the secretions of the mentioned ventilator dependent quadriplegic occupant. We will not tolerate the total disregard of the safety issues anymore by these occupants and as citizens of this community, we should not have to.

Robert Weitzel, Police Chief

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Thirdly, The residents of 223 West Barnes placed four small hairless dogs in a small cage in the shed that sits on the east side of this residence at the beginning of the winter season. We do not know how many are still alive, but can state that some do bark. We have never seen the occupants clean up the dog feces or remove these dogs from this small cage since they were placed in the shed in mid November. We also have not seen the occupants feed or water these animals. However, we do feel that the living conditions and the treatment of these animals would constitute the Humane Society intervention. Again, we ask for your assistance in this matter to call upon the appropriate agencies that can assist these animals to ensure their safety and well being as well as ensuring the safety and well being of the residents, children and natural wildlife, and domestic animals in this area.

In conclusion, we call upon you to assist us in the removal of this unsanitary matter and ask that you contact the appropriate agencies to take care of the gross safety hazards and the visible unsanitary conditions that litter the yard of 223 West Barnes. We would like your office to investigate this manner promptly to ensure the safety of the residents of this neighborhood. We will be at your disposal to assist you in information gathering or any other way that we can to expedite this complaint. Please feel free to call us with any questions or concerns that you may have in regards to this complaint.

Respectfully,

Larry and Elizabeth Lather

Enclosure

cc: Reiser Realty

From: **WEITZEL**
To: **DAMMAN**
Date sent: **Tue, 6 Feb 2001 08:42:36 -0500**
Subject: **Ref: 223 W Barnes St.**

I now have a letter detailing numerous nuisance complaints and health risks from the Lather family next to Reinbolts. I will send you a copy. Would you please contact the Lathers at 213 W Barnes and explain to them what process your office takes to abate the nuisances. I have reviewed the letter and looked at the additional complaints she has made that were not mentioned in the phonecall I told you about on Jan 29th. Lt Weirauch will be checking on the cars parked on the sidewalk and I'll inform the humane agent about the dogs but the rest, unfortunately, rests with you. Please advise after your contact with her as I intend to follow up with a letter.

Thanks

Bob

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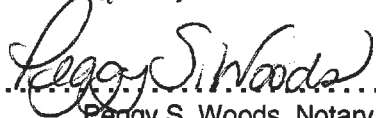
PROOF OF PUBLICATION

State of Ohio, Henry County, ss.

Christopher Cullis, being first duly sworn, deposes and says that he is the Publisher of the Northwest Signal, a daily newspaper published in Napoleon, in said Henry County, Ohio, and of general circulation therein; that the annexed advertisement and notice was printed and published in said newspaper for ...1... days/weeks, the first insertion being on the ...2... day of June 2005... and for ...0... consecutive days/weeks thereafter.

X. 
Christopher Cullis

Subscribed to in my presence and sworn before me this ...6... day of June 2005.....

X. 
Peggy S. Woods, Notary Public
My Commission expires: September 4, 2006

Notary Fees..... \$ 1.00
Printer's Fee \$ 69.30

**NOTICE TO ABATE NUISANCE
GRASS & WEEDS
(503.08 (e) NAPOLEON CITY CODE)**

The City of Napoleon to the following property owners and interested parties:

123 W. Maumee, Sherri Heckerman, 1134 Highland, Napoleon, OH.
720 Stout St., Secretary of Housing, Chase Manhattan, 1350 Euclid Ave. Room 500, Cleveland, OH.
330 Rohrs, Dennis Tonjes, 10521 Scenic Dr., Port Richey, FL.
223 W. Barnes, Joyce Burk, 24864 Bowman Rd., Defiance, OH.
1039 Scott St., Barbara Morris, Napoleon, OH.

You are hereby notified that the nuisance as defined in Section 503.03 of the City's codified Ordinance is on property maintained, operated or permitted to exist by you at the (identified) below listed property (s) consisting of tall grass or noxious weeds and must be abated by removal of the same and that if this notice is not complied with within 5 days of service of this notice (being this publication date), you are directed to appear before the undersigned in the Conference Room at City Hall located at 255 W. Riverview, Napoleon, Ohio 43545 on June 10th at 9:00 am and 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.

Special Notice to Responsible party of Person Having a Recorded Interest:
 You are notified that abatement has been initiated involving real or personal property of which you have a recorded interest; therefore, to protect your interest therein you may appear at the above noted hearing.
 Jon A. Bisher, City Manager