



CITY OF NAPOLEON
ENGINEERING DEPARTMENT

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

Mayor
J. Andrew Small

August 5, 2005

Members of Council
Glenn A. Miller, President
Terri A. Williams
James Hershberger
Travis B. Sheaffer
John A. Helberg
Steven C. Small
Michael J. DeWit

Mr. Gary Hogrefe
Hogrefe Auto Parts
P.O. Box 760.
Napoleon, OH 43545

Mr. Hogrefe,

City Manager
Dr. Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Joseph R. Kleiner, P.E.

Building & Zoning
Inspector
Tom Zimmerman

Please be advised that a written complaint has been filed in my office in regard to a zoning violation at the location of 530 E. Riverview. The location of 530 E. Riverview is zoned I-1, Enclosed Industrial and the premises is being used for open storage; further, it would appear that the premises is being used as an extension to the salvage yard which is adjacent to the property. You were issued a "notice" by the prior zoning administrator on or about January 29th, 2004 and have failed to cease and desist. Also, the City Law Director has had conversations with you and your attorney in regard to this matter and not only have you failed to discontinue the violations, but the storage has continued to grow. You are being formally noticed that an occupancy permit will be required for the use, if granted; moreover, that outside storage shall immediately cease to exist. I will look at this premise in 30 days to see that you have complied with this notice. In the event of non compliance, I will have no choice but to seek an injunction and file criminal charges in regard to this matter. Each day a violation continues, according to Section 1115.99 of the City Code, is an unclassified misdemeanor punishable by a fine of \$1000.00 per day.

Please disregard the notice you received on July 22, 2005 in regards to 690 E. Riverview, due to an erroneous error.

Cordially,

Tom Zimmerman
Building & Zoning

cc: file

Acting upon a complaint by City Council and/or its member(s), I, the Zoning Administrator in and for the City of Napoleon, Ohio investigated an alleged violation of the Napoleon City Zoning Code, to wit: that the premises located at 530 E. Riverview Ave. Nap. Henry County, Ohio, was being now used as a storage facility and/or salvage yard, not conforming to prior use. Investigation demonstrated that unlicensed motor vehicles, trailers, recreational vehicles, garbage, debris and other material were being stored outside the premises and the building thereon was being occupied for part storage, vehicle storage and dismantling of vehicles, that storage and dismantling being associated with the adjacent salvage yard business. A warning was issued on August 5, 2005 and the Owner, Gary Hogrefe, failed to stop or apply for the proper zoning permits and or conditional or special use permits. Outside storage requires a conditional use permit.



CITY OF NAPOLEON
ENGINEERING DEPARTMENT

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

Mayor
J. Andrew Small

August 5, 2005

Members of Council
Glenn A. Miller, President
Terri A. Williams
James Hershberger
Travis B. Sheaffer
John A. Helberg
Steven C. Small
Michael J. DeWit

Mr. Gary Hogrefe
Hogrefe Auto Parts
P.O. Box 760.
Napoleon, OH 43545

City Manager
Dr. Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Joseph R. Kleiner, P.E.

Building & Zoning
Inspector
Tom Zimmerman

Mr. Hogrefe,

Please be advised that a written complaint has been filed in my office in regard to a zoning violation at the location of ~~530~~ ⁵³⁰ E. Riverview. The location of ~~530~~ ⁵³⁰ E. Riverview is zoned I-1, Enclosed Industrial and the premises is being used for open storage; further, it would appear that the premises is being used as an extension to the salvage yard which is adjacent to the property. You were issued a "notice" by the prior zoning administrator on or about January 29th, 2004 and have failed to cease and desist. Also, the City Law Director has had conversations with you and your attorney in regard to this matter and not only have you failed to discontinue the violations, but the storage has continued to grow. You are being formally noticed that an occupancy permit will be required for the use, if granted; moreover, that outside storage shall immediately cease to exist. I will look at this premise in 30 days to see that you have complied with this notice. In the event of non compliance, I will have no choice but to seek an injunction and file criminal charges in regard to this matter. Each day a violation continues, according to Section 1115.99 of the City Code, is an unclassified misdemeanor punishable by a fine of \$1000.00 per day.

Please disregard the notice you received on July 22, 2005 in regards to 690 E. Riverview, due to an erroneous error.

Cordially,

Tom Zimmerman
Building & Zoning

cc: file



CITY OF NAPOLEON ENGINEERING DEPARTMENT

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

Mayor
J. Andrew Small

July 20, 2005

Members of Council
Glenn A. Miller, President
Terri A. Williams
James Hershberger
Travis B. Sheaffer
John A. Helberg
Steven C. Small
Michael J. DeWit

Mr. Gary Hogrefe
Hogrefe Auto Parts
P.O. Box 760
Napoleon, OH 43545

Mr. Hogrefe,

City Manager
Dr. Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Joseph R. Kleiner, P.E.

Building & Zoning
Inspector
Tom Zimmerman

Please be advised that a written complaint has been filed in my office in regard to a zoning violation at the location of 690 E. Riverview. The location of 690 E. Riverview is zoned I-1, Enclosed Industrial and the premises is being used for open storage; further, it would appear that the premises is being used as an extension to the salvage yard which is adjacent to the property. You were issued a "NOTICE" by the prior zoning administrator on or about January 29th, 2004 and have failed to cease and desist. Also, the City Law Director has had conversations with you and your attorney in regard to this matter and not only have you failed to discontinue the violations, but the storage has continued to grow. You are being formally noticed that an occupancy permit will be required for the use, if granted; moreover, that outside storage shall immediately cease to exist. I will look at this premise in 30 days to see that you have complied with this notice. In the event of non compliance, I will have no choice but to seek an injunction and file criminal charges in regard to this matter. Each day a violation continues, according to Section 1115.99 of the City Code, is an unclassified misdemeanor punishable by a fine of \$1,000.00 per day.

Cordially,

copy sent to
ATTY Charles BOSS
111 W. Dudley St.
INDIANAPOLIS, IN -
46204

Also send copy

Copy sent to Charles BOSS



**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: Gary Hogrefe

AT: P.O. Box 760

DATE: 7/20/05 TIME: _____

BY: Angela

NOTICE DELEIVERED BY MEANS OF:

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

COMMENTS: _____

TOM ZIMMERMAN, ZONING ADMINISTRATOR

DATE

Napoleon Municipal Court
255 West Riverview
Napoleon, Ohio 43545
1-419-592-2851

Law Enforcement Arrest Report
~~Probable Cause Affidavit~~

Case Number:
05-NZD000000001

The State of Ohio **SS:**
Henry County

Court Case # CR- _____

The Affiant, Zoning Ins Thomas Zimmerman Mr., being first sworn, says there is probable cause to believe the defendant, GARY L HOGREFE , committed an offense based on the summary of facts below:

Acting upon a complaint by City Council and/or its member(s), I, the Zoning Administrator in and for the City of Napoleon, Ohio investigated an alleged violation of the Napoleon City Zoning Code, to wit: that the premises located at 530 E. Riverview Ave. Nap. Henry County, Ohio, was being now used as a storage facility and/or salvage yard, not conforming to prior use. Investigation demonstrated that unlicensed motor vehicles, trailers, recreational vehicles, garbage, debris and other material were being stored outside the premises and the building thereon was being occupied for part storage, vehicle storage and dismantling of vehicles, that storage and dismantling being associated with the adjacent salvage yard business. A warning was issued on August 5, 2005 and the Owner, Gary Hogrefe, failed to stop or apply for the proper zoning permits and or conditional or special use permits. Outside storage requires a conditional use permit.

Defendant:

GARY L HOGREFE

Further Affiant Sayeth Not.

Affiant Signature

Affiant Address & Phone

Sworn to and subscribed before me by the Affiant on 10/20/2005

**Notary Public/Authorized Peace
Officer/Clerk of Court**

REQUEST TO INVESTIGATE A CITY ZONING VIOLATION

DATE REQUEST MADE: MARCH 22, 2005

ADDRESS OF ALLEGED ZONING VIOLATION:

530 E. RIVERVIEW AVE.

NATURE OF REQUEST:

OUTSIDE STORAGE OF UNLICENSED VEHICLES, VEHICLE &

OTHER PARTS AND MISC. GARBAGE

REQUESTING PARTY

NAME: STEVE SMALL, CITY COUNCILMAN

ADDRESS: 1415 SEDWARD AVE., NAPOLSON, OH 43545

PHONE NUMBER (IF KNOWN): 419-592-6104


SIGNATURE (REQUIRED)

3/22/05
DATE

PROPERTY OWNER

NAME: _____

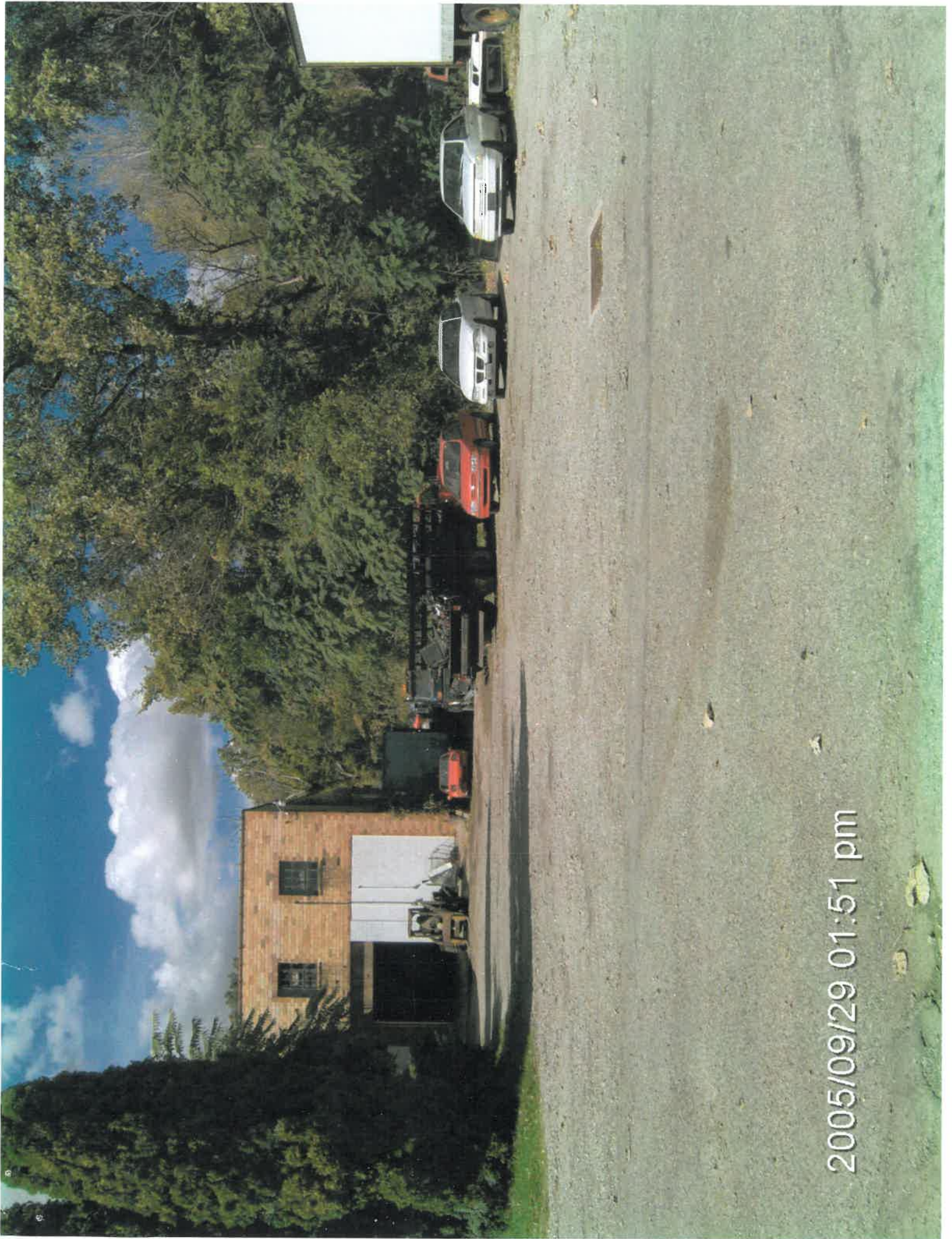
ADDRESS: _____

PHONE NUMBER: _____

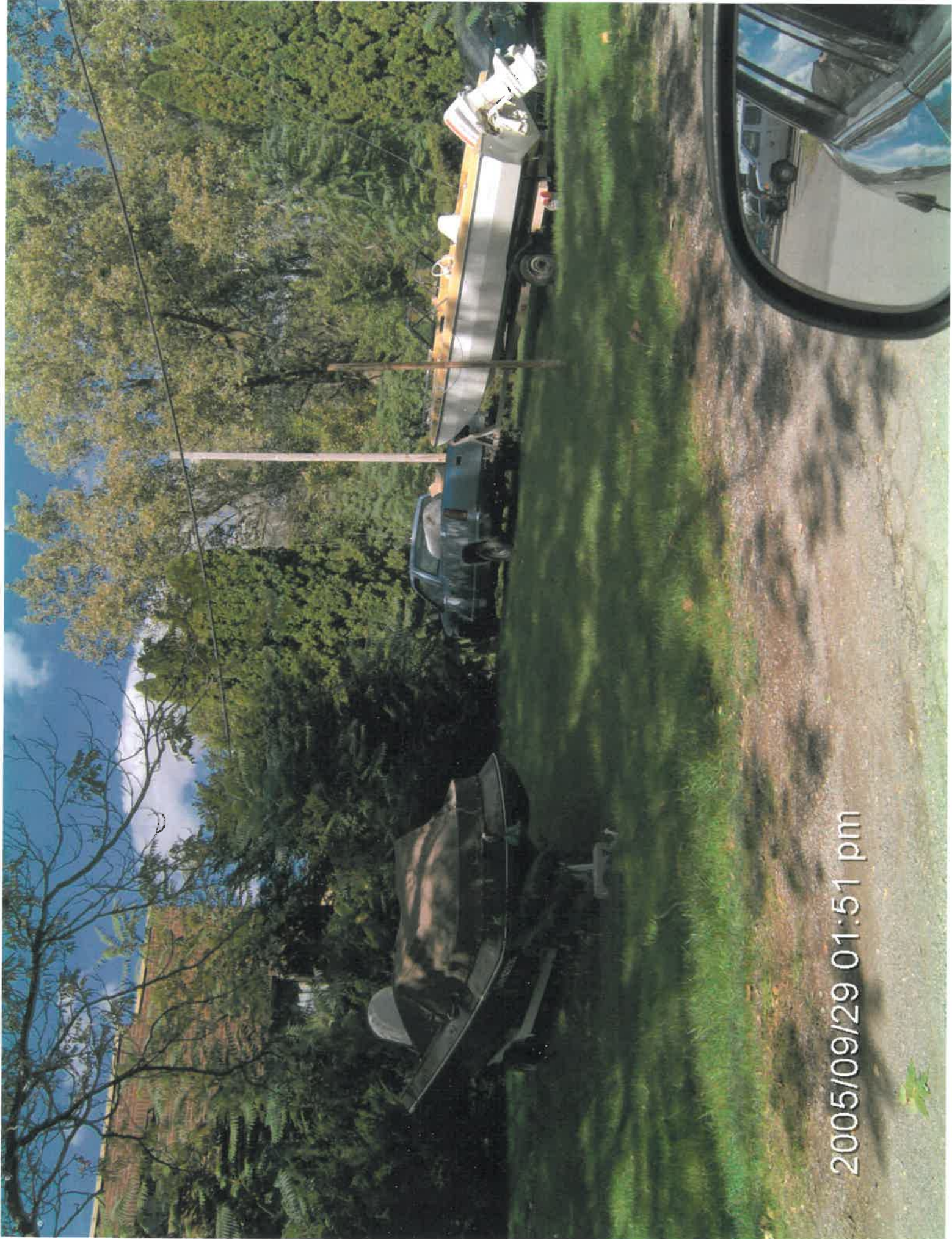
CHECKED DATE: _____ BY: _____

ACTION NEEDED: _____

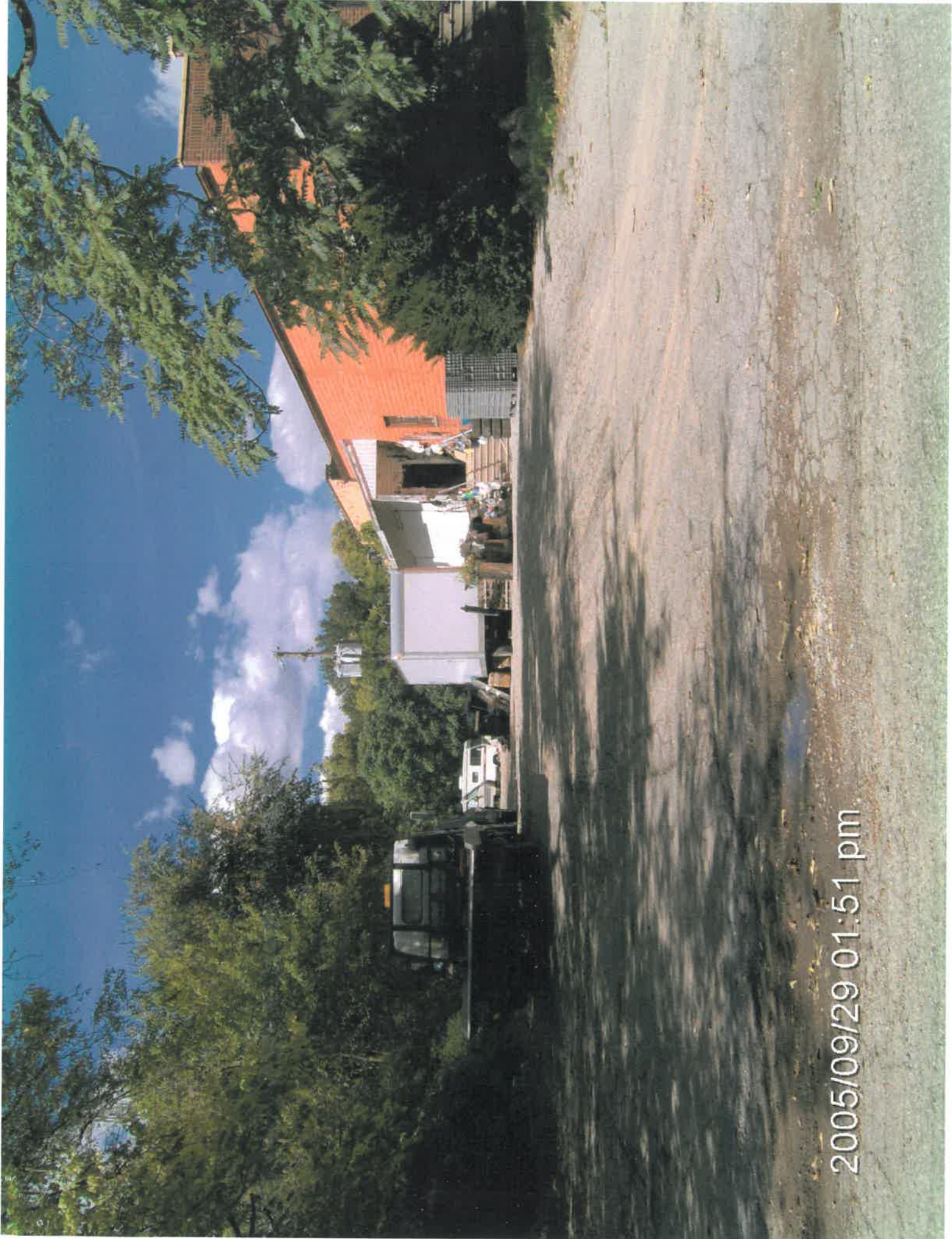
LETTER TYPE #: _____



2005/09/29 01:51 pm



2005/09/29 01:51 pm



2005/09/29 01:51 pm



90 DAYS

09/29/2009 01:20 am

From 10-1-09



30 days

09/29/2009 01:21 am

From 60-6-09



30 days

09/28/2009 11:57 pm

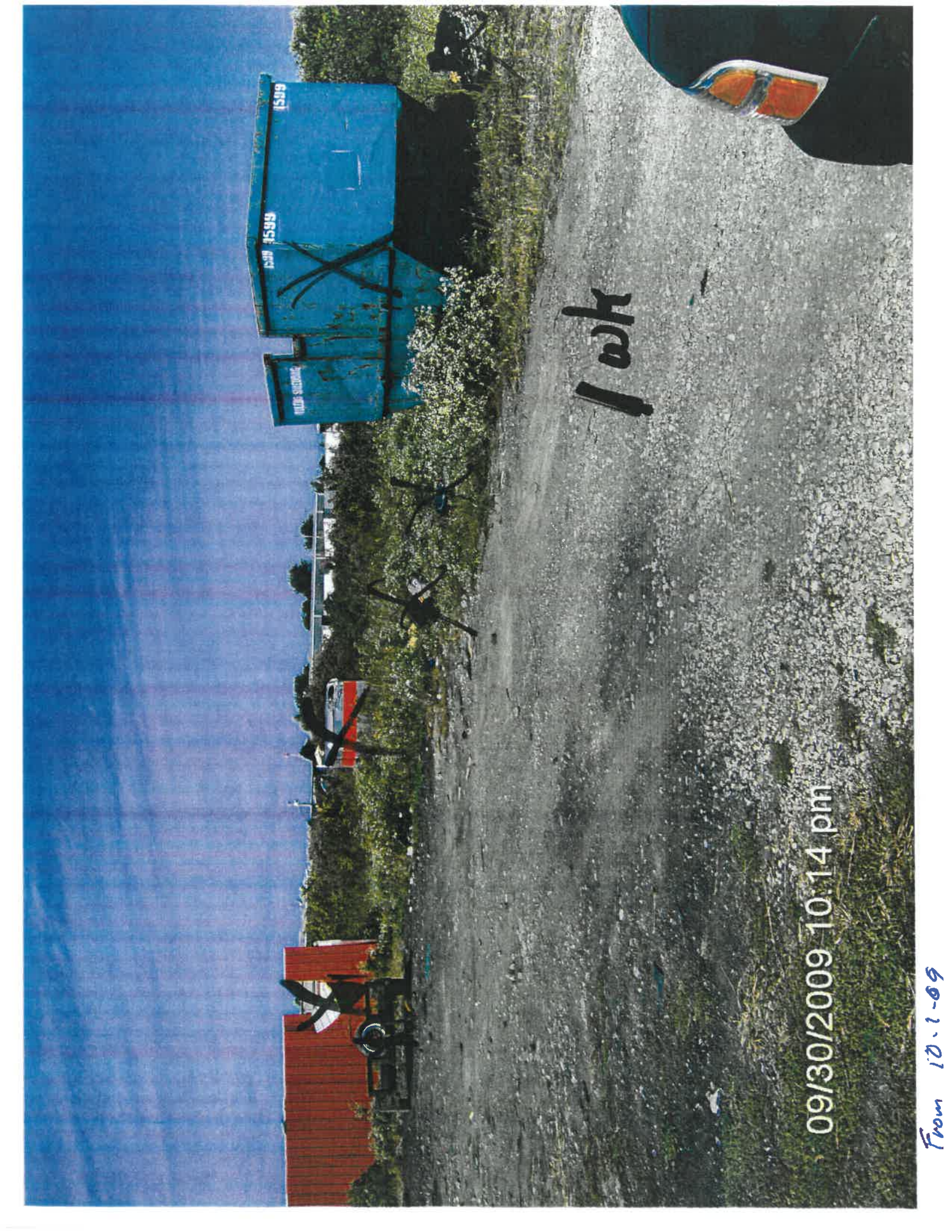
From 10.1.09



look

09/30/2009 10:15 pm

From 10-1-09



Jack

09/30/2009 10:14 pm

From 10.1.09

Village/City of _____

Plaintiff,

Case No.(s) CRB 0500742

CRB 0500786

CRB 500741

vs.

GARY L. HOGUE
Defendant.

MOTION & JUDGMENT ENTRY

2005 DEC -5 A 11:46
MAGISTRATE JUDICIAL COURT

FILED

Comes Now, this 5th day of December, 2005 Plaintiff () Defendant in the above captioned case(s) and requests this Court to () continue () set this case for () trial () further pretrial () change of plea at a time directed by the assignment clerk. () Defendant hereby moves this Court for extended time to file a Motion to Suppress. [check applicable blocks]

FOR CAUSE, the requesting party(s) assert(s) Set with 60 Day

[Signature]
[Requesting Party]

[Signature]
[Requesting Party]

JUDGMENT ENTRY

Upon motion of the () Plaintiff () Defendant for reason and for good cause shown as asserted in the aforementioned motion, this/these case(s) is/are hereby ORDERED: [check applicable blocks]

- () Set for trial () Set for final pretrial () Continued for further pretrial
- () Set for change of plea () The Court finds that the continuance time requested is reasonable and being extended pursuant to ORC 2945.72.

Time: () Charged to Plaintiff () Charged to Defendant () Tolloed () Court Finds Time Waiver Filed

() Upon motion of the Defendant, pursuant to Crim Rule 12(D), extended time to file a motion to suppress out of rule is hereby granted in the interest of justice. Any such motion shall be filed no later than: _____
Notwithstanding the above order concerning charging of time, any extended days granted to file the motion to suppress out of rule is hereby charged to the Defendant.

IT IS SO ORDERED.

Approved: [Signature]
Prosecutor

[Signature]
Judge

2-6-06 30 PM
[Next Hearing Date and Time]

[Signature]
Attorney for Defendant

[Signature]
Clerk

IN THE NAPOLEON MUNICIPAL COURT, NAPOLEON, OHIO

STATE OF OHIO
PLAINTIFF,

CASE NUMBER

CMB 0500742
CRB 0500786
CRG 500747

-VS-

GARY HOGREFE

DEFENDANT.

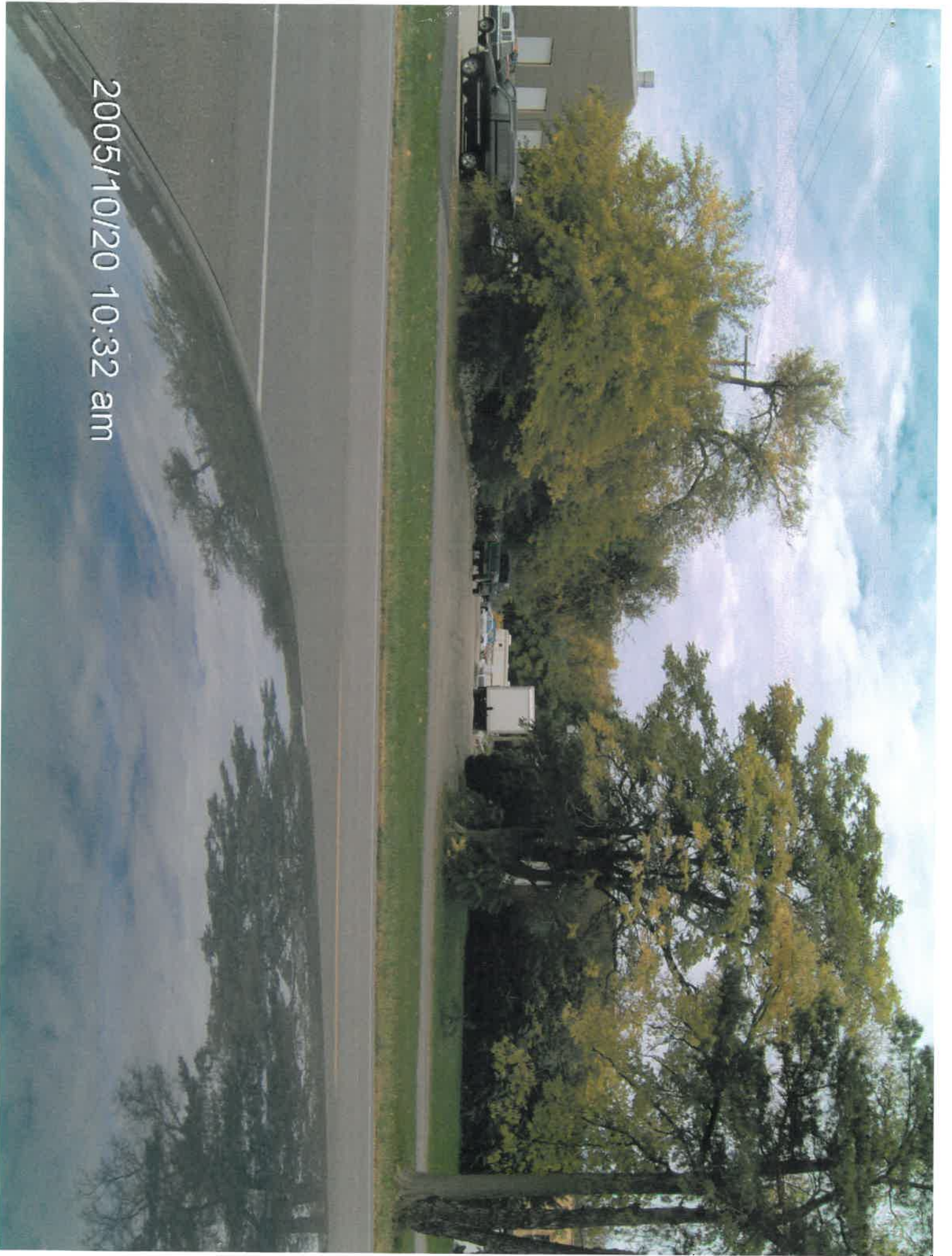
WAIVER OF TIME LIMITATION

FILED
DEC - 5 A 11:56
NAPOLEON MUNICIPAL COURT

THE UNDERSIGNED, Gary Hogrefe, DEFENDANT IN THE ABOVE CASE, DOES HEREBY WAIVE ALL TIME LIMITATIONS FOR TRIAL WHICH ARE PROVIDED IN SECTIONS 2945.71, 2945.72, AND 2945.73 OF THE REVISED CODE OF OHIO, RULES 5 AND 45 OF THE CRIMINAL RULES AND RULE 5 OF THE RULES OF SUPERINTENDENCE FOR MUNICIPAL COURTS.

DATED: 12-05-05

Gary Hogrefe
DEFENDANT



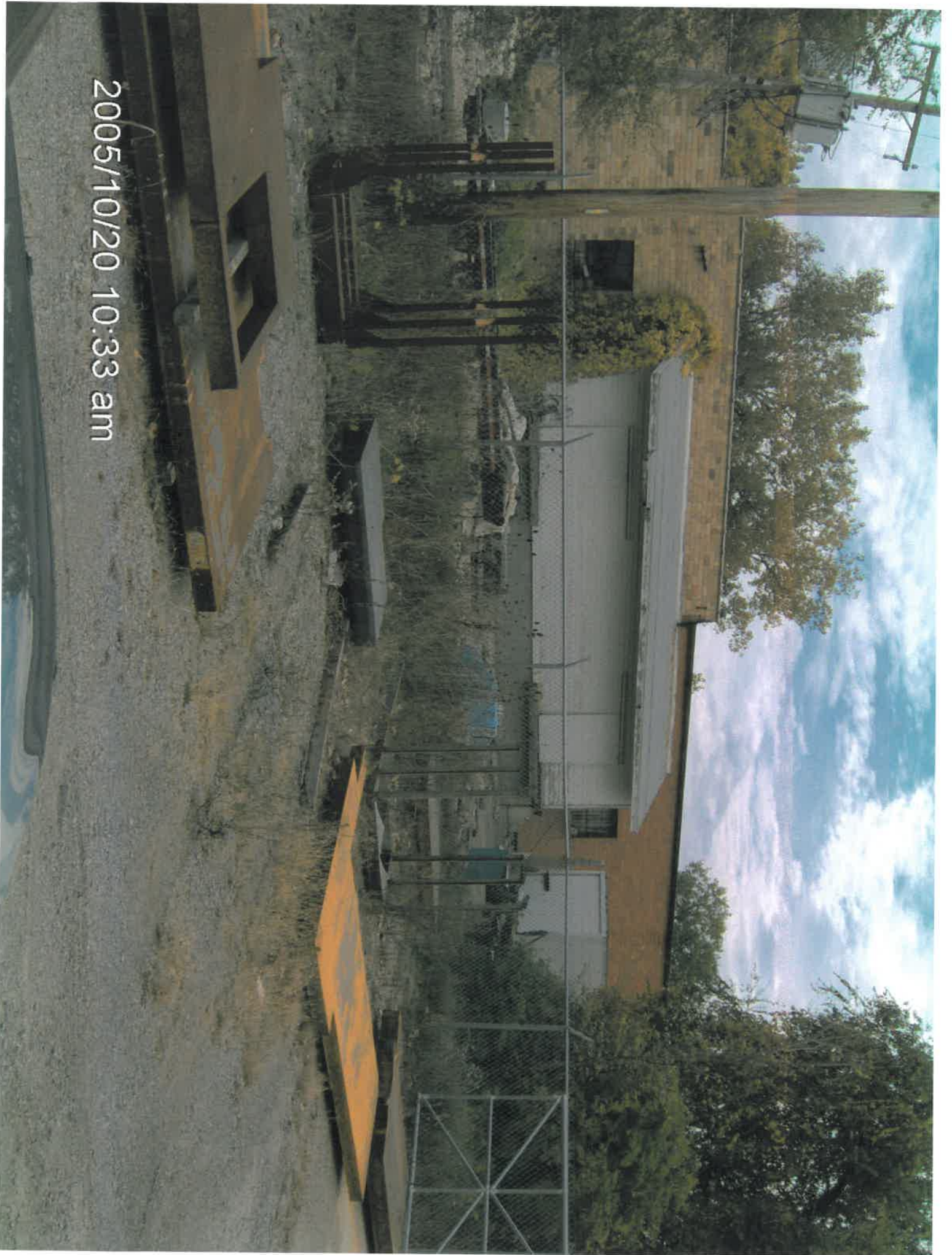
2005/10/20 10:32 am



2005/10/20 10:34 am



2005/10/20 10:33 am



2005/10/20 10:33 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

**BUILDING & ZONING
DIVISION**

Zoning Administrator
Building Commissioner
Brent N. Damman

January 29, 2004

Attn. Mr. Don Reynolds, Manager
Hogrefe Auto Parts
690 E. Riverview Ave.
Napoleon, Ohio 43545

Subject: Nuisance conditions at 530 E. Riverview Ave. Napoleon, Ohio.

NOTICE

Dear Mr. Reynolds

I have received numerous complaints regarding outdoor storage of operable & inoperable motor vehicles, damaged motor vehicles, partially disassembled motor vehicles, parts and debris at the subject site. The I-1 Zoning District in which this business operation is located does not permit long term outside storage except through the issuance of a Special Use Permit by the City Planning Commission. Although you may apply for a Special Use Permit it will not allow the broad range of outside storage you are now enjoying. Such permits if granted are restricted to allow only whole complete operational vehicles which are free of damage, registered with the state of Ohio and determined to be street legal.

Therefore, you are in violation of City Code Chapter 1135 section 1135.01 which prohibits the activities as stated herein. Please remove all vehicles, partial vehicles, vehicle parts, junk and debris now being stored outside of enclosed buildings.

If you do not comply with the requirements as requested within 30 days of receipt of this notice, proceedings will be taken against you. If you have questions regarding this notice please call.

Sincerely

Brent N. Damman
Zoning Administrator

Criminal Complaint

THE STATE OF OHIO
HENRY COUNTY

SS: IN THE NAPOLEON MUNICIPAL
COURT OF HENRY COUNTY, OHIO

Napoleon Municipal Court
255 West Riverview
Napoleon, Ohio 43545
1-419-592-2851

For Court Use Only

Defendant:

GARY L. HOGREFE
690 Riverview Ave.
Napoleon, OH 43545-
DOB: September 02, 1945
SSAN: 291-52-6826
W/M - 510/225 - BRO/BRO

Victim:

City of Napoleon

Location of Occurrence:

530 E. Riverview Ave.

Court Case# CR B050741
BCI&I ITN Number:
Law Enforcement Case Number: 05-NZD000000001

Criminal Charge

Zoning Code Violation

Complaint By Individual:

Before me, a Notary Public for the State of Ohio, a Peace Officer authorized to administer oaths or Clerk of the Napoleon Municipal Court of Napoleon, Ohio came ZONING INSP. THOMAS ZIMMERMAN who being duly sworn states that on or about October 20, 2005, one GARY HOGREFE In the City of Napoleon, County of Henry, State of Ohio did: being an owner of property, commence an intended use of a premises and/or occupy a building without meeting all the requirements of the City of Napoleon Zoning Code.

TO WIT:

Being an owner, used a premises located at 530 E. Riverview Ave. Napoleon, Ohio and occupied the building thereon without making application for and/or receiving a Special or Conditional Use permit and/or meeting the Zoning Code requirements.

In violation of Section 1141.01 (b) of the Ordinances of Napoleon, Ohio.

COPY

FILED
2005 OCT 20 PM 4: 28
NAPOLEON MUNICIPAL COURT

PENALTY:

Unclassified Misd. Punishable by a fine of \$1000.00 per day, each day that the violation continues constitutes a separate offense pursuant to 1115.99 of the Codified Code of the City of Napoleon.

Thomas L Zimmerman
Complainant: Zoning Insp. Thomas Zimmerman

Sworn to and subscribed before me by the Complainant on October 20, 2005

Sheryl K. Rathge
Notary Public

SHERYL K. RATHGE
NOTARY PUBLIC, STATE OF OHIO

Court Date: 10/24/2005 9:00:00AM

Defendant Ordered in to Court

Court Copy Defendant Copy Return Copy Extra Copy

COMMISSION EXPIRES OCTOBER 15, 2006

NAPOLEON MUNICIPAL COURT
255 W. Riverview Ave., Box 502
Napoleon, Ohio 43545
(419) 592-2851

State of Ohio)
City Of Napoleon)
-vs-)
Hogrefe, Gary L)
690 RIVERVIEW AVE)
NAPOLEON OH 43545)

Case No. : CRB 0500741
CRB 0500742

NOTICE OF HEARING

* * * * *

Violation: 1141.01B ZONING CODE VIO
PM-303.7 PROPERTY MAINTENANCE

You are hereby notified that the above case has been
assigned for PRE-TRIAL on 10/31/2005 at 10:00 AM



Note:

Oct 26, 2005

Betty Marihugh
Clerk of Court

Clerk/Deputy Clerk

cc. Grahn
Boss
Hogrefe
City Zoning-Tom Zimmerman

NAPOLEON MUNICIPAL COURT
255 W. Riverview Ave., Box 502
Napoleon, Ohio 43545
(419) 592-2851

State of Ohio)
City Of Napoleon)
-vs-)
Hogrefe, Gary L)
690 RIVERVIEW AVE)
NAPOLEON OH 43545)

Case No.: CRB 0500741
CRB0500742

NOTICE OF HEARING

* * * * *

Violation: 1141.01B ZONING CODE VIO
PM-303.7

You are hereby notified that the above case has been
assigned for PRE-TRIAL on 12-05-2005 at 10:00 AM

Note:

Nov 6, 2005

Betty Marihugh
Clerk of Court


Clerk/Deputy Clerk

cc. Grahn
Boss
Hogrefe
City Zoning Inspector-Zimmerma ✓

Jeffrey R. Lankenau

*Attorney at Law
105 West Main Street
Napoleon, Ohio 43545*

Ronald P. Lankenau (retired)
Paul R. Lankenau (1904 - 1982)

Telephone: (419) 592-0010
Facsimile: (419) 599-2873
e-mail: lanklaw@bright.net

August 3, 2005

Mr. Tom Zimmerman
Engineering Department
255 West Riverview Avenue
P. O. Box 151
Napoleon, Ohio 43545

Re: 690 East Riverview, Napoleon, Ohio

Dear Mr. Zimmerman:

I write in response to your letter dated July 20, 2005 with respect to the above-referenced property.

This real property has been a part of the Hogrefe junkyard for over fifty years so that its use is not subject to the City of Napoleon's zoning code. My client believes that you intended to notice him on adjacent property which is immediately west of the real property cited in your notice.

Please verify the address of the property you intended to notice and forward it to me so that I can discuss it with my client. Please contact me with any questions.

Very truly yours,

LANKENAU LAW OFFICE

Jeffrey R. Lankenau

JRL:tmh

cc: Don Reynolds