

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

Case No.

22-005447

IN THE MATTER OF:

**Nuisance Abatement Hearing
JOURNAL ENTRY**

Joanna Rose Ferrell

425 E. Washington St.

Napoleon, Ohio 43545

425 E. Washington St.

The matter of an alleged nuisance existing at _____ Napoleon, Henry County, Ohio, being a
Property in violation of: _____ Nuisances prohibited; Habitation deemed _____ came for hearing this day: June 10, 2022

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 (a) (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(a) (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 (a) (section of law); and no violation exists.

ORDER(S): {CHECK ALL THAT APPLY}

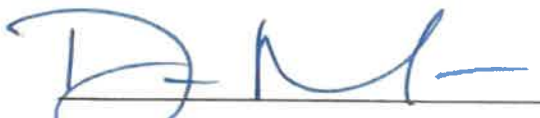
This shall be abated IMMEDIATELY per 503.09 City Ord as an Emergency has been declared.

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: 6/10/22

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.

**CITY OF NAPOLEON
BILLABLE WORK ORDER**

SERVICE

☐ QUOTE

☐ Water

☐ Sewer

☒ Street

☐ Refuse

☐ Yard Waste

DATE ISSUED

6/16/2022

Joanna Ferrell

425 E. Washington St.

ACCT NUMBER

29*01700*17

Napoleon, Ohio 43545

WORK ORDER

198191

QUANTITY	DESCRIPTION	PRICE PER UNIT	AMOUNT
1	Sheet of 1/2 plywood	56.67 Each	\$56.67
1	General Labor	25.00 Hour	\$25.00
1	Supervisor	35.00 Hour	\$35.00
1	Service Truck (with driver)	40.00 Hour	\$40.00
25% RESTOCKING FEE(S)			\$14.17
GRAND TOTAL			\$170.84
Authorized By:	Roger Eis		
Service Performed By:	301, 303, 305		

425 E. Washington Street**Clayton O'Brien <cobrien@napoleonohio.com>**

Mon 6/20/2022 12:27 PM

To: Kevin Schultheis <kschultheis@napoleonohio.com>**Cc: Joel L. Mazur <jmazur@napoleonohio.com>; David J. Mack <dmack@napoleonohio.com>** 1 attachments (1 MB)

425. E. Washington.NFIRSIncidentReport.pdf;

Kevin,

Here is a copy of our report and the fees associated with the 425 E. Washington home.

This is the link to our fee schedule <https://www.napoleonfire.com/wp-content/uploads/2017/11/Fee-Schedule.pdf>

We had the following cost incurred. We were there for 1 hour.

1. (1) Engine = \$125
2. (1) Medic unit \$100
3. (1) Incident Commander \$35.00/hr.
4. Decontamination \$200.00
5. (4) Personnel actual cost
 - a. Assistant Chief Frey - \$35.72
 - b. Captain David Bowen - \$25.28
 - c. Lt. Trevor Ashbaugh - \$18.22
 - d. FF/Paramedic Anna Pugsley - \$15.97
6. Supplies
 - a. (2) Level B suits – I don't have cost back yet for these
 - b. (2) Tyveks - I don't have cost back yet for these yet

Total = \$545.19 + cost of supplies

Clayton O'Brien, OFC, B.B.A
Fire Chief
City Of Napoleon
265 W. Riverview
P.O. Box 151
Napoleon, Oh 43545
www.napoleonfire.com
419-592-0441 Main
419-591-2816 Office
419-583-7066 Mobile
419-592-5195 Fax
cobrien@napoleonohio.com

A		FDID ☐ ★		State ☐ OH	Incident Date ☐ 06 16 2022	Station ☐ 0000895	Exposure ☐ 000	☐ Delete ☐ Change ☐ No Activity		NFIRS-1 Basic
B Location Type ☐ ★		☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B, "Alternative Location Specification." Use only for wildland fires.								
☒ Street address ☐ Intersection ☐ In front of ☐ Rear of ☐ Adjacent to ☐ Directions ☐ U.S. National Grid		Census Tract ☐ - ☐ Number/Milepost ☐ 425 Prefix ☐ WASHINGTON ST Street Type ☐ Suffix ☐ Apt./Suite/Room ☐ NAPOLION City ☐ OH State ☐ 43545 ZIP Code Cross Street, Directions or National Grid, as applicable								
C Incident Type ☐ ★		Incident Type ☐ 671 HazMat release investi...		E1 Dates and Times				E2 Shifts and Alarms		
D Aid Given or Received ☐ ★ ☐ None 1 ☐ Mutual aid received 2 ☐ Auto. aid received 3 ☐ Mutual aid given 4 ☐ Auto. aid given 5 ☒ Other aid given		Check boxes if dates are the same as Alarm Date. Alarm ☒ 06 16 2022 1318 ARRIVAL required, unless canceled or did not arrive ☒ Arrival ☐ 1321 ☐ Controlled ☒ Last Unit 1418 LAST UNIT CLEARED, required except for wildland fires				Local Option ☐ 1 Shift or Platoon ☐ 001 Alarms District				
		Their FDID ☐ Their State ☐ Their Incident Number ☐				E3 Special Studies Local Option Special Study ID# ☐ Special Study Value ☐				
F Actions Taken ☐ ★		G1 Resources ☐ ★ ☒ Check this box and skip this block if an Apparatus or Personnel Module is used.		G2 Estimated Dollar Losses and Values						
Primary Action Taken (1) ☐ 73 Provide manpower Additional Action Taken (2) ☐ 86 Investigate Additional Action Taken (3) ☐		Apparatus ☐ Personnel ☐ Suppression ☐ EMS ☐ Other ☐ ☐ Check box if resource counts include aid received resources.		Required for all fires if known. Optional for non-fires. None Property \$ ☐ , ☐ , ☐ ☒ Contents \$ ☐ , ☐ , ☐ ☒ PRE-INCIDENT VALUE: Optional Property \$ ☐ , ☐ , ☐ ☒ Contents \$ ☐ , ☐ , ☐ ☒						
Completed Modules		H1 Casualties ☒ None		H3 Hazardous Materials Release ☐ None		Mixed Use Property ☐ Not mixed				
☐ Fire-2 ☐ Structure Fire-3 ☐ Civilian Fire Cas.-4 ☐ Fire Service Cas.-5 ☐ EMS-6 ☐ HazMat-7 ☐ Wildland Fire-8 ☒ Apparatus-9 ☒ Personnel-10 ☐ Arson-11		Deaths ☐ Injuries ☐ Fire ☐ Service ☐ Civilian ☐ H2 Detector Required for confined fires. 1 ☐ Detector alerted occupants 2 ☐ Detector did not alert them U ☐ Unknown		1 ☐ Natural gas: slow leak, no evacuation or HazMat actions 2 ☐ Propane gas: <21-lb tank (as in home BBQ grill) 3 ☐ Gasoline: vehicle fuel tank or portable container 4 ☐ Kerosene: fuel burning equipment or portable storage 5 ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable storage 6 ☐ Household solvents: home/office spill, cleanup only 7 ☐ Motor oil: from engine or portable container 8 ☐ Paint: from paint cans totaling <55 gallons 0 ☐ Other: special HazMat actions required or spill > 55 gal (Please complete the HazMat form.)		10 ☐ Assembly use 20 ☐ Education use 33 ☐ Medical use 40 ☐ Residential use 51 ☐ Row of stores 53 ☐ Enclosed mall 58 ☐ Business & residential 59 ☐ Office use 60 ☐ Industrial use 63 ☐ Military use 65 ☐ Farm use 00 ☐ Other mixed use				
J Property Use ☐ ★ ☐ None		Look up and enter a Property Use code and description only if you have NOT checked a Property Use box.								
Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school, kindergarten 215 ☐ High school, junior high 241 ☐ College, adult education 311 ☐ Nursing home 331 ☐ Hospital Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☐ Open land or field		341 ☐ Clinic, clinic-type infirmary 342 ☐ Doctor/Dentist office 361 ☐ Prison or jail, not juvenile 419 ☒ 1- or 2-family dwelling 429 ☐ Multifamily dwelling 439 ☐ Rooming/Boarding house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/Barracks 519 ☐ Food and beverage sales 936 ☐ Vacant lot 938 ☐ Graded/Cared for plot of land 946 ☐ Lake, river, stream 951 ☐ Railroad right-of-way 960 ☐ Other street 961 ☐ Highway/Divided highway 962 ☐ Residential street/driveway 539 ☐ Household goods, sales, repairs 571 ☐ Gas or service station 579 ☐ Motor vehicle/boat sales/repairs 599 ☐ Business office 615 ☐ Electric-generating plant 629 ☐ Laboratory/Science laboratory 700 ☐ Manufacturing plant 819 ☐ Livestock/Poultry storage (barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse 981 ☐ Construction site 984 ☐ Industrial plant yard								
		Property Use ☐ Code ☐ Property Use Description								

K1 Person/Entity Involved

Local Option

Business Name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs.

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

ZIP Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

K2 Owner

Local Option

☐ Same as person involved? Then check this box and skip the rest of this block.

Business Name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs.

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

ZIP Code



Remarks:

CLAYTON O'BRIEN**June 20, 2022 09:47:27**

Napoleon Fire and Rescue assisted the City of Napoleon code enforcement and Napoleon Police Department. Code enforcement had a home that was being condemned. The home was omitting a strong foul odor. Code enforcement requested our assistance to go through the home to ensure there was nothing deceased in the home prior to having a clean up company come over. Crew 1 in level B hazmat suits and SCBA made entry and recon the home and property. Nothing was found. Crew 1 exited and all garments were disposed of. (2) Level B suits and (2) Tyveks (1) roll of duct tape and (10) nitrile gloves.

Our units returned in service and left the scene in care of Napoleon Police and Code enforcement.

☐ More remarks? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

M Authorization

Check box if same as Officer in charge. ☒

Officer in charge ID

Signature

Chief 1**Chief**

Position or rank

Assignment

Month

Day

Year

Member making report ID

Signature

Chief 1**Chief**

Position or rank

Assignment

Month

Day

Year

A	FDD	OH	MM	DD	YYYY	Station	Incident Number	Exposure	Delete ☐	Change ☐	NFIRS-10 Personnel
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B Apparatus or Resources	Dates and Times	Sent	Number of People	Apparatus Use	Actions Taken		
	Midnight is 0000 ☐ Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min	☒		☐ Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other	List up to 4 actions for each apparatus and each personnel. 		
1 ID 811 ☆Type 11	Dispatch ☒ 1323 Arrival ☒ 1323 Clear ☒ 1418	Sent ☒	2		 		
Personnel ID ☆	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
840	JOEL FREY		☒				
844	DAVID BOWEN		☒				
			☐				
			☐				
			☐				
			☐				

2 ID 801 ☆Type 76	Dispatch ☒ 1321 Arrival ☒ 1321 Clear ☒ 1418	Sent ☒	2	☐ Suppression ☒ EMS ☐ Other	 		
Personnel ID ☆	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
846	TREVOR ASHBAUGH		☒				
876	LEEANNA PUGSLEY		☒				
			☐				
			☐				
			☐				
			☐				

3 ID 810 ☆Type 92	Dispatch ☒ 1321 Arrival ☒ 1321 Clear ☒ 1418	Sent ☒	1	☐ Suppression ☐ EMS ☒ Other	 		
Personnel ID ☆	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
Chief 1	CLAYTON O'BRIEN		☒				
			☐				
			☐				
			☐				
			☐				
			☐				

A	FDID ★	OH ★	MM 06	DD 16	YYYY 2022	Station	Incident Number 0000895 ★	Exposure 000 ★	☐ Delete ☐ Change ☐ No Activity	ESO-1 Non-NFIRS Fields
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E1 Additional Incident Times

Month	Day	Year	Hour	Min	Month	Day	Year	Hour	Min
PSAP Received	06	16	2022	1318	Dispatch Notified			2022	

B	Apparatus or Resources	Dates and Times				Midnight is 0000	5 ID	En Route	District
		Month	Day	Year	Hour/Min				
1	ID 811 Type	En Route	06	16	2022	1323	6 ID	En Route	District
2	ID 801 Type	En Route	06	16	2022	1321	7 ID	En Route	District
3	ID 810 Type	En Route	06	16	2022	1321	8 ID	En Route	District
4	ID Type	En Route					9 ID	En Route	District



Incoming Work for Law Department

Department

Zoning Administrator / Code Enforcement Officer

Project

Abatement of 425 E. Washington / Entry of Home

Date Submitted

June 15, 2022

Desired Date

N/A

Requesting Emergency Clause? ☐ Yes ☒ No

Requesting Suspension of the Rules? ☐ Yes ☒ No

If yes, please explain the reason for the request:

Kevin Schltheis

Requesting Department Head

Approved by Joel Mazur, City Manager

Comments: Sir; Attached you will find the case of 425 E. Washington St. An abatement was held on June 10, 2022 and evidence was found to have it abated by the City for the nuisances. The owner of the home was contacted prior to the abatement and advised of the violations and hearing. She stated she was not returning back to the home and letting it go to foreclosure. Do I need another hearing to enter the home to have it abated? I deemed it a health and safety risk to all neighbors in the area. The owner is now rumored to be in a mental hospital at this time.

House is full of Feces / Flies / Trash

Law Department use only:

Completed date:

6/15

*PROCEED UNDER
NAP. ORD 503.09*

Billy D. Harmon
Billy D. Harmon, Law Director

NARRATIVE SUPPLEMENT

Page 1 of 2

INCIDENT NUMBER	22-005447
INCIDENT DATE AND TIME	06/03/2022 08:00

VICTIM	OFFENSE
CITY OF NAPOLEON	NUISANCES PROHIBITED-GENERAL

06/03/2022

On June 2, 2022 I received a call from the Henry County Health Department advising they have received complaints of overgrown grass, weeds, and decaying trash and junk in the garage. Trey, from the Health Department has said they went to the location and found a large amount of flies in the windows and a foul smell coming from the garage. The Napoleon City police department responded to the location for a welfare check and received no answer. The Police Department made a call to the owner, Joanna Ferrell, who is now living with her parents in Oakwood, Ohio who stated she has left the home and there is no animals or people inside the home.

On June 3, 2022 I went to 425 E. Washington St. to investigate the nuisance complaint and I found the house abandoned by the owner. There were a large amount of flies covering the windows from inside, indicating something is in the state of decomposition or there is a large amount of trash left to decay. As I walked down the driveway I could smell noxious odors coming from inside the garage. The side door to the garage was open and what I observed inside was the floor completely covered with open discarded trash bags exposing filth and decaying food and other unsanitary items. The condition of the home at this time is un-livable for anyone to occupy. A nuisance notice will be prepared and place on the front main entrance of the house with an abatement date of June 10, 2022 @0830 hrs. The owner will be contacted to see what actions will be taken to clean the property up of all the filth. I also observed a junk Chevy Pickup truck in the driveway bearing an expired registration since 2020, and in the back yard was tall grass and weeds exceeding 8" in height. Photographs were taken and placed with the case as evidence.

June 3, 2022

At 0830 hrs. I made contact with the owner and asked what she is doing about the home she owns within the City of Napoleon. Ms. Ferrell stated she is now living with her parents and will not be returning. She said the back will be taking it back at some point to foreclose on it. I asked if she intends to return back to clean or remove any of the junk from the house. Ms. Ferrell gave no indication she is returning to do anything with the house. I advised her a notice will be posted for the violations, an abatement hearing will be set and a summons issued for the violation due to the inactions of cleaning the habitation of trash. I also asked if she has or had animals still inside the home that may have died. She stated there were no animals. I asked what would the flies be feeding off of? Ms. Ferrell said it's complicated to explain. It's my opinion that within the house is the same amount or more trash and debris that what is in the garage, all with filth and decaying materials. Ms. Ferrell said the financing of the home is through Midwest Credit Union and it should be any day till they pace a notice. A summons will be issued for the violations and the defendant ordered court.

June 10, 2022

A hearing was held within the Napoleon City Building, Council chambers in reference to case 22-005447 425 E. Washington St. to abate the nuisance property of the violations. Chief of Police, David Mack represented the City of Napoleon in place of the City Manager, Joel Mazur. The property owner was not in attendance for the hearing. Testimony was given and evidence presented to the Chief regarding the nuisance property. Chief Mack found a substantial amount of evidence to declared the property a nuisance and deemed the habitation unclean. Contact with the City contracting agency will be made in order to have the back yard mowed. Other action may have to be taken due to the condition of the interior of the home. The abatement was then placed on the front main entrance of the home as notice of the abatement hearing

June 14, 2022

After receiving more calls of the smell emitting from the home I decided to post the home as condemned until the City of Napoleon can gain access to the interior for clean-up or other means of eliminating the nuisance trash and odors. A red tag was placed on the front of the structure advising the neighbors of the dangers of entering the home. A legal request will be made to the City

REASON CLEARED	☐ A DEATH OF OFFENDER ☐ B PROSECUTION DECLINED ☐ C EXTRADITION DENIED	☐ D VICTIM REFUSED TO COOP. ☐ E JUVENILE/NO CUSTODY ☐ F ARREST - ADULT	☐ G ARREST - JUVENILE ☐ H WARRANT ISSUED ☐ I INVEST. PENDING	☐ J CLOSED ☐ K UNFOUNDED ☐ U UNKNOWN	DATE CLEARED
REPORTING OFFICER	#3101 Code Ofcr Schultheis			BADGE NO.	DATE
APPROVING OFFICER				3101	06/03/2022
				BADGE NO.	DATE

NARRATIVE SUPPLEMENT

Page 2 of 2

INCIDENT NUMBER 22-005447

VICTIM CITY OF NAPOLEON OFFENSE NUISANCES PROHIBITED-GENERAL INCIDENT DATE AND TIME 06/03/2022 08:00

Law Director to review the case for an abatement hearing set for June 17, 2022 in order to gain entry for the unfit structure. The order of Condemnation will fall under the Building Official & Code Administrators National property Maintenance Codes PM-108.1.3 & PM-108.2.

PM-108.1.3 / A structure is unfit for human occupancy whenever the code official find that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

PM-108.2 / If the structure is vacant and unfit for human habitation and the occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation of the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises with the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private person and the cost thereof shall be charges against the real estate upon which the structure is located and shall be a lien upon such real estate.

REASON CLEARED	☐ A DEATH OF OFFENDER ☐ B PROSECUTION DECLINED ☐ C EXTRADITION DENIED	☐ D VICTIM REFUSED TO COOP. ☐ E JUVENILE/NO CUSTODY ☐ F ARREST - ADULT	☐ G ARREST - JUVENILE ☐ H WARRANT ISSUED ☐ I INVEST. PENDING	☐ J CLOSED ☐ K UNFOUNDED ☐ U UNKNOWN	DATE CLEARED
REPORTING OFFICER	#3101 Code Ofcr Schultheis			BADGE NO. 3101	DATE 06/03/2022
APPROVING OFFICER				BADGE NO.	DATE



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43543

Telephone: (419) 592-4010 Fax: (419) 590-8993

www.napoleonohio.com

CONDEMNED
AS
DANGEROUS AND UNSAFE

THIS STRUCTURE KNOWN AS 425 E. WASHINGTON ST.

DANGER-KEEP OUT

All persons are hereby notified to keep out as long as this notice remains posted.

Any person willfully destroying, mutilating or removing this card will be punished to the full extent of the law.

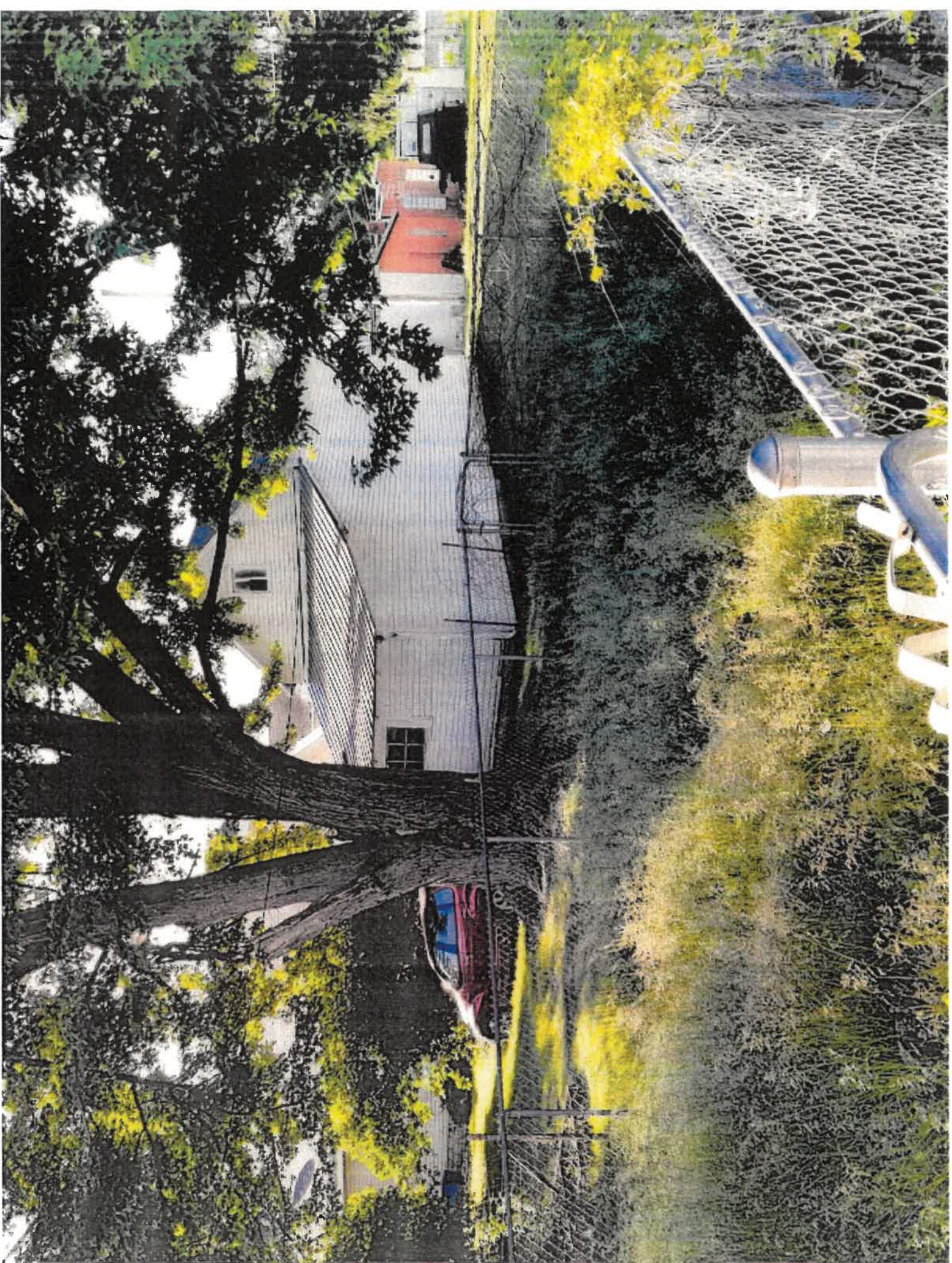
Posted under authority granted in Article Section Pm-108 of the Property Maintenance Code.

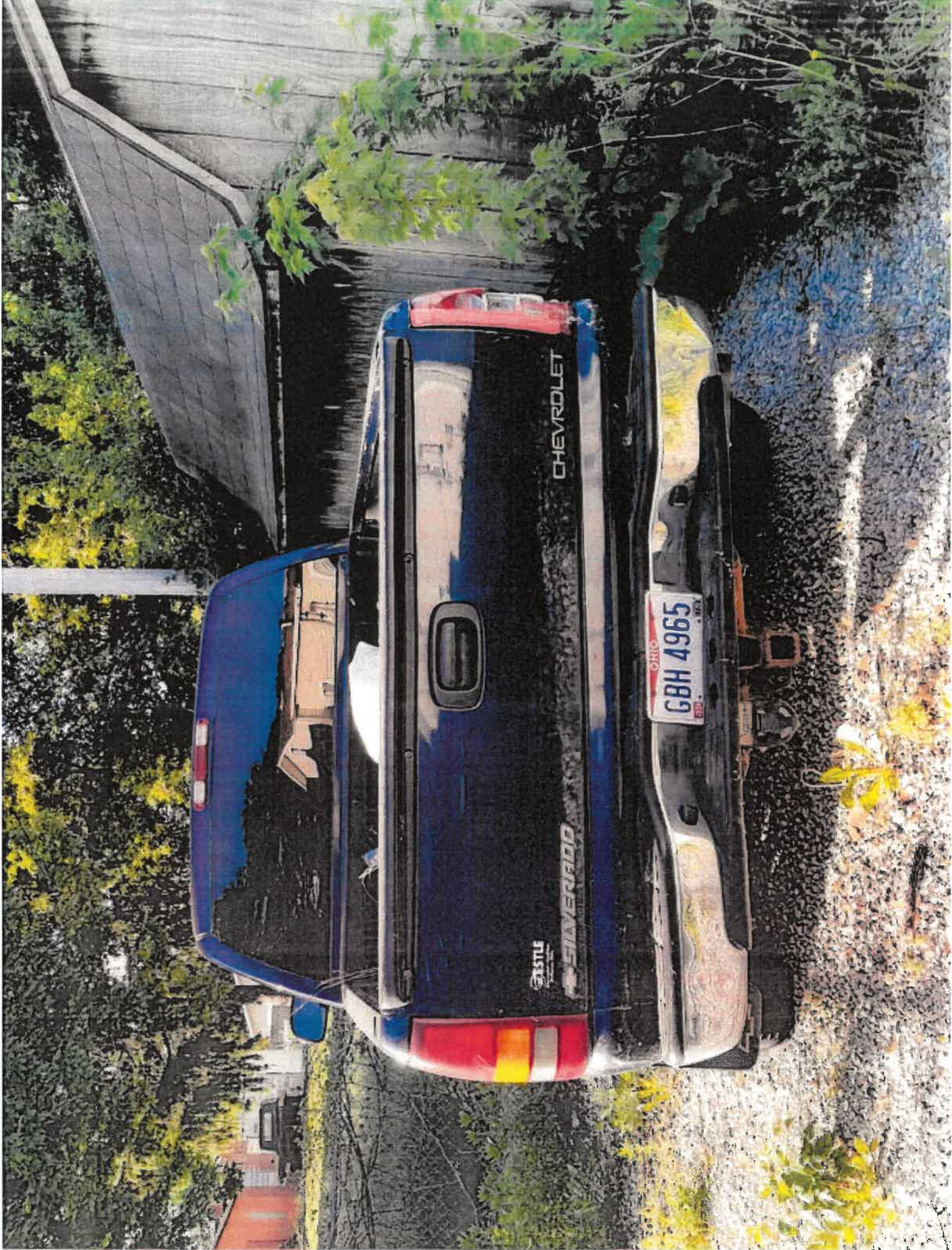
6/14/2022
Date Posted

[Signature]
Code Official











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

Case No.

22-005447

IN THE MATTER OF:

**Nuisance Abatement Hearing
JOURNAL ENTRY**

Joanna Rose Ferrell

425 E. Washington St.

Napoleon, Ohio 43545

425 E. Washington St.

The matter of an alleged nuisance existing at _____ Napoleon, Henry County, Ohio, being a
Property in violation of: _____ came for hearing this day: _____
Nuisances prohibited; Habitation deemed _____ June 10, 2022

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

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- ☒ Property Owner Not Present:

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The Property Owner or his/her representative was given an opportunity to be heard and produced evidence
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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 (a) (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**.

 *Christy Polite*
David Mark

City Manager / Acting City Manager / Hearing Officer

Dated: 6/10/22

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.



CITY OF NAPOLEON

255 West Riverview Ave, Napoleon, OH 43545
Phone: 419-592-4010



Name: Joanna Ferrell

Add: 425 E Washington St.

Code Enforcement #22-005447

Date of Observation: 06/03/2022

Date of Notice: 06/03/2022

Date of Deadline: 06/04/2022

City of
Napoleon

Joel Mazur
City Manager

Kevin
Schultheis
Nuisance Code
Enforcement /
Zoning
Administrator

You are hereby notified that the nuisance as defined in Rule/Law/Ordinance/Resolution maintained, operated or permitted to exist by you at (Address) 425 E. Washington St., Consisting of: Foul odor emitting from the house and garage of decaying materials, Tall grass and weeds exceeding 8" in height and a junk, abandoned, or disabled motor vehicle, and must be abated by (removal) (destruction) (discontinuance) of the same and that if this notice is not complied within () Immediately/24 hrs [Health / Safety Risk], () 72 hrs [Grass/Weeds etc.] () 15 days of service [Other nuisances], of this notice, () you are directed to appear in Council Chambers at City Hall located at 255 West Riverview Ave, Napoleon, Ohio 43545 on (date & hour) 6/10/2022 @ 08:30 hrs and 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. You may be subject to civil & criminal fines. 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. The criminal penalty for creating, permitting, or maintaining a nuisance, or by inaction permitting a nuisance to occur or continue, that is under the persons control, is a misdemeanor of the first degree, punishable by a fine not to exceed (\$1,000.00) on thousand dollars and/or (6) months in jail. (A separate offense shall be deemed committed each day during or on which a violation continues or occurs.)

Special Notice to Responsible Party or Person Having a Recorded Interest: You are notified that abatement has been initiated involving real or personal property of which you have a recorded interest; therefore, to protect your interest therein you may appear at the above noted hearing.

503.06(m) Nuisances affecting health (Rubbish, litter, trash, weeds, grass or plants)	503.06(f) Prohibition against privy vaults, cesspools, and septic tanks
503.06(c) Nuisances prohibited; Habitation deemed unclean. (collection of filth)	503.23 Obscene activity constituting a nuisance
503.05 Nuisances affecting peace and safety (MV Inoperable/leaking fluids/72 hrs)	723.03 Screening from public view (Junk Yards)
503.06(n) Nuisances prohibited; habitation deemed unclean; agricultural exception	1335.(06,09, 15, 16, 17) Signs Prohibited, maintenance
503.13 Abandoned motor vehicles/junk motor vehicles	1131.01(e1,2,3,4) Residential Districts Established (Temp housing, lot use, livestock, vehicle parking in yards)

Issuing Officer: Kevin Schultheis

A copy of the foregoing notice was served (Name, Date & Time):

Personally on (date):

Residential or Posting (date):

Certified Mail on (date):

6/3/2022

INCIDENT REPORT - PART 2

INCIDENT
NUMBER 22-005447

VICTIM
CITY OF NAPOLEON OFFENSE
NUISANCES PROHIBITED-GENERAL INCIDENT DATE
AND TIME 06/03/2022 08:00

REPORTER

NO. 1	NAME (Last, First, Middle) CITY OF NAPOLEON,	AGE/ D.O.B.	SSN
ADDRESS (Street, Apt., City, State, Zip) 255 W RIVERVIEW NAPOLEON, OH 43545			PHONE
EMPLOYER NAME AND ADDRESS (Street, Apt., City, State, Zip)			PHONE

STATEMENTS OBTAINED ☐ Y ☒ N TYPE: ☐ WRITTEN ☐ ORAL ☐ TAPED ☐ OTHER

VEHICLE

CHECK CATEGORIES ☐ STOLEN ☐ RECOVERED ☐ IMPOUNDED ☐ RECEIVED ☐ SUSPECT'S VEHICLE ☐ VICTIM'S VEHICLE ☐ UNAUTHORIZED USE ☐ ABANDONED									
NO.	☐ DAMAGE TO VEHICLE ☐ THEFT FROM VEHICLE	LIC	LIS	LIY	LIT	VIN/OAN	*VALUE \$0.00		
VYR	VMA	VMO	VST	VCO TOP BOTTOM	VEHICLE LOCKED ☐ Y ☒ N	KEYS IN VEHICLE ☐ Y ☒ N	HOLD VEHICLE ☐ Y ☒ N	RELEASE CONTENTS ☐ Y ☒ N	
VEHICLE ASSOC. W/ SUSPECT NO.		VEHICLE ASSOC. W/ VICTIM NO.		VEHICLE TOWED? ☐ Y ☒ N		TOWED BY		OWNERSHIP VERIFIED BY: ☐ TAG RECEIPT ☐ BILL OF SALE ☐ TITLE ☐ OTHER	
STOLEN MOTOR VEHICLE ONLY	NO. STOLEN	AREA STOLEN ☐ BUSINESS ☐ RESID.		ADDITIONAL DESCRIPTION					
AUTO INSURER NAME (Company) ADDRESS (Street, Apt., City, State, Zip)								PHONE	

MOTOR VEHICLE
RECOVERY ONLY NO. RECOVERED DATE REC. STOLEN IN YOUR JURISDICTION
☐ Y ☒ N WHERE RECOVERED?

PROPERTY

*TYPE PROPERTY LOSS/ETC. (enter codes below)		1 NONE	3 COUNTERFEITED/FORGED	5 STOLEN/ETC.	7 RECOVERED	P PHOTO	TOTAL VALUE
		2 BURNED	4 DESTROYED/DAMAGED/VANDALIZED	6 SEIZED	U UNKNOWN	E EVIDENCE	\$0.00
*LOSS CODE	QUANTITY	DESCRIPTION				*PROP CODE	*VALUE \$0.00
VICT. NO.	VEH NO.	MAKE/BRAND		MODEL		DATE RECOVERED	
SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER			
*LOSS CODE	QUANTITY	DESCRIPTION				*PROP CODE	*VALUE \$0.00
VICT. NO.	VEH NO.	MAKE/BRAND		MODEL		DATE RECOVERED	
SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER			
*LOSS CODE	QUANTITY	DESCRIPTION				*PROP CODE	*VALUE \$0.00
VICT. NO.	VEH NO.	MAKE/BRAND		MODEL		DATE RECOVERED	
SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER			
*LOSS CODE	QUANTITY	DESCRIPTION				*PROP CODE	*VALUE \$0.00
VICT. NO.	VEH NO.	MAKE/BRAND		MODEL		DATE RECOVERED	
SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER			

PROPERTY CODES:

EXCHANGE MEDIUMS 01 Money 02 Credit/Debit Card 03 Negotiable Instruments 04 Other Exchange Mediums DOCUMENTS 05 Non-Negotiable Instruments 06 Personal (Identity) Papers 62 Documents/Personal or Business 07 Other Documents VALUABLES 08 Jewelry/Precious Metals 09 Art Objects, Antiques	10 Other Valuables PERSONAL EFFECTS 11 Clothing/Furs 12 Purses/Handbags/Wallets 13 Other Personal Effects HOUSEHOLD ITEMS 14 Household Items EQUIPMENT 15 Drug/Narcotic Equip. 16 Gambling Equipment 17 Computer Hardware/Soft. 18 Office Equipment 19 Stereo TV Equip. 20 Recordings-Audio Visual 21 Sports Equipment	22 Photographic Equipment 23 Farm Equipment 24 Heavy Construction/Industrial 25 Building Supplies-Const. 26 Tools 27 Vehicle Parts/Accessories 57 Aircraft Parts/Accessories 28 School Supplies 58 Artistic Supplies/Accessories 59 Camping/Hunting/Fishing Equipment/Supplies 67 Law Enforcement Equip. 68 Lawn/Yard/Garden Equip. 69 Logging Equipment 70 Medical/Medical Lab Equip.	72 Musical Instruments 73 Portable Electronic Equip. 74 Watercraft Equip./Parts/Acc. 29 Other Equipment CONSUMABLE ITEMS 30 Alcohol 31 Drugs/Narcotics 32 Consumable Goods 60 Chemicals 61 Crops 63 Explosives 65 Fuel ANIMALS 33 Livestock 34 Household Pets	VEHICLES 35 Aircraft 36 Automobiles 37 Bicycles 38 Buses 39 Trucks 40 Trailers 41 Watercraft 42 Recreational Vehicle 43 Other Motor Vehicle WEAPONS 44 Firearms 45 Other Weapons 64 Firearm Accessories	STRUCTURES 46 Single Occupancy 47 Other Dwellings 48 Commercial/Business 49 Industrial/Manufacturing 50 Public/Community 51 Storage 52 Other Structure OTHER 53 Merchandise 54 Other Property 55 Pending Inventory 66 Identity-Intangible 71 Metals, Non-Precious
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NARRATIVE

06/03/2022

On June 2, 2022 I received a call from the Henry County Health Department advising they have received complaints of overgrown grass, weeds, and decaying trash and junk in the garage. Trey, from the Health Department has said they went to the location and found a large amount of flies in the windows and a foul smell coming from the garage. The Napoleon City police department responded to the location for a welfare check and received no answer. The Police Department made a call to the owner, Joanna Ferrell, who is now living with her parents in Oakwood, Ohio who stated she has left the home and there is no animals or people inside the home.

SUSPECT/ARREST SUPPLEMENT

ARRESTING AGENCY		NAPOLEON POLICE I		INCIDENT NUMBER		22-005447	
VICTIM		CITY OF NAPOLEON		OFFENSE		NUISANCES PROHIBITED-GENERAL	
INCIDENT DATE AND TIME		06/03/2022		8:00			
NO.	1	ADULT	☒	JUVENILE	☐	UNKNOWN	☐
CHECK APPROPRIATE CATEGORY				CHARGES FILED?			
☐ SUSPECT ☐ ARRESTEE ☒ SUSPECT/ARRESTEE ☐ RUNAWAY ☐ MISSING ☐ OTHER				☒ Y ☐ N			
NAME (Last, First, Middle)						SSN	
FERRELL, JOANNA ROSE							
ALIAS						GANG AFFILIATION	
ADDRESS (Street, Apt., City, State, Zip)						PHONE	
15548 RD 1037 OAKWOOD, OH 45873						(419) 966-7916	
EMPLOYER NAME AND ADDRESS (Street, Apt., City, State, Zip)						PHONE	
PLACE OF BIRTH						OCCUPATION/SCHOOL	
DL#/STATE						OH	
RZ995361							
*AGE/	D.O.B.	38	07/12/1983	*SEX	F	*RACE	W
						*ETHNICITY	U
						*HEIGHT	503
						*WEIGHT	110
						*HAIR	BRO
						*EYES	HAZ
MARITAL STATUS		SCARS, MARKS, TATOOS					
ADDITIONAL DESCRIPTIVES							
SUSPECTED OF USING							
☐ ALCOHOL ☐ DRUGS							
POTENTIAL INJURIES?							
*RESIDENT STATUS							
1 ☒ RESIDENT 2 ☐ TOURIST 3 ☐ MILITARY 4 ☐ STUDENT 5 ☐ OTHER (explain) U ☐ UNKNOWN							
*ARRESTEE WAS ARMED WITH							
ARRESTEE ARMED WITH 1. 99 2. 3.							
99	NONE	13B	OTHER FULLY AUTOMATIC FIREARM	16	IMITATION FIREARM	50	POISON
11	FIREARM	14	SHOTGUN	17	SIMULATED FIREARM	60	EXPLOSIVES
12	HANDGUN	15	OTHER FIREARM	18	BB/PELLET GUN	65	FIRE/INCENDIARY DEVICE
12A	AUTOMATIC HANDGUN	15A	SEMI-AUTOMATIC SPORTING RIFLE	20	KNIFE/CUTTING INSTRUMENT	70	DRUGS/NARC/SLEEPING PILLS
13	RIFLE	15B	SEMI-AUTOMATIC ASSAULT FIREARM	30	BLUNT OBJECT	80	OTHER WEAPON
13A	FULLY AUTOMATIC RIFLE	15C	MACHINE PISTOL				
NAME		ADDRESS (Street, Apt., City, State, Zip)				PHONE	
1		1				1.	
2		2				2.	
ARREST/OFFENSE DESCRIPTION		*ARREST/OFFENSE CODE		F/M & DEGREE		WARRANT #	
1. NUISANCES PROHIBITED-GENERAL		1 503.06		1 M-1		1	
2. ABANDONED MOTOR VEHICLES /		2 503.13		2 M-1		2	
3		3		3		3	
4		4		4		4	
5		5		5		5	
*ARREST DATE		TIME		ARREST LOCATION (Street, Apt., City, State, Zip)			
06/03/2022							
*INCIDENT TRACKING NUMBER		ARREST DISPOSITION				BAIL	
						\$0.00	
MIRANDA WITNESSED BY:						TIME READ	
FINGERPRINTED		FINGERPRINT CARD NO.		PHOTOS TAKEN		NO. TAKEN	
☒ Y ☐ N				☒ Y ☐ N			
*MULTIPLE ARRESTEE SEGMENTS INDICATOR		*ARREST TYPE		1 ☐ COMPLAINT		3 ☐ WARRANT	
☐ COUNT ARRESTEE ☒ MULTIPLE ARRESTEE INDICATOR ☐ N/A		2 ☐ IN-PROGRESS		4 ☒ SUMMONS		5 ☐ ORDER OF PROTECTION	
JUV. PARENT/ GDN. NOTIFIED		DATE/TIME NOTIFIED		NOTIFIED BY		*JUVENILE DISPOSITION	
☐ Y ☒ N						☐ HANDLED WITHIN THE DEPARTMENT ☐ REFERRED TO OTHER AUTHORITIES	
PARENT/GUARDIAN NAME AND ADDRESS (Street, Apt., City, State, Zip)						RELATIONSHIP	
						PHONE	
PARENT/GUARDIAN NAME AND ADDRESS (Street, Apt., City, State, Zip)						RELATIONSHIP	
						PHONE	
PREVIOUS RUN/MISS.		DATE OF LAST CONTACT		DATE OF EMANCIPATION		NCIC #	
☐ Y ☒ N							
LAST SEEN WEARING							
REPORTING OFFICER						BADGE NO.	
#3101 Code Ofcr Schultheis						3101	
APPROVING OFFICER						DATE	
						06/03/2022	
COURT						DATE	
NAPOLEON MUNICIPAL COURT						06/03/2022	

NAME/DESCRIPTIVES

ASSOC. PERSONS

ARREST INFORMATION

JUVENILE

RUNAWAYS /MISSING

ADMINISTRATIVE	AGENCY NAME NAPOLEON POLICE DEPARTMENT				*INCIDENT NUMBER 22-005447						
	CALL NUMBER 22-005447		*GEOCODE		*CLEARANCES						
	TOD 08:15		☒ INCIDENT ☐ OFFENSE ☐ SUPPLEMENT		A ☐ Death of Suspect B ☐ Prosecution Declined C ☐ In Custody of Other Jurisd. D ☐ Victim Refused to Coop. E ☐ Juvenile/No Custody F ☒ Arrest - Adult G ☐ Arrest - Juvenile H ☐ Warrant Issued I ☐ Invest. Pending J ☐ Closed K ☐ Unfounded U ☐ Unknown						
OHIO UNIFORM INCIDENT REPORT								*CLEARANCE DATE 06/03/2022		CLEARED BY 3101	
*REPORT DATE/TIME MONTH DAY YEAR TIME 06 03 2022 08:15				*INCIDENT OCCURRED FROM MONTH DAY YEAR TIME 06 03 2022 08:00				*INCIDENT OCCURRED TO MONTH DAY YEAR TIME 06 03 2022 08:00			
INCIDENT LOCATION (Street, Apt., City, State, Zip) 425 E WASHINGTON NAPOLEON, OH 43545											
*OFFENSE *OFFENSE CODE *ACC F/M & DEGREE *HATE/BIAS *LARCENY *TYPE CRIMINAL ACTIVITY											
1. NUISANCES PROHIBITED-GENERAL 1. 503.06A C N 2. ABANDONED MOTOR VEHICLES / 2. 503.13 C N 3. 3. 4. 4. 5. 5. (Enter up to three for each offense) B. BUYING/RECEIVING C. CULTIVATING/MFG./PUB. D. DISTRIBUTING/SELLING E. EXPLOITING CHILDREN F. OPER/PROPOTING/ASSIST. G. POSSESSING/CONCEALING H. TRANSPORT/TRANSMITTING I. USING/CONSUMING J. OTHER GANG ACTIVITY K. JUVENILE GANG ACTIVITY L. NO GANG ACTIVITY											
*LOCATION OF OFFENSE (Enter up to two)											
1. 01 2. 12 Jail/Prison 59 Daycare Facility 40 Other Retail Store OTHER RESIDENTIAL STRUCTURE 13 Parking Garage 41 Factory/Plant 53 Abandoned/ 01 Single Family Home 14 Other Public Access Buildings 42 Other Building 55 Arena/Stadium/ 02 Multiple Dwelling 26 Bar 27 Buy/Sell/Trade Shop 56 Fairgrounds/Coliseum 03 Residential Facility 28 Restaurant 29 Gas Station 57 Cargo Container 04 Other Residential 30 Auto Sales Lot 31 Jewelry Store 58 Dock/Wharf/Freight/ 05 Garage/Shed 32 Clothing Store 33 Drugstore 59 Modal Terminal PUBLIC ACCESS BLDGS. 34 Liquor Store 35 Shopping Mall 60 Gambling Facility/ 06 Transit Facility 36 Sporting Goods 37 Grocery/Supermarket 61 Casino/Race Track 07 Government Office 38 Variety/Convenience 39 Department Store 62 Military Installation 08 School 40 Cemetery 51 Public Transit Vehicle 63 Shelter-Mission/ 09 College 52 Other Outside Location 64 Rest Area 65 Homeless 67 Library 57 Camp/Campground 66 Tribal Lands 10 Church 68 Other 11 Hospital 69											
*SUSPECTED OF USING A ☐ ALCOHOL D ☐ DRUGS C ☐ COMPUTER EQUIPMENT N ☒ NOT APPLICABLE *TYPE WEAPON/FORCE USED 1. 99 2. 3.											
*METHOD OF ENTRY *METHOD OF ENTRY - MOTOR VEHICLE THEFT *METHOD OF ENTRY - BURGLARY/B&E											
1 ☐ FORCE 01 ☐ Motor Running/Keys in Car 06 ☐ Hot Wire ENTRY EXIT ENTRY EXIT 2 ☐ NO FORCE 02 ☐ Unlocked 07 ☐ Slim Jim/Coat Hanger 1 ☐ DOOR ☐ 1 ☐ FRONT ☐ *NO. PREMISES ENTERED 03 ☐ Duplicate Key Used 08 ☐ Tumblers Removed 2 ☐ WINDOW ☐ 2 ☐ SIDE ☐ 04 ☐ Window Broken 09 ☐ Column Peeled 3 ☐ 1ST FLOOR ☐ 3 ☐ GARAGE ☐ 3 ☐ REAR ☐ 05 ☐ Towed 10 ☐ Ignition Peeled 4 ☐ 2ND FLOOR ☐ 4 ☐ SKYLIGHT ☐ 4 ☐ ROOF ☐ 5 ☐ OTHER ☐ 5 ☐ OTHER ☐ 5 ☐ OTHER ☐											
METHODS OF OPERATION *CARGO THEFT Y ☐ N ☐											
*NO. *TOTAL *VICTIM I ☐ INDIVIDUAL F ☐ FINANCIAL INSTITUTION P ☐ POLICE OFFICER (IN THE LINE OF DUTY) S ☐ SOCIETY O ☐ OTHER 1 1 TYPE B ☐ BUSINESS G ☐ GOVERNMENT R ☐ RELIGIOUS ORGANIZATION U ☐ UNKNOWN											
NAME (Last, First, Middle) CITY OF NAPOLEON ADDRESS (Street, Apt., City, State, Zip) 255 W RIVERVIEW NAPOLEON, OH 43545 PHONE EMPLOYER NAME AND ADDRESS (Street, Apt., City, State, Zip) PHONE *AGE/ D.O.B. *SEX *RACE ☐ B ☐ A ETHNICITY HGT WGT HAIR EYES *OCCUPATION SSN *RESIDENT 1 ☐ RESIDENT 3 ☐ MILITARY 5 ☐ OTHER STATUS 2 ☐ TOURIST 4 ☐ STUDENT U ☐ UNKNOWN											
*VICTIM ☐ Y IF INJURED, DESCRIBE INJURIES: *AGG. ASSAULT/ HOMICIDE CIRC. *LEOKA INFORMATION *VICTIM/SUSPECT RELATIONSHIP *VICTIM/OFFENSE LINK TYPE OF ACT. ASSIGN. TYPE ORI - OTHER 0. 1. 2. 3. 4. 5. 503.06A											
My signature verifies that the information on this report is accurate and true DATE											
REPORTING OFFICER #3101 Code Ofcr Schultheis BADGE NO. 3101 DATE 06/03/2022 APPROVING OFFICER BADGE NO. DATE											
FOLLOW-UP? ☐ Y ☐ N If yes, follow-up Assignment: ADDITIONAL SUPPLEMENTS ☐ VICTIM/WITNESS ☐ PROPERTY ☐ STATEMENTS ☐ FORM RECEIVED BY: ☐ INTELLIGENCE ☐ SPECIAL COPIES ☐ SUSPECT/ARRESTEE ☐ NARRATIVE ☐ OTHER ☐ INVESTIGATION ☐ RECORDS											





City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

233 West Riverview

Napoleon, OH 43345

Telephone: (419) 592-4020 Fax: (419) 599-8393

www.napoleonohio.com

CONDEMNED

AS

DANGEROUS AND UNSAFE

THIS STRUCTURE KNOWN AS 425 E. WASHINGTON ST.

DANGER-KEEP OUT

**All persons are hereby notified to keep out as long as this notice
remains posted.**

**Any person willfully destroying, mutilating or removing this card
will be punished to the full extent of the law.**

**Posted under authority granted in Article Section Pm-108 of the
Property Maintenance Code.**

6/14/2022
Date Posted

[Signature]
Code Official



CITY OF NAPOLEON

255 West Riverview Ave, Napoleon, OH 43545
Phone: 419-592-4010



Name: Joanna Ferrell

Add: 425 E Washington St.

Code Enforcement #22-005447

Date of Observation: 06/03/2022

Date of Notice: 06/03/2022

Date of Deadline: 06/04/2022

City of
Napoleon

Joel Mazur
City Manager

Kevin
Schultheis
Nuisance Code
Enforcement /
Zoning
Administrator

You are hereby notified that the nuisance as defined in Rule/Law/Ordinance/Resolution maintained, operated or permitted to exist by you at (Address) 425 E. Washington St., Consisting of: Foul odor emitting from the house and garage of decaying materials, Tall grass and weeds exceeding 8" in height and a junk, abandoned, or disabled motor vehicle, and must be abated by (removal) (destruction) (discontinuance) of the same and that if this notice is not complied within ☒ Immediately/24 hrs [Health / Safety Risk], ☐ 72 hrs [Grass/Weeds etc.] ☐ 15 days of service [Other nuisances], of this notice, () you are directed to appear in Council Chambers at City Hall located at 255 West Riverview Ave, Napoleon, Ohio 43545 on (date & hour) 6/10/2022 @ 0830 hrs and 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. You may be subject to civil & criminal fines. 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. The criminal penalty for creating, permitting, or maintaining a nuisance, or by inaction permitting a nuisance to occur or continue, that is under the persons control, is a misdemeanor of the first degree, punishable by a fine not to exceed (\$1,000.00) on thousand dollars and/or (6) months in jail. (A separate offense shall be deemed committed each day during or on which a violation continues or occurs.)

Special Notice to Responsible Party or Person Having a Recorded Interest: You are notified that abatement has been initiated involving real or personal property of which you have a recorded interest; therefore, to protect your interest therein you may appear at the above noted hearing.

☒ 503.06(m) Nuisances affecting health (Rubbish, litter, trash, weeds, grass or plants)	503.06(f) Prohibition against privy vaults, cesspools, and septic tanks
☒ 503.06(c) Nuisances prohibited; Habitation deemed unclean. (collection of filth)	503.23 Obscene activity constituting a nuisance
503.05 Nuisances affecting peace and safety (MV Inoperable/leaking fluids/72 hrs)	723.03 Screening from public view (Junk Yards)
503.06(n) Nuisances prohibited; habitation deemed unclean; agricultural exception	1335.(06,09, 15, 16, 17) Signs Prohibited, maintenance
☒ 503.13 Abandoned motor vehicles/junk motor vehicles	1131.01(e1,2,3,4) Residential Districts Established (Temp housing, lot use, livestock, vehicle parking in yards)

Issuing Officer: Kevin Schultheis

A copy of the foregoing notice was served (Name, Date & Time):

Personally on (date):

Residential or Posting (date):

Certified Mail on (date):

6/3/2022

AGENCY NAME NAPOLEON POLICE DEPARTMENT										INCIDENT NUMBER 22-005447									
CALL NUMBER 22-005447										GEOCODE									
TO 08:15										ADMINISTRATIVE INCIDENT OFFENSE SUPPLEMENT									
TOA 08:15																			
TOC 08:15																			
OHIO UNIFORM INCIDENT REPORT																			
REPORT DATE/TIME MONTH DAY YEAR TIME 06 03 2022 08:15										INCIDENT OCCURRED FROM MONTH DAY YEAR TIME 06 03 2022 08:00									
INCIDENT LOCATION (Street, Apt., City, State, Zip) 425 E WASHINGTON NAPOLEON, OH 43545										INCIDENT OCCURRED TO MONTH DAY YEAR TIME 06 03 2022 08:00									
OFFENSE										TYPE CRIMINAL ACTIVITY									
1. NUISANCES PROHIBITED-GENERAL										1. N 2. 3. (Enter up to three for each offense)									
2. ABANDONED MOTOR VEHICLES /										1. N 2. 3.									
3.										1. 2. 3.									
4.										1. 2. 3.									
5.										1. 2. 3.									
LOCATION OF OFFENSE (Enter up to two)										SUSPECTED OF USING									
1. 01 2. 12 Jail/Prison 59 Daycare Facility 40 Other Retail Store OTHER										A ALCOHOL									
RESIDENTIAL STRUCTURE 01 Single Family Home 02 Multiple Dwelling 03 Residential Facility 04 Other Residential 05 Garage/Shed										D DRUGS									
PUBLIC ACCESS BLDGS. 06 Transit Facility 07 Government Office 08 School 09 College 67 Library 10 Church 11 Hospital										C COMPUTER EQUIPMENT									
COMMERCIAL LOCATIONS 15 Auto Shop 16 Financial Institution 17 Barber/Beauty Shop 18 Hotel/Motel 19 Dry Cleaners/Laundry 20 Professional Office 21 Doctor's Office 22 Other Business Office 23 Recreation/Entertainment Center 54 Amusement Park 24 Rental Storage Facility 25 Other Commercial Service Loc. 56 ATM Machine Separate from Bank										N NOT APPLICABLE									
METHOD OF ENTRY										METHOD OF ENTRY - BURGLARY/B&E									
1 FORCE 2 NO FORCE										ENTRY EXIT ENTRY EXIT ENTRY EXIT									
NO. PREMISES ENTERED										1 BASEMENT 2 1ST FLOOR 3 2ND FLOOR 4 OTHER									
METHODS OF OPERATION										CARGO THEFT Y N									
NO. 1 TOTAL VICTIMS 1 VICTIM TYPE										INDIVIDUAL BUSINESS FINANCIAL INSTITUTION GOVERNMENT POLICE OFFICER (IN THE LINE OF DUTY) SOCIETY OTHER									
NAME (Last, First, Middle) CITY OF NAPOLEON										POLICE OFFICER (IN THE LINE OF DUTY) SOCIETY OTHER									
ADDRESS (Street, Apt., City, State, Zip) 255 W RIVERVIEW NAPOLEON, OH 43545										PHONE									
EMPLOYER NAME AND ADDRESS (Street, Apt., City, State, Zip)										PHONE									
AGE/ D.O.B. SEX RACE B I A U ETHNICITY HGT WGT HAIR EYES																			
OCCUPATION SSN										PRESIDENT 1 RESIDENT 3 MILITARY 5 OTHER STATUS 2 TOURIST 4 STUDENT U UNKNOWN									
VICTIM Y IF INJURED, DESCRIBE INJURIES: N																			
AGG. ASSAULT/ HOMICIDE CIRC.										LEOKA INFORMATION VICTIM/SUSPECT RELATIONSHIP VICTIM/OFFENSE LINK									
TYPE OF ACT. ASSIGN. TYPE ORI - OTHER										0. 1. 2. 3. 4. 5.									
My signature verifies that the information on this report is accurate and true										DATE									
REPORTING OFFICER #3101 Code Ofcr Schultheis										BADGE NO. 3101 DATE 06/03/2022									
APPROVING OFFICER										BADGE NO. DATE									
FOLLOW-UP? Y N If yes, follow-up Assignment:																			
ADDITIONAL SUPPLEMENTS VICTIM/WITNESS SUSPECT/ARRESTEE PROPERTY NARRATIVE STATEMENTS OTHER FORM RECEIVED BY: INVESTIGATION INTELLIGENCE RECORDS SPECIAL COPIES																			

NARRATIVE SUPPLEMENT

Page 1 of 2

VICTIM CITY OF NAPOLEON	OFFENSE NUISANCES PROHIBITED-GENERAL	INCIDENT NUMBER 22-005447	INCIDENT DATE AND TIME 06/03/2022 08:00
06/03/2022			

On June 2, 2022 I received a call from the Henry County Health Department advising they have received complaints of overgrown grass, weeds, and decaying trash and junk in the garage. Trey, from the Health Department has said they went to the location and found a large amount of flies in the windows and a foul smell coming from the garage. The Napoleon City police department responded to the location for a welfare check and received no answer. The Police Department made a call to the owner, Joanna Ferrell, who is now living with her parents in Oakwood, Ohio who stated she has left the home and there is no animals or people inside the home.

On June 3, 2022 I went to 425 E. Washington St. to investigate the nuisance complaint and I found the house abandoned by the owner. There were a large amount of flies covering the windows from inside, indicating something is in the state of decomposition or there is a large amount of trash left to decay. As I walked down the driveway I could smell noxious odors coming from inside the garage. The side door to the garage was open and what I observed inside was the floor completely covered with open discarded trash bags exposing filth and decaying food and other unsanitary items. The condition of the home at this time is un-livable for anyone to occupy. A nuisance notice will be prepared and place on the front main entrance of the house with an abatement date of June 10, 2022 @0830 hrs. The owner will be contacted to see what actions will be taken to clean the property up of all the filth. I also observed a junk Chevy Pickup truck in the driveway bearing an expired registration since 2020, and in the back yard was tall grass and weeds exceeding 8" in height. Photographs were taken and placed with the case as evidence.

June 3, 2022

At 0830 hrs. I made contact with the owner and asked what she is doing about the home she owns within the City of Napoleon. Ms. Ferrell stated she is now living with her parents and will not be returning. She said the back will be taking it back at some point to foreclose on it. I asked if she intends to return back to clean or remove any of the junk from the house. Ms. Ferrell gave no indication she is returning to do anything with the house. I advised her a notice will be posted for the violations, an abatement hearing will be set and a summons issued for the violation due to the inactions of cleaning the habitation of trash. I also asked if she has or had animals still inside the home that may have died. She stated there were no animals. I asked what would the flies be feeding off of? Ms. Ferrell said it's complicated to explain. It's my opinion that within the house is the same amount or more trash and debris that what is in the garage, all with filth and decaying materials. Ms. Ferrell said the financing of the home is through Midwest Credit Union and it should be any day till they pace a notice. A summons will be issued for the violations and the defendant ordered court.

June 10, 2022

A hearing was held within the Napoleon City Building, Council chambers in reference to case 22-005447 425 E. Washington St. to abate the nuisance property of the violations. Chief of Police, David Mack represented the City of Napoleon in place of the City Manager, Joel Mazur. The property owner was not in attendance for the hearing. Testimony was given and evidence presented to the Chief regarding the nuisance property. Chief Mack found a substantial amount of evidence to declared the property a nuisance and deemed the habitation unclean. Contact with the City contracting agency will be made in order to have the back yard mowed. Other action may have to be taken due to the condition of the interior of the home. The abatement was then placed on the front main entrance of the home as notice of the abatement hearing

June 14, 2022

After receiving more calls of the smell emitting from the home I decided to post the home as condemned until the City of Napoleon can gain access to the interior for clean-up or other means of eliminating the nuisance trash and odors. A red tag was placed on the front of the structure advising the neighbors of the dangers of entering the home. A legal request will be made to the City

REASON CLEARED	A ☐ DEATH OF OFFENDER	D ☐ VICTIM REFUSED TO COOP.	G ☐ ARREST - JUVENILE	J ☐ CLOSED	DATE CLEARED
	B ☐ PROSECUTION DECLINED	E ☐ JUVENILE/NO CUSTODY	H ☐ WARRANT ISSUED	K ☐ UNFOUNDED	
	C ☐ EXTRADITION DENIED	F ☐ ARREST - ADULT	I ☐ INVEST. PENDING	U ☐ UNKNOWN	
REPORTING OFFICER	#3101 Code Ofcr Schultheis				
APPROVING OFFICER					
	BADGE NO. 3101				DATE 06/03/2022
	BADGE NO.				DATE

NARRATIVE SUPPLEMENT

Page 2 of 2

INCIDENT NUMBER	22-005447
INCIDENT DATE AND TIME	06/03/2022 08:00

VICTIM CITY OF NAPOLEON	OFFENSE NUISANCES PROHIBITED-GENERAL
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Law Director to review the case for an abatement hearing set for June 17, 2022 in order to gain entry for the unfit structure. The order of Condemnation will fall under the Building Official & Code Administrators National property Maintenance Codes PM-108.1.3 & PM-108.2.

PM-108.1.3 / A structure is unfit for human occupancy whenever the code official find that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

PM-108.2 / If the structure is vacant and unfit for human habitation and the occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation of the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises with the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private person and the cost thereof shall be charges against the real estate upon which the structure is located and shall be a lien upon such real estate.

06/16/2022

The City of Napoleon Zoning Administrator along with the Napoleon Police Department and Napoleon City Fire Department went to 425 E. Washington St. to conduct an interior search of the home to verify and document the extent of the filth. Officers of the Napoleon Fire Department entered and recorded the interior and said it was completely full of trash bags, junk and debris. Haz-mat gear was worn along with respirators. cautionary steps were taken for decontamination. Once the documentation was complete, operations was called for the contaminated suits and to bored up the back garage door. Photographs were taken and were added to the case.

06/23/2022

I received a call from MyCuMortgage company out of Beavercreek Ohio stated they have received the information regarding the state of the house located on E. Washington st. Mr. Josh McGuire said a house check by their company was done and found to be occupied on June 6, 2022 so no action was taken at that time. It was explained to him the occupant and owner left the home several weeks ago and has no intentions of returning. The front yard has been mowed by the neighbors and the city has now abated the property and has taken action for the yard and house. Mr. McGuire stated he has a meeting today at 0900 hrs reference the home and will return a call once a decision is made about the clean up. Contact for MyCuMortgage company is Josh McGuire 937-912-7093
E-Mail-jomcguire@mycumortgage.com.

REASON CLEARED	☐ A DEATH OF OFFENDER ☐ B PROSECUTION DECLINED ☐ C EXTRADITION DENIED	☐ D VICTIM REFUSED TO COOP. ☐ E JUVENILE/NO CUSTODY ☐ F ARREST - ADULT	☐ G ARREST - JUVENILE ☐ H WARRANT ISSUED ☐ I INVEST. PENDING	☐ J CLOSED ☐ K UNFOUNDED ☐ U UNKNOWN	DATE CLEARED	
REPORTING OFFICER	#3101 Code Ofcr Schultheis				BADGE NO. 3101	DATE 06/03/2022
APPROVING OFFICER					BADGE NO.	DATE

NARRATIVE SUPPLEMENT

VICTIM	OFFENSE	INCIDENT NUMBER
CITY OF NAPOLEON	NUISANCES PROHIBITED-GENERAL	22-005447
		INCIDENT DATE AND TIME
		06/03/2022 08:00

June 13, 2022

I responded to a request for a welfare or building check at this address. The caller stated that the rear door appeared to have been kicked in. While I had been briefed on this incident, I was not prepared for the stinch and horrifyingly odors that emitted from the residence. I could not make it all the way down the driveway between the houses, without wanting to vomit.

I requested Detective Mendez, who was also present to meet up with our Code Enforcement and make sure we are handling this odor issue.

Later in the week, after discussion with the Law Department entry was made to the house in an effort to determine that there was no foul play present and to what extent the residence needed cleaned. I requested the Fire Department to act on our behalf with HazMat Precautions. I also requested that they be supplied with a body worn camera to help document everything.

This was completed and on 6/20/22 I uploaded the two body camera videos.

Chief Mack

REASON CLEARED	A ☐ DEATH OF OFFENDER B ☐ PROSECUTION DECLINED C ☐ EXTRADITION DENIED	D ☐ VICTIM REFUSED TO COOP. E ☐ JUVENILE/NO CUSTODY F ☐ ARREST - ADULT	G ☐ ARREST - JUVENILE H ☐ WARRANT ISSUED I ☒ INVEST. PENDING	J ☐ CLOSED K ☐ UNFOUNDED U ☐ UNKNOWN	DATE CLEARED
REPORTING OFFICER	#01 Chief Mack				BADGE NO.
APPROVING OFFICER					01DM
					DATE
					06/20/2022
					BADGE NO.
					DATE

INCIDENT REPORT - PART 2

VICTIM CITY OF NAPOLEON		OFFENSE NUISANCES PROHIBITED-GENERAL		INCIDENT NUMBER 22-005447		
				INCIDENT DATE AND TIME 06/03/2022 08:00		
REPORTER	NO. 1	NAME (Last, First, Middle) CITY OF NAPOLEON,			AGE/ D.O.B.	
	ADDRESS (Street, Apt., City, State, Zip) 255 W RIVERVIEW NAPOLEON, OH 43545				SSN	
	EMPLOYER NAME AND ADDRESS (Street, Apt., City, State, Zip)				PHONE	
	STATEMENTS OBTAINED ☐ Y ☒ N TYPE: ☐ WRITTEN ☐ ORAL ☐ TAPED ☐ OTHER				PHONE	
VEHICLE	CHECK CATEGORIES ☐ STOLEN ☐ RECOVERED ☐ IMPOUNDED ☐ RECEIVED ☐ SUSPECT'S VEHICLE ☐ VICTIM'S VEHICLE ☐ UNAUTHORIZED USE ☐ ABANDONED					
	NO.	☐ DAMAGE TO VEHICLE	LIC	LIS	LIY	LIT
	VYR	VMA	VMO	VST	VCO TOP BOTTOM	VIN/OAN
	VEHICLE ASSOC. W/ SUSPECT NO.		VEHICLE ASSOC. W/ VICTIM NO.		VEHICLE LOCKED ☐ Y ☐ N	
	VEHICLE TOWED? ☐ Y ☐ N		TOWED BY		VEHICLE KEYS IN ☐ Y ☐ N	
	VEHICLE ONLY		NO. STOLEN		AREA STOLEN	
	VEHICLE ONLY		NO. STOLEN		AREA STOLEN	
	VEHICLE ONLY		NO. STOLEN		AREA STOLEN	
	VEHICLE ONLY		NO. STOLEN		AREA STOLEN	
	VEHICLE ONLY		NO. STOLEN		AREA STOLEN	
AUTO INSURER NAME (Company) ADDRESS (Street, Apt., City, State, Zip)					PHONE	
MOTOR VEHICLE RECOVERY ONLY					NO. RECOVERED DATE REC.	
STOLEN IN YOUR JURISDICTION ☐ Y ☐ N WHERE RECOVERED?						
PROPERTY	*TYPE PROPERTY LOSS/ETC. (enter codes below)					
	1 NONE 2 BURNED 3 COUNTERFEITED/FORGED 4 DESTROYED/DAMAGED/VANDALIZED 5 STOLEN/ETC. 6 SEIZED 7 RECOVERED U UNKNOWN P PHOTO E EVIDENCE					
	*LOSS CODE	QUANTITY	DESCRIPTION		TOTAL VALUE	
	VICT. NO.	VEH. NO.	MAKE/BRAND		*PROP CODE	
	SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER	
	*LOSS CODE	QUANTITY	DESCRIPTION		TOTAL VALUE	
	VICT. NO.	VEH. NO.	MAKE/BRAND		*PROP CODE	
	SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER	
	*LOSS CODE	QUANTITY	DESCRIPTION		TOTAL VALUE	
	VICT. NO.	VEH. NO.	MAKE/BRAND		*PROP CODE	
SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER		
*LOSS CODE	QUANTITY	DESCRIPTION		TOTAL VALUE		
VICT. NO.	VEH. NO.	MAKE/BRAND		*PROP CODE		
SERIAL NUMBER		NCIC NUMBER		OTHER NUMBER		
PROPERTY CODES:						
EXCHANGE MEDIUMS 01 Money 02 Credit/Debit Card 03 Negotiable Instruments 04 Other Exchange Mediums DOCUMENTS 05 Non-Negotiable Instruments 06 Personal (Identity) Papers 07 Other Documents 08 Jewelry/Precious Metals 09 Art Objects, Antiques PERSONAL EFFECTS 10 Other Valuables 11 Clothing/Furs 12 Purses/Handbags/Wallets 13 Other Personal Effects HOUSEHOLD ITEMS 14 Household Items EQUIPMENT 15 Drug/Narcotic Equip. 16 Gambling Equipment 17 Computer Hardware/Soft. 18 Office Equipment 19 Stereo TV Equip. 20 Recordings-Audio Visual 21 Sports Equipment 22 Photographic Equipment 23 Farm Equipment 24 Heavy Construction/Industrial 25 Building Supplies-Const. 26 Tools 27 Vehicle Parts/Accessories 28 School Supplies 29 Other Equipment 30 Alcohol 31 Drugs/Narcotics 32 Consumable Goods 33 Firearms 34 Household Pets 72 Musical Instruments 73 Portable Electronic Equip. 74 Watercraft Equip./Parts/Acc. CONSUMABLE ITEMS 30 Alcohol 31 Drugs/Narcotics 32 Consumable Goods 60 Chemicals 61 Crops 63 Explosives 65 Fuel ANIMALS 33 Livestock 34 Household Pets VEHICLES 35 Aircraft 36 Automobiles 37 Bicycles 38 Buses 39 Trucks 40 Trailers 41 Watercraft 42 Recreational Vehicle 43 Other Motor Vehicle WEAPONS 44 Firearms 45 Other Weapons 64 Firearm Accessories STRUCTURES 46 Single Occupancy 47 Other Dwellings 48 Commercial/Business 49 Industrial/Manufacturing 50 Public/Community 51 Storage 52 Other Structure OTHER 53 Merchandise 54 Other Property 55 Pending Inventory 66 Identity-Intangible 71 Metals, Non-Precious						
06/03/2022						
NARRATIVE	On June 2, 2022 I received a call from the Henry County Health Department advising they have received complaints of overgrown grass, weeds, and decaying trash and junk in the garage. Trey, from the Health Department has said they went to the location and found a large amount of flies in the windows and a foul smell coming from the garage. The Napoleon City police department responded to the location for a welfare check and received no answer. The Police Department made a call to the owner, Joanna Ferrell, who is now living with her parents in Oakwood, Ohio who stated she has left the home and there is no animals or people inside the home.					