



City of Napoleon, Ohio

Zoning Department

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545

Mark B. Spiess, Senior Engineering Technician / Zoning Administrator
Telephone: (419) 592-4010 Fax: (419) 599-8393
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January 27, 2020

Mary L. Vanausdale
P-895 Co. Rd. 16
Napoleon, Ohio 43545

Re: Notice of Violation

Enterprise Industrial Park, LLC,

In order to stay in compliance with the City of Napoleon's Master Plan, and at the request of City Council, it has been brought to my attention that the abandoned sign, and the light tower located at 1431 Scott St in Napoleon, Ohio is not in compliance with City of Napoleon Sign Code.

Conditions Being Violated:

1. Chapter 1335.06(a)

1105.02 (f) (1) Violations

1. No person shall recklessly violate any provision of this Planning and Zoning Code or any condition or restriction contained in a conditional use permit.

1147.99 Penalties

Persons Violating. Any person found violating Section 1105.2 (f) (1) or (2) of this Planning and Zoning Code shall be deemed guilty of an unclassified misdemeanor punishable by a fine not to exceed \$1,000.00 for each violation. Each day a violation continues shall constitute a separate offense.

1105.02 (f) (5) Remedies

In addition to any penalty found in Section 1147.99, the Council, Zoning Administrator, or agent thereof, or other aggrieved person may, to the extent permitted by law, institute an action for an injunction, mandamus, or other legal proceeding to prevent a violation of this Planning and Zoning Code, and to abate any illegal condition, or to cause the removal of any illegal changes or alterations by appropriate legal means.

The Zoning Administrator may institute a suit for mandatory injunction directing a person to remove a structure erected in violation of the provisions of this Planning and Zoning Code, or to make the same comply with its terms. If said suit filed on behalf of the City is successful, the respondent shall, to the extent not otherwise prohibited by law, bear the costs of the action, including reasonable attorney fees

1105.02 (f) (4) Nuisances

Any buildings erected, raised, or converted, or land or premises used in violation of any provision of this Planning and Zoning Code, is declared to be a nuisance, and the owner thereof shall be liable for maintaining a nuisance, which may be restrained or enjoined or abated by appropriate action or proceeding

503.06 (A) Nuisances Prohibited: Habitation deemed unclean; Agricultural Exception

Prohibition Against Nuisance in General: Except as provided in division (o) of this Section, no owner or person shall create any nuisance in the City, and no owner or person shall by inaction permit a nuisance to occur or continue on any property owned or under such person's control, nor shall any owner or person permit a nuisance to occur involving any personal property owned or under such person's control.

503.99 Penalty

(a) Whoever violates divisions (b), (c) or (d) of Section 503.06 is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(b) Whoever violates division (g) or (m) of Section 503.06 is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(c) Whoever violates division (h) of Section 503.06 is guilty of a minor misdemeanor.

(d) Whoever violates division (i) of Section 503.06 shall be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(e) Whoever is guilty of contempt under Section 503.15 is guilty of a misdemeanor of the first degree.

(f) Notwithstanding Section 101.99 of the City of Napoleon Codified Ordinances, whenever, under this chapter, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), a term of imprisonment not exceeding six (6) months, or both. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

Upon receipt of this notice, you are required to:

1. Abate the violation(s) or provide acceptable remedies.
2. Reply in writing to this Notice of Violation within fourteen (14) calendar days. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken to abate the violation.
 - b. Description(s) and expeditious time schedules of action(s) yet to be taken to abate the violation(s).

Your written response, and any questions regarding this Notice of Violation, should be directed to my office at 255 W. Riverview Ave., Napoleon, Ohio 43545, phone: (419) 592-4010.

Yours truly,

A handwritten signature in blue ink that reads "Mark B. Spiess". The signature is written in a cursive style.

Mark B. Spiess
Sr. Eng. Tech / Zoning Administrator
City of Napoleon, Ohio

cc: Joel L. Mazur, City Manger
Chad E. Lulfs, P.E., P.S., Director Of Public Works
Billy Harmon, City Law Director
Chief David J. Mack, Chief of Police
Kevin Schultheis, Code Enforcement Officer



1335.06 SIGNS PROHIBITED.

The following types of signs are prohibited in all districts except where noted:

- (a) Abandoned signs;
 - (b) Banners, pennants, festoons, except when used as temporary special event signs when in conformance with this Sign Code;
 - (c) Signs imitating or resembling official traffic or government signs or signals;
 - (d) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or upon, within or over public right-of-way, except that "temporary and easily removable signs 1st Amendment signs" are permitted upon the public right-of-way so long as there is no obstruction to traffic or safety hazard and so long as removed and replaced every twenty-four hours. Further, this provision shall not be construed as to limit the City's ability to lease space on public property for private signage.
 - (e) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business or for sale signs placed in vehicles that are for sale);
 - (f) Billboards, except as provided in Section 1335.18.
 - (g) Sidewalk signs except as provided in Section 1335.16(b)(4).
 - (h) Signs placed without a permit when a permit is required.
 - (i) Signs not otherwise in conformance with this Sign Code.
 - (j) Signs that violate the clear view zone as follows: No sign in excess of three feet above grade of the adjacent driving surface nor support a pole larger than twelve inches in diameter may be installed in this area. Freestanding signs must have at least ten feet clearance to the grade of the street.
 - (k) Signs that are placed in a manner that does not meet the objectives of this Sign Code as found in Section 1335.02.
 - (l) Illuminated signs that are obtrusive as to unreasonably interfere with the quiet enjoyment of another's real property or distract the motoring traffic so as to create a safety hazard; or, signs that are animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination. This is not to be construed as to prohibit electronic changing message signs specifically designed for the use of replaceable copy.
 - (m) Projecting signs.
- (Ord. 047-06. Passed 6-5-06.)

1335.16 SIGNS PERMITTED IN C-1, C-2, C-3 AND C-4 COMMERCIAL ZONES.

(a) Signs are allowed as follows in the C-1, C-2, C-3 and C-4 Commercial Zones except those signs prohibited by Section 1335.06:

(1) All signs as permitted in Sections 1335.14 and 1335.15, including the special regulations and allowances, except as may be more or less restricted in this Section 1335.16.

(2) Freestanding sign(s), or monument sign(s), portable signs, or a combination of each, per street frontage not to exceed one and one-half square feet in total sign area for each lineal foot of property frontage. Signs, individually or in combination, may not exceed a maximum height of twenty-five feet and must be set back at least ten feet back from the public right-of-way, except that signs forty-eight inches tall or less (being no greater than six square feet in dimension) that are constructed of a break-a-way material that will not endanger the public when struck, may be positioned no closer than five feet of the public right-of-way.

(3) One wall sign or electric awning sign and nonfreestanding signs of all other types that are attached to a building, so long as the herein mentioned signs do not exceed in total, more than fifteen percent (15%) of aggregate area of building elevation on which the signs are installed.

(4) Temporary special event sign(s) per premises, or grand openings, not to exceed 100 square feet, not to exceed ninety days per calendar year per premises. Temporary special event signs shall not be placed closer than ten feet from the right-of-way. Temporary special event signs shall not be included in the total sign area for the purpose of this section.

(5) Portable signs.

(b) Special regulations and allowances for C-1, C-2, C-3 and C-4 Commercial Zones are as follows:

(1) Under-canopy signs must have a minimum clearance of eight feet above grade.

(2) Clearance of signs for freestanding signs must be a minimum of ten feet above grade when in a Clear View Zone.

(3) Sidewalk signs shall not be more than six square feet of "sign area" and shall be only allowed for business use where there exists no private property frontage. Placement will be permitted to the extent that it does not interfere with pedestrian traffic and the sidewalk is left open for ADA compliance. This type of sign is excluded from any licensing requirement for placement in or upon the public right-of-way. Sidewalk signs are only permitted to be displayed during opened business hours.

(4) Portable signs shall not exceed forty square feet and must maintain a setback of a minimum of ten feet from the public right-of-way and shall not exceed one per premises.

(5) No combination of poles or support structure of a free-standing sign shall exceed fifty percent (50%) of total sign width.

(Ord. 047-06. Passed 6-5-06.)