

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

Case No.

NPD-24-00683

IN THE MATTER OF:

**Nuisance Abatement Hearing
JOURNAL ENTRY**

Urban Heights Ohio, LLC

828 Oakwood Ave.

43545

828 Oakwood Ave.

The matter of an alleged nuisance existing at _____ Napoleon, Henry County, Ohio, being a
Property in violation of: 503.06(m) Nuisance Prohibited came for hearing this day: May 17, 2024

The hearing was held at the Napoleon City Conference Room. Present at this hearing were: **{CHECK ALL THAT APPLY}**

- Property Owner Present and Represented by Legal Counsel: _____
- Property Owner Present but Not Represented by Legal Counsel: _____
- Property Owner Not Present:

Evidence was produced to the satisfaction of this Hearing Officer as was presented by the Nuisance Officers and/or others, by way of photographs, testimony, and/or writings all as solicited by the City Law Director.

The Property Owner or his/her representative was given an opportunity to be heard and produced evidence
And did so
However, Failed to Appear

FINDING(S): "THAT" {CHECK ALL THAT APPLY}

No Notice was given as the nuisance existed in such a condition so menacing to the public health, peace or safety, as determined by the City Manager, after review of the report for abatement, that it is necessary that it be summarily abated (503.09 City Ord)

Notice in regard to this hearing was served upon the property owners(s) and all interested parties in accordance with the law;

The owner of the property or legal counsel failed to appear, constituting a default and a summary finding that a nuisance exists; or, in the alternative, only to the extent required by law to consider the evidence, based on the evidence presented, it is the finding of the Hearing Officer that the premises condition fits the definition of nuisance under 503.06 (m) (section of law Ord). That sufficient evidence exists that a nuisance does in fact exist at the premises that was the subject of this Hearing.

The owner of the property or legal counsel appeared, however, based on the evidence presented; it is the finding of this Hearing Officer that the premises condition fits the definition of nuisance under 503.06 (m) (section of

law). That sufficient evidence exists that a nuisance does in fact exist at the premises that was the subject of this Hearing.

The owner of the property or legal counsel appeared and based on the evidence presented, it is the finding of this Hearing Officer that the premises condition does not fit the definition of nuisance under 503.06(m) (section of law); and no violation exists.

ORDER(S): {CHECK ALL THAT APPLY}

This shall be abated IMMEDIATELY per 503.09 City Ord as an Emergency has been declared.

This matter is dismissed without prejudice to the parties, costs abated.

The nuisance shall be abated as follows:

- All nuisance conditions shall be abated so that there is complete compliance with the property maintenance code and the nuisance code at the location named on this journal entry
- Additional time shall be granted to abate the nuisances described _____.
- In the event that the compliance is not accomplished, subject to further review of this Hearing Officer, then the City officials may seek injunctive relief or take other legal action as may be permitted by law, and/or to the extent permitted by law, abate the nuisance by razing the subject
 - Building(s) / Structure(s)
 - Disposal of debris
 - Cost to be assessed pursuant to Napoleon Codified Ordinances Chapter 503
- Removal or Destruction of a building is involved. (Publication shall be made one (1) time each week for two (2) consecutive weeks in a newspaper of general circulation in the County)
- The Hearing Officer retains jurisdiction in this matter in the event it becomes necessary to have additional hearings.
- Additional hearing(s) shall be held on: _____.

It is so **ORDERED**.



City Manager / Acting City Manager / Hearing Officer

Dated: 05/17/24

NOTICE of APPEAL

You may appeal this decision in accordance with Section *503.11 of the Codified Ordinances of the City of Napoleon, Ohio Except for nuisances involving: litter, weeds, grass, plants, other rank growths of vegetation or the like where an appeal shall be taken within three (3) City business days from the determination complained of, and appeal shall be taken within ten (10) business days by filing notice with the City Finance Director.