



# City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE, P.O. BOX 151  
NAPOLEON, OHIO 43545-0151  
(419) 592-4010

578 Becklee

August 25th, 1995

Mayor  
Robert G. Heft

Mr. Robert Beck  
Becks Construction  
11-622 Co. Rd. M  
Napoleon, Ohio 43545

Members of Council  
John E. Church, President  
Michael J. DeWit  
James Hershberger  
Sarah Peper  
Terri A. Williams  
Travis B. Sheaffer  
Dennis Fligor

Re. Lot # 8 VanHyning Estates  
watercourse obstruction.

Dear Mr. Beck

City Manager  
Marc S. Gerken

This letter is to inform you that I have determined that the ravine area which you have filled across lot # 8 of the VanHyning Estates Subdivision, is a natural water coarse of the VanHyning Creek. The obstruction you have created dictates the maintaining of a nuisance according to City Code Section 139.08 (attached). Therefore, I am requesting that you remove the fill from this natural water coarse and restore the area affected.

Finance Director  
Gregory J. Heath

Furthermore this fill area was not shown on the grading plan submitted with house site plan # VHLDT8, which invalidates any and all permits that have been issued.

Law Director  
David M. Grahn

In the event you do not comply with this request within 30 days of receipt of this notice, I shall place a stop work order upon the property in question. There are also criminal proceedings which can be used for remedy.

Sincerely

Brent N Damman  
Building & Zoning  
Administrator

cc. Marc S. Gerken, City Manager

semi-airtight container which has a capacity of 1-1/2 cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch or other fastening device capable of securing the door or lid, without rendering the equipment harmless to human life by removing the hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (R.C. §§ 3767.29, 3767.99) ('65 Code, § 74.09) Penalty, see § 130.99

#### § 139.07 DISPOSAL OF GARBAGE AND OTHER WASTE

(A) For the purpose of this section, *LITTER* shall mean garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by him, or in or on waters of the state, unless the person has:

(1) Been directed to do so by a public official as part of a litter collection drive;

(2) Thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements; or

(3) Been issued a permit or license covering the material pursuant to R.C. Chapters 3734 or 6111.

(B) No person shall regardless of intent, throw, drop, discard, place, or deposit litter or cause litter to be thrown, dropped, discarded, placed, or deposited on any public property, on private property not owned by him, or in or on waters of the state, unless the person has:

(1) Been directed to do so by a public official as a part of a litter collection drive;

(2) Thrown, deposited, discarded, placed, or deposited the litter in a litter receptacle in a manner that prevents its being carried away by the elements; or

(3) Been issued a permit or license covering the litter pursuant to R.C. Chapters 3734 or 6111.

(C) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police constable or officer of a township or township police district, game protector, park officer, forest officer, preserve officer, conservancy district police officer, or any other law enforcement officer within his jurisdiction. (R.C. § 3767.32)

(D) Whoever violates this section is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division require a person who violates this section to remove litter from any public or private property, or in or on waters of the state. (R.C. § 3767.99(C)) Penalty, see § 130.99

#### § 139.08 MAINTAINING A NUISANCE

(A) No person shall erect, continue, use, or maintain a building, structure, or place for the exercise of a trade, employment, or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public. No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream, or water, or unlawfully divert the watercourse from its natural course or state to the injury or prejudice of others.

(B) Whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. §§ 3767.13, 3767.99) ('65 Code, § 74.12) Penalty, see § 130.99

#### § 139.09 INTERFERENCE WITH RIGHT OF PERSON TO ENGAGE IN HOUSING TRANSACTIONS BECAUSE OF RACE, RELIGION, OR THE LIKE

(A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any of the following:

Z 357 332 126



# Receipt for Certified Mail

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

PS Form 3800, March 1993

Sent to	<b>Robert Beck</b>
Street and No.	<b>11-622 Co. Rd. M</b>
P.O., State and ZIP Code	<b>Napoleon, OH 43545</b>
Postage	<b>\$ .32</b>
Certified Fee	<b>1.10</b>
Special Delivery Fee	<b>1.10</b>
Restricted Delivery Fee	<b>2.52</b>
Return Receipt to Whom & Date Delivered	<b>1.10</b>
Return Receipt to Whom, Date, and Address	<b>1.10</b>
TOTAL Postage & Fees	<b>\$ 2.52</b>
Postmark or Date	<b>(bnd)</b>
<b>CITY OF NAPOLEON P.O. BOX 141 NAPOLEON, OHIO 43545</b>	

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

**Mr. Robert Beck  
Beck's Construction  
11-622 Co. Rd. M  
Napoleon, Ohio 43545**

5. Signature (Addressee)  
*Robert Beck*

6. Signature (Agent)

4a. Article Number  
**Z 357 332 126**

4b. Service Type  
 Registered  
 Certified  
 Insured  
 COD  
 Express Mail  
 Return Receipt for Merchandise

7. Date of Delivery  
**AUG 30 1995**

8. Addressee's Address (Only if requested and fee is paid)

1 also wish to receive the following services (for an extra fee):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

9. Your RETURN ADDRESS completed on the reverse side?

10. Thank you for using Return Receipt Service.

