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OFFICIAL

Sent To: Miguel Gonzel
 Street, Apt. No., or PO Box No.: 622 Jahns Rd.
 City, State, ZIP+4: Napoleon, OH

PS Form 3800, June 2002



CITY OF NAPOLEON
Building & Zoning Division
 View Avenue, PO Box 151, Napoleon, OH 43545
 Phone: 419-592-4010 - Fax: 419-599-8393

NOTICE TO ABATE NUISANCE

Address: 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 at 622 Jahns Rd., Napoleon, Ohio consisting of a black Saturn car and a red Aerostar Van 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 **you are 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 August 25 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
 Tom Zimmerman
 Building & Zoning Administrator



**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 DELIVERED TO: Miguel Gonzalez

AT: 622 Johns Rd.

DATE: 8/4/05 TIME: 8 AM

BY: Angela

NOTICE DELIVERED BY MEANS OF:

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

COMMENTS: _____

TOM ZIMMERMAN, ZONING ADMINISTRATOR

DATE

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

Case No. 05-ADM00008

IN THE MATTER OF:

**622 Jahns Road
Napoleon, Ohio**

ORDER

The matter of an alleged nuisance existing on the property located at 622 Jahns Road, Napoleon, Henry County, Ohio, consisting of a black Saturn car and a red Aerostar van, both vehicles being inoperable with no valid license plate, came on for hearing this 25th day of August, 2005 at the Napoleon City Conference Room. Present at the hearing was Tom Zimmerman, Zoning Administrator. 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, failed to appear.

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. All nuisances on said premises be abated no later than August 31st, 2005 at 5:00 PM by removing the vehicles and/or other appropriate action.
- II. If not so abated as ordered, the City of Napoleon Ohio is granted the immediate right to enter upon the premises known as 622 Jahns Road, Napoleon, Ohio for the purpose of abating any and all nuisances found on said premises by its own means or by contracting with third parties.
- III. 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.
- IV. 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.

- V. 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
25 August 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.



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

Zoning Administrator
Building Commissioner
Tom Zimmerman

Fernando Gonzales 592-0572
NOTICE TO ABATE NUISANCE

TO: Miguel Gonzales
622 Jahns Rd.
Napoleon, OH 43545

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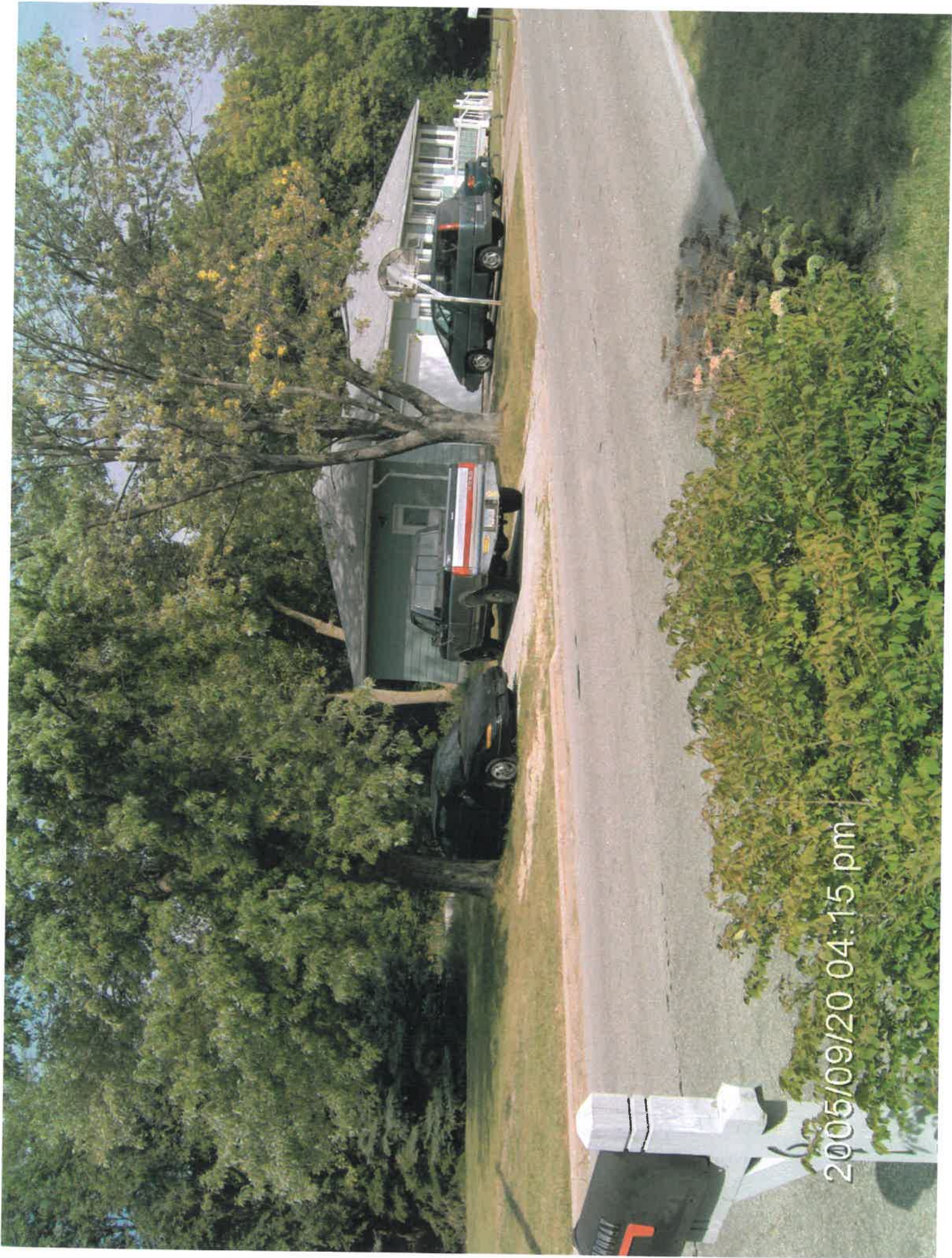
Note: You are entitled to be represented by legal counsel at the hearing.

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



2005/09/16 09:41 am



2005/09/20 04:15 pm