

BOARD OF TRUSTEES
JEFFERSON TOWNSHIP, MONTGOMERY COUNTY, OHIO
RESOLUTION NO. 23-064

A RESOLUTION BY THE BOARD OF TRUSTEES OF JEFFERSON TOWNSHIP, MONTGOMERY COUNTY, OHIO DECLARING THE PROPERTY SITUATED AT 127 BRICKER AVENUE, DAYTON, OHIO 45417, PARCEL ID NO. G27 18308 0107, INSECURE AND UNSAFE IN ACCORDANCE WITH OHIO REVISED CODE SECTION 505.86 AND SCHEDULING A PUBLIC HEARING TO DETERMINE WHETHER THIS DANGEROUS PROPERTY SHOULD BE SECURED, REPAIRED, OR DEMOLISHED AND REMOVED.

The Board of Trustees of Jefferson Township, Montgomery County, Ohio met in a regular session on the 2nd day of May, 2023 at 7:00 p.m., at the Township Offices with the following members present:

Sheila K. Back (✓) M. Michael McLaughlin (✓) Joseph Barnes (✓)

Trustee Back moved for adoption of the Resolution.

Trustee McLaughlin seconded the motion.

WHEREAS, the Jefferson Township Board of Trustees (the "Board") have received numerous complaints of abandoned, structurally defective, and unsecured structures in the Township; and

WHEREAS, the Board finds that abandoned, structurally defective, and unsecured structures within Jefferson Township (the "Township") are unsafe, unsightly, detrimental to surrounding property values, and are detrimental to the health, safety, and public welfare of the community; and

WHEREAS, the Board has determined that it is the policy of the Township to secure, repair, or demolish and remove structurally defective and unsecured structures in the Township pursuant to Ohio Revised Code Section 505.86 to protect and promote the public health, safety, and welfare; and

WHEREAS, Ohio Revised Code Section 505.86(B) authorizes the Board to provide for the removal, repair, or securance of buildings or other structures in the Township that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the Township or by the county building department or other authority responsible under Chapter 3781 of the Ohio Revised Code for the enforcement of building regulations or the performance of building inspections in the Township, or buildings or other structures that have been declared to be in a condition that is dangerous to life or health, or unfit for human habitation by the county board of health; and

WHEREAS, the Jefferson Township Fire Chief Gregory Wilcox, as a Fire Code Official for the Township, has inspected the property located at 127 Bricker Avenue, Dayton, Ohio 45417 (the "Property"), Parcel ID No. G27 18308 0107, and has determined that this Property is in violation of Ohio Fire Code, (J) Section 110 "Unsafe Buildings," as evidenced by his inspection report attached hereto as Exhibit A and photographs of the Property attached hereto as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Jefferson Township, Montgomery County, Ohio:

SECTION 1. The Property situated at 127 Bricker Avenue, Dayton, Ohio 45417, Parcel ID No. G27 18308 0107, is hereby declared insecure, unsafe, dangerous to life and health, and unfit for human habitation.

SECTION 2. A public hearing will be conducted on the 17th day of May, 2023, at 7:00 p.m. before the Board to determine whether the Township will require the securance, repair, or demolition and removal of the dangerous, unsafe Property identified herein. At the public hearing, the Board will take evidence, under oath, as to the Jefferson Township Fire Department's inspection findings and report, the condition of the Property, and any other evidence presented by any Property owner, lienholder, or other interested parties with standing. The Zoning Administrator is hereby directed to send notice of this public hearing to the Property owner(s), lienholders of record, if any, and all other interested parties with standing.

SECTION 3. After the public hearing, the Board will memorialize its decision, order, and intentions concerning this Property by formal Resolution.

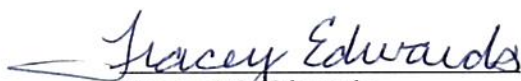
SECTION 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

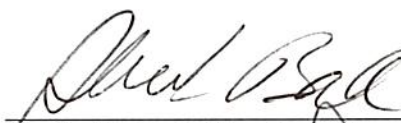

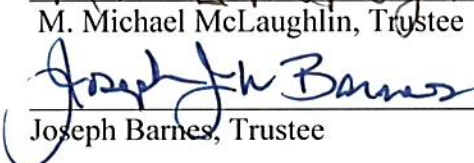
BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED: 5/3/2023

**BOARD OF TRUSTEES OF JEFFERSON
TOWNSHIP, MONTGOMERY COUNTY, OHIO**

ATTEST:


Tracey M. Edwards
Fiscal Officer

	<u>Vote of Trustee</u>
 Sheila K. Back, Trustee	<u>Y</u>
 M. Michael McLaughlin, Trustee	<u>Yes</u>
 Joseph Barnes, Trustee	<u>Y</u>



JEFFERSON TOWNSHIP

JEFFERSON TOWNSHIP FIRE DEPARTMENT

1 Business Park Drive
Dayton, Ohio 45417
(937) 262-3580

March 21, 2023

Eric Walker, Zoning Administrator
Jefferson Township, Montgomery County, Ohio
580 Calumet Lane
Dayton, Ohio 45417

Re: Residential Structure Inspection
Property Address: 127 Bricker Ave Dayton, OH 45417
Parcel ID No(s): G27 18308 0107

Mr. Walker:

On March 21, 2023, a Certified Fire Safety Inspector (the "CFSI") with the Jefferson Township Fire Department, performed an onsite safety inspection of the above-referenced property (the "Property") pursuant to your request.

The CFSI has made the following findings and determinations concerning this Property:

- ☒ The Property is in dangerous condition and in violation of R.C. 3737.41(A).
- ☒ The Property is in dangerous condition and in violation of R.C. 3737.41(B).
- ☐ The Property is in dangerous condition and in violation of R.C. 3737.41(C).
- ☒ The Property has the following unsafe conditions in violation of Ohio Fire Code, (J) Section 110, for the following reasons:

- ☒ Vacant structure(s) not secured against unauthorized entry (Section 110.1.1)
- ☒ Inadequate means of egress (Section 110.1.1)
- ☒ Dangerous to human life or the public welfare (Section 110.1.1)
- ☒ Illegal or improper occupancy or inadequate maintenance (Section 110.1.1)
- ☒ Fire hazard (Section 110.1.1)
- ☒ Structural hazards (Section 110.1.2)

☐ No safety violations were noted



As of the date of above-described safety inspection, the structure(s) situated on the Property appeared to be ☐ occupied ☒ unoccupied.

Property Inspected By: Gregory L. Wilcox

Respectfully submitted,

Gregory L. Wilcox
Gregory L. Wilcox, Fire Chief
Jefferson Township Fire Department
1 Business Park Drive
Dayton, Ohio 45417
(937) 262-3580

Ohio Revised Code Section 3737.41

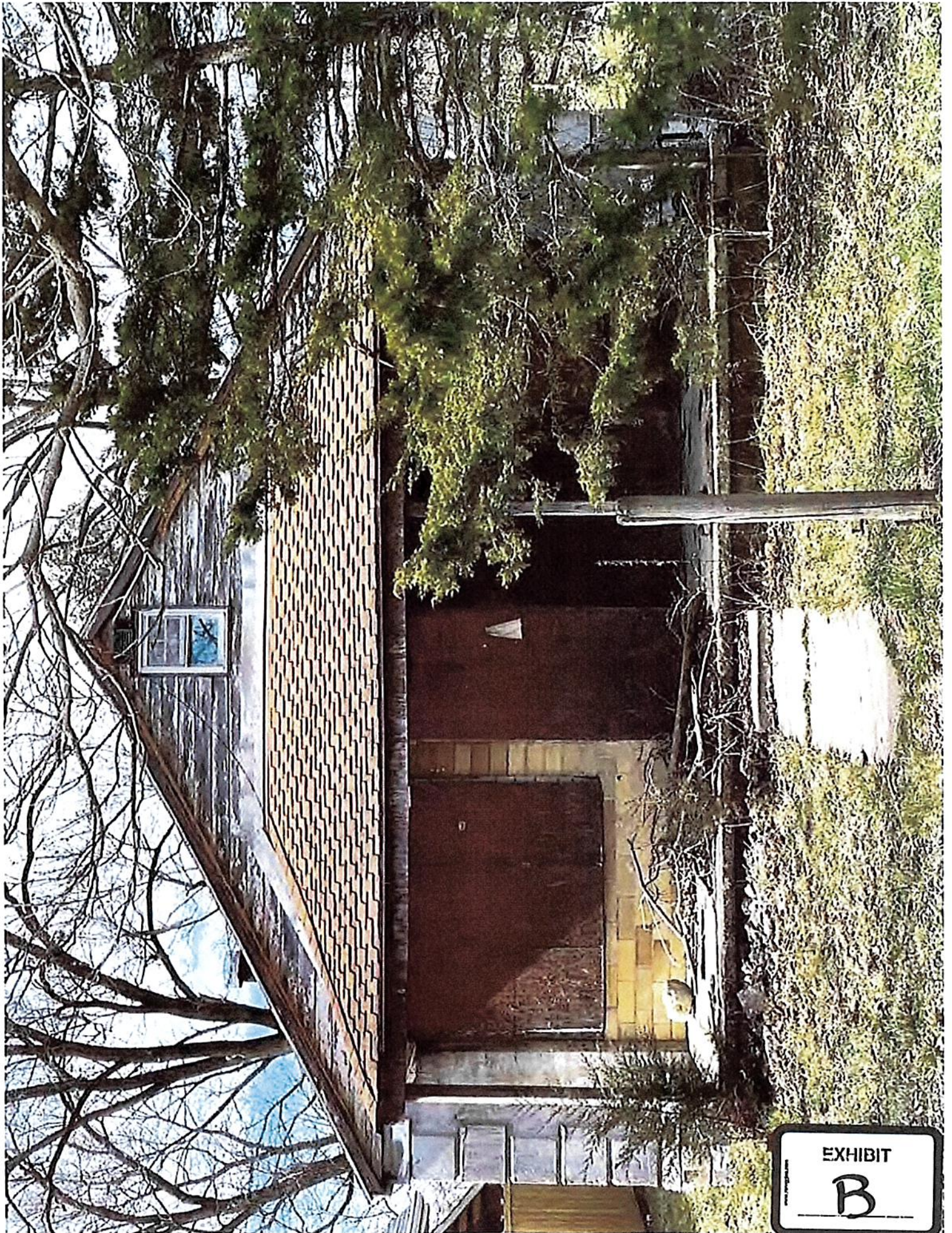
(A) If the fire marshal, an assistant fire marshal, or any certified fire safety inspector, upon an examination or inspection, finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or for any other reason, is especially liable to fire or endangers life or other buildings or property, such officer shall issue a citation and order such building or structure to be repaired, torn down, demolished, or materials removed, and all dangerous conditions remedied.

(B) If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind, which are especially dangerous to the safety of persons or such building, premises, or property, he shall issue a citation and order such materials removed or conditions remedied.

(C) If such officer finds that any building, structure, tank, container, or vehicle used for the storage, handling, or transportation of flammable or combustible liquids, or of liquefied petroleum gas, or the pumps, piping, valves, wiring, and materials used in connection therewith, are especially dangerous to the safety of persons or such building, structure, tank, container, or vehicle, he shall issue a citation and order such condition remedied.

**Ohio Fire Code
(J) Section 110
Unsafe Buildings**

- (1) **110.1 General.** If during the inspection of a premises, the fire code official finds a building or structure or any building system, in whole or in part, constitutes a dangerous condition described in paragraphs (A)(B) or (C) of section 3737.41 of the Revised Code, the fire official shall issue a citation or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this rule and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.
- (a) **110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by paragraph (K)(311) of rule 1301:7-7-3 of the Administrative Code shall be deemed unsafe.
- (i) If the fire code official finds an unsafe condition as described in this paragraph that is especially liable to fire or endangers life or other buildings or property, such fire code official shall issue a citation and order that the responsible person take all necessary remedial actions as required by section 3737.41 of the Revised Code.
- (ii) If the fire code official finds an unsafe condition as described in this paragraph that violates specific provisions of this code, such fire code official shall take such enforcement actions as provided for in this rule including but not limited to, the issuance of a citation pursuant to section 3737.42 of the Revised Code.
- (b) **110.1.2 Structural hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with paragraph (I)(1)(110.1) of this rule.



EXHIBIT

B

