

**HOWLAND TOWNSHIP BOARD OF TRUSTEES
HOME RULE RESOLUTION NO. 2010-12**

**ENACTING AND CODIFYING A HOME RULE RESOLUTION FOR
HOWLAND TOWNSHIP REGULATING STRUCTURAL DEMOLITIONS AND THE
RECLAMATION OF LANDS FOLLOWING STRUCTURAL DEMOLITIONS AND
DECLARING AN EMERGENCY**

WHEREAS, Howland Township, County of Trumbull; Ohio, has adopted a limited self-government form of township government pursuant to Chapter 504 of the Ohio Revised Code; and this Resolution is proposed for adoption under said Chapter 504; and

WHEREAS, R.C. 504.04(A) authorizes a township that has adopted said limited form of self-government to adopt and enforce within the unincorporated area of said township such local police, sanitary, and other similar regulations that are not in conflict with the general laws or otherwise prohibited by division (B) in said Ohio Revised Code Section; and

WHEREAS, Howland Township finds that lands within its jurisdiction upon which structures have been demolished or are in the process of demolition, by machine or manual means, intentional fire coordinated through the Howland Township Fire Department, or other means, pose a danger to children and unsuspecting adults; and

WHEREAS, Howland Township further finds that such lands, unless fully reclaimed, are dangerous, unsightly, and deleterious to the quality of life and value of properties in the surrounding neighborhoods and in Howland Township at large; and

WHEREAS, in accordance with the Police power of Howland Township to preserve public peace and to protect its citizens' health, safety, morals, and welfare, the Township has authority to pass legislation relating to structural demolitions and the reclamation of lands following structural demolitions.

The Board of Trustees of Howland Township met in regular session, pursuant to notice on December 8, 2010 at 6:00 P.M., at the Howland Township Administration Building, 205 Niles-Cortland Road, N.E., Warren, Ohio, 44484, with the following members present:

Rick G. Clark

Sally B. Wehmer

Matthew G. Vansuch

Chairperson Rick G. Clark introduced the following resolution in writing:

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF HOWLAND TOWNSHIP, COUNTY OF TRUMBULL, OHIO, THAT THE FOLLOWING REGULATIONS BE AND HEREBY ARE ADOPTED AND APPROVED AS AN EMERGENCY MEASURE:

ARTICLE I.

STRUCTURAL DEMOLITIONS AND LAND RECLAMATION

SECTION 1: Definitions

(A) As used in this Resolution:

- (1) "Demolish" or "Demolition" mean to remove a building, structure, or other improvement by machine or manual means, intentional fire coordinated through the Howland Township Fire Department, or other means.
- (2) "Demolition Site" means a lot or part of a lot upon which a building, structure, or other improvement is subject to demolition.
- (3) "Lot" means a parcel of land within the jurisdiction of Howland Township, regardless of whether such parcel is a platted lot or is described by metes and bounds, with or without improvements located thereon.
- (4) "Reclaimed Lot" means a lot or part of a lot, upon which a building, structure, or other improvement has been removed by demolition, that has been restored in accordance with the terms of this Resolution.

SECTION 2: Application

- (A) This Resolution shall apply to all property in all zoning districts of Howland Township.

**SECTION 3: Structural Demolitions And Land Reclamation
 Obligations**

- (A) A demolition site in Howland Township shall become a reclaimed lot within sixty (60) days of the commencement of demolition.

- (B) The owner of record of a demolition site, or in the case of a government-ordered demolition pursuant to R.C. 505.86, the contractor presiding over a demolition site, shall satisfy all of the following conditions before the demolition site may be considered by Howland Township to be a reclaimed lot:
 - (1) Demolition, and all requirements incident thereto, as set forth and explained herein, shall be completed within sixty (60) days of the commencement of demolition of the building, structure, or improvement;

 - (2) The demolition site, during all times of the day and night during demolition, shall be completely enclosed with a snow fence or other such barrier reasonably sufficient to prevent small children from entering the site;

 - (3) The demolition shall be conducted in such a manner as to avoid fires and other hazards to persons or property, and to avoid interference with the use of adjacent lots.

 - (4) Landscape features on the demolition site, including, but not limited to, drainage ways, creeks, wetlands, and trees, shall be protected during demolition;

 - (5) Foundation walls of the demolished building, structure, or other improvement shall be filled with clean, non-settling material. The topmost layer of the demolition site after demolition, including the topmost layer of any area where any incidental improvement has been demolished, shall consist of not less than one (1) foot of clean soil. The final grade of the demolition site after demolition, including the final grade of any area where any incidental

improvement has been demolished, shall promote proper runoff and eliminate standing water and shall not negatively impact neighboring properties in any way;

- (6) All debris resulting from or related to demolition of the building, structure, or other improvement shall be removed from the demolition site and properly disposed;
- (7) The surface of the demolition site after demolition, including the surface of any area where any incidental improvement has been demolished, shall be sown with grass or other vegetation and overlain with straw to promote the germination of seed, in order to prevent soil erosion and to establish green space until such time redevelopment of the demolition site occurs;
- (8) All utilities located on the demolition site shall be disconnected, and all septic systems and private water supply wells located on the demolition site shall be properly abandoned in accordance with the requirements of the Trumbull County Health Department;
- (9) All improvements incidental to the primary use of the building, structure, or other improvement to be demolished shall also be demolished, and resulting debris properly disposed. Incidental improvements may include, but are not limited to, paved areas dedicated to parking and/or loading and unloading zones, slabs, waste containment areas, lighting, signs, including sign infrastructure, and fencing.
 - (a) Exceptions to this requirement may be granted in writing by the Howland Township Planning and Zoning Director if the owner of the demolition site demonstrates that redevelopment of the demolition site is imminent (Application has been made and is being reviewed by the Howland Township Planning and Zoning Department);
- (10) All streets adjacent to the demolition site shall be kept free of mud and/or debris at all times. Any damage to public property, including, but not limited

to, sidewalks, curbs, catch basins, and fire hydrants, adjacent to the demolition site, which proximately results from demolition, shall be repaired;

- (11) The presence of any hazardous materials, substances, etc. on the demolition site shall be properly identified and remediated in accordance with all Federal, State, and Local rules, regulations, and codes;
- (12) All demolition work and debris disposal shall be completed in a manner that complies with all applicable Federal, State, and Local rules, regulations, and codes; and
- (13) No work incidental to demolition, including, but not limited to salvage and recovery operations, may be performed prior to the issuance of a demolition permit by Howland Township.

SECTION 4: Permit Fees

- (A) Demolition permit fees established by this resolution are:
 - (1) Residential Lot \$ 50.00
 - (2) Commercial & Industrial Lot \$100.00

SECTION 5: Inspection

- (A) The Howland Township Planning and Zoning Director, or his/her Assistant, shall, upon notice to the owner of the demolition site, or in the case of a government-ordered demolition pursuant to R.C. 505.86, upon notice to the contractor presiding over the demolition site, enter the demolition site at any time for the purpose of determining compliance with the requirements set forth in this Resolution.

SECTION 6: Penalties

- (A) A violation of Section 3 of this Resolution shall constitute an unclassified civil misdemeanor punishable by a civil fine as follows:
 - (1) First Offense: \$150.00
 - (2) Second and Subsequent Offenses: \$250.00
- (B) Each day of continued violation of Section 3 of this Resolution constitutes a separate offense.
- (C) In addition to the imposition of civil fines set forth in Section 6(A) of this Resolution, Howland Township may enforce this Resolution by seeking any legal and/or equitable relief permitted under law, including, but not limited to, injunctive relief, and recovery of costs and expenses.

SECTION 7: Declaration Of Emergency

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of Howland Township and its residents. The reason for the emergency is the increasing number of lands within Howland Township's jurisdiction, upon which structures have been demolished or are in the process of demolition, that have not been reclaimed and pose a danger to children and unsuspecting adults. As an emergency, and pursuant to R.C. 504.11, this Resolution shall take effect ten (10) days after it is filed with the Howland Township Fiscal Officer.

The Trustees met in regular session, pursuant to notice, on December 8, 2010, at 6:00 P.M., at the Howland Township Administration Building, 205 Niles-Cortland Road, N.E., Warren, Ohio 44484, with the following Trustees present:

Rick G. Clark Sally B. Wehmer Matthew G. Vansuch

Trustee _____ moved for the adoption of this emergency Resolution, and the motion was seconded by Trustee _____. The roll was called in the question of adoption in the following result:

Trustee:

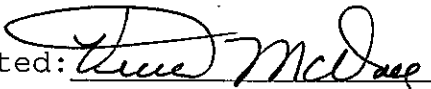
Vote: Yea-Nay-Absent

Rick G. Clark, Chairperson	Yea
Sally B. Wehmer, Vice Chairperson	Yea
Matthew G. Vansuch	Yea

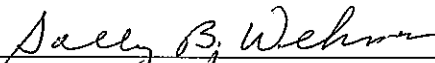
Having received the affirmative vote of all of the Trustees, the Resolution was adopted as an emergency measure to become effective ten (10) days after filing with Howland Township Fiscal Officer Sam Delaquila, Sr.

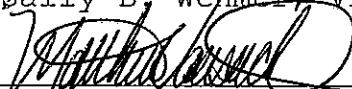
Adopted:

Board of Howland Township Trustees

Attested: 

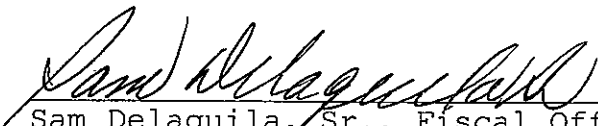

Rick G. Clark, Chairperson


Sally B. Wehmer, Vice-Chairperson


Matthew G. Vansuch

State of Ohio)
) ss: CERTIFICATE OF THE CLERK
County of Trumbull)

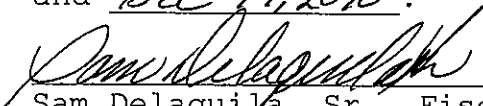
I, Sam Delaquila, Sr., Fiscal Officer of the Board of Trustees of Howland Township, Trumbull County, Ohio, in whose custody and control the files and records of such Board are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution No. 2010-12 is taken and copied from the original resolution, and that the same is a true and correct copy thereof.



Sam Delaquila, Sr., Fiscal Officer

Date: 12-8-2010

In accordance with R.C. 504.12, a summary of this Resolution was published in the Warren Tribune Chronicle on DEC 12, 2010 and DEC 19, 2010, and in the Youngstown Vindicator on DEC 12, 2010 and DEC 19, 2010.



Sam Delaquila, Sr., Fiscal Officer

Date: 12-8-2010