

**TALL GRASS / TRASH / DEBRIS  
ABATEMENT RESOLUTION  
Resolution 2008-013**

**A Resolution stating the Procedures of the Trustees of Elizabeth Township,  
Miami County, Ohio to enact Section 505.86, 505.87, and 5579.05 of the Ohio Revised Code.**

Whereas, The Board of Trustees of Elizabeth Township, Miami County are permitted through Section 505.86, 505.87, and 5579.05 of the Ohio Revised Code to regulate the growing of noxious, nuisance vegetation, garbage, refuse, and other debris on property throughout the Township, and

Whereas, The Board of Trustees of Elizabeth Township, Miami County adopted Resolution 2008-013 on October 1, 2008 stating the procedures be used in the enactment of the above referenced sections of the Ohio revised Code, and

Whereas, it has been determined by The Board of Trustees of Elizabeth Township, Miami County that the procedures for the enactment of such sections of the Ohio Revised Code need to be discussed in detail, therefore,

Be it resolved by The Board of Trustees of Elizabeth Township, Miami County that the Board of Trustees of Elizabeth Township, Miami County hereby will enforce sections 505.86, 505.87 and sections 5579.05 of the Ohio Revised Code by adopting the following procedures for properties less than twenty (20) acres.

- Section 1. The Board of Trustees of Elizabeth Township, Miami County adopt a Resolution, under Section 505.86 and 505.87 of the Ohio Revised Code requiring a property owner to cut brush, briars, thistles, or other noxious weeds, as defined in Section 971.33 of the Ohio Revised Code, as may be amended.
  
- Section 2. The Board of Trustees of Elizabeth Township, Miami County may adopt a Resolution giving an order to the owner of the property to remove noxious weeds, including, but not limited to, wild parsnip, wild carrot, oxeye daisy, wild mustard or other noxious weeds.
  - A. The Board of Trustees of Elizabeth Township, Miami County may pass a Resolution providing notice to the property owner to remove the noxious weeds, including, but not limited to, wild parsnip, wild carrot, oxeye daisy, wild mustard, and other noxious weeds within five days of the adoption of the Resolution.
  - B. A copy of the resolution stating such notice shall be mailed to the owner of record of the property via Certified Mail Return Receipt Requested. If the property owner's address is unknown, proper notice shall be published in a newspaper of general circulation in Miami County, Ohio.
  - C. The Board of Trustees of Elizabeth Township, Miami County reserves the right to enact a Resolution to cause the abatement of nuisances to properties, if the property owner does not act upon the notice provided in this Resolution.
  - D. An adoption of a Resolution does not abridge, amend or change the procedures to be used to abate certain nuisances on properties as outlined in this section.
  
- Section 3. If The Board of Trustees of Elizabeth Township after adopting a Resolution by authority of Section 505.87 of the Ohio Revised Code, finds it necessary to perform the work of controlling the offending nuisance, shall charge the following to recoup the expenses incurred for services rendered.
  - A. Total labor costs
  - B. Administration fees
  - C. Any and all materials or equipment needed to perform the service.
  - D. In the event that contractors are used, the actual cost incurred by the Township shall be assessed against the property owner, including rental fees, dumping fees, disposal fees, and any other fees that may be assessed.
  
- Section 4. The Board of Trustees shall cause the cost of abating the nuisance to be filed on the Tax Duplicate of the property on file with the Auditor of Miami County, Ohio. The report to be filed with the Auditor of Miami County shall include a statement of all expenses incurred providing for the abatement, control, or removal of any vegetation, garbage, refuse or debris, including the Boards charge for its services, notification, the amount paid for labor, materials, and equipment, and a proper description of the premises. The expenses incurred shall be entered upon the Tax Duplicate, as a lien upon the property.

# **JUNK MOTOR VEHICLE RESOLUTION**

## **Resolution 2008-012**

### **A Resolution Enacting Section 505.173, 505.85, 505.87, and 505.871 of The Ohio Revised Code For the Control and Abatement of Junk Motor Vehicles**

Whereas, The Board of Trustees of Elizabeth Township, Miami County finds that junk motor vehicles on Public or Private property within Elizabeth Township, Miami County are unsafe and unsightly, and are detrimental to property values, and are injurious to the health, safety, welfare, and morals of the community, and

Whereas, Section 505.173 of The Ohio Revised Code authorizes Boards of Township Trustees to adopt such Resolutions as deemed necessary to regulate the storage of junk vehicles on private or public property within the unincorporated areas of their Townships, and

Whereas, The Board of Trustees of Elizabeth Township, Miami County hereby determines that it is necessary to adopt a Resolution pursuant to section 505.173 of the Ohio revised Code to regulate the storage of junk motor vehicles on private and public property within the unincorporated area of Elizabeth Township, Miami County, to protect property values, and preserve the health, safety, welfare, and morals of the community.

Now, therefore, be it resolved by the Board of Trustees of Elizabeth Township, Miami County, that:

- Section 1. As used in this resolution, "Junk Motor Vehicle" means a motor vehicle, including a Collector's Vehicle that meets any or all of the following criteria:
  - A. Three model years old or older
  - B. Apparently Inoperable
  - C. Extensively damaged, including, but not limited to, any of the following. Missing wheels, tires, engine and transmission.
  
- Section 2. The Board of Trustees of Elizabeth Township, Miami County may cause a notice to be sent by Certified Mail Return Receipt Requested to the person or persons who have the Right of Possession of Real Property within Elizabeth Township, Miami County, that such persons may not store a junk motor vehicle on said property except within an enclosed garage.
  
- Section 3. No person having the Right of Possession of Real Property within the unincorporated area of Elizabeth Township, Miami County shall willfully leave a Junk Motor Vehicle on such real property outside of an enclosed garage for more than fourteen (14) days after receipt of a notice. The fact that a Junk Motor Vehicle is so left is prima-facie evidence of a willful failure to comply with the notice.
  
- Section 4.
  - A. The Board of Trustees of Elizabeth Township, Miami County, Ohio may provide under 505.871 of the Ohio Revised Code, by resolution, for the removal of any vehicle in the unincorporated territory of Elizabeth Township that the Board determines is a Junk Motor Vehicle, as defined in section 505.173 of the Ohio Revised Code.
  - B. If a Junk Motor Vehicle is located public property, the Board of Trustees of Elizabeth Township may provide in the resolution for the immediate removal of the vehicle.
  - C. If the Junk Motor Vehicle is located on private property, the Board of Trustees of Elizabeth Township may provide in the resolution for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.
  - D. The notice provided shall generally describe the vehicle to be removed and indicate all of the following:
    - 1. The Board of Trustees of Elizabeth Township has determined that the vehicle is a Junk Motor Vehicle.
    - 2. If the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle.
    - 3. Any expensed the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

- Section 5. The Board of Trustees of Elizabeth Township shall serve notice under this division by sending it by certified mail return receipt requested to the owner of the land if the owner resides in the unincorporated territory of the township. If the owner's address is not known, The Board of Trustees may authorize an employee of the Board of Trustees to publish a copy of the Resolution in a newspaper of general circulation in Miami County, Ohio.
- A. A notice sent by certified mail shall be deemed to be served for the purposes of this section on the date it was received as indicated by the date on a signed return receipt.
  - B. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.
- Section 6. The Board of Trustees of Elizabeth Township may cause the removal, or may employ the labor, materials, and equipment necessary to remove a Junk Motor Vehicle under this section. All expenses incurred in removing or causing the removal of a Junk Motor Vehicle, when approved by the Board, shall be paid out of the township general fund from moneys not otherwise appropriated, expect that if the expenses exceed five hundred (500) dollars, the board may borrow moneys from a financial institution to pay expenses in whole or in part.
- Section 7. The Board of Trustees of Elizabeth Township may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a Junk Motor Vehicle under this section including any fees or interest paid to borrow moneys under this section. The Board may direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Elizabeth Township general fund.
- A. Notwithstanding section 4513.65 of the Ohio Revised Code any collector's vehicle that meets the definition of a Junk Motor Vehicle is subject to removal under this section.
  - B. Nothing in this section affects the authority of the Board of Trustees of Elizabeth Township to adopt and enforce resolution under section 505.173 of the Ohio Revised Code to regulate the storage of Junk Motor Vehicles on private or public property in the unincorporated territory of Elizabeth Township.
  - C. A resolution adopted under this section is subject to the same restrictions specified in section 505.173 of the Ohio Revised Code for resolutions adopted under that section.
- Section 8. Nothing herein shall restrict the operation of a Scrap Metal Processing Facility under the Authority of Sections 4737.05 to 4734.12 of the Ohio Revised Code, the operation as a Motor Vehicle Salvage Dealer, Salvage Motor Vehicle Auction or Salvage Motor Vehicle Pool of a person licenses under Chapter 4738 of the Ohio Revised Code; or the provisions of Towing and Recovery services conducted under Sections 4513.60 to 4513.63 of the Ohio Revised Code, including the storage and disposal of Junk Motor Vehicles removed from Public or Private property in accordance with those Sections.
- Section 9. Any fees incurred by Elizabeth Township, which were not paid in full by the Person who has the Right of Possession of Real Property, will be Abated. The Board of Elizabeth Township Trustees shall make a written report to the Miami County Auditor of the Boards action under this section. The Board shall include in the report a proper description of the premises and a statement of all expenses incurred for its servers, cost of providing notices, and the amount paid for any labor, materials, and equipment. The expenses incurred, when allowed, shall be entered upon the Tax Duplicate, is a lien upon the land from the date of the entry, shall be collected as other taxes, and shall be returned to the Elizabeth Township and placed in the Townships General Fund.
- Section 10. The Board of Trustees of Elizabeth Township may contract with a motor vehicle salvage dealer, as defined under section 4738.01 of the Ohio Revised Code, or a scrap metal processing facility, as defined in section 4737.05 of the Ohio Revised Code, for the removal or disposal of motor vehicles pursuant to sections 505.173, 505.871, 4513.60 to 4513.64 of the Ohio Revised Code. Any, and all, fees incurred by towing and storage of the Junk Motor Vehicle will be paid by the owner of the land.

Adopted October 1, 2008

**WIND TURBINES**  
**Resolution #2008-018**  
**(11-19-2008)**

**Section 520.11 Purpose:**

The purpose of this Resolution is to establish general guidelines for the location of wind turbine generators (WTG) and anemometer towers in Elizabeth Township, Miami County, Ohio. This Resolution recognizes that in some instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of (WTG) in certain areas of Elizabeth Township in Miami County. The Township also recognizes the need to protect the scenic beauty of Elizabeth Township from unnecessary and unreasonable visual interference, noise radiation, and that (WTG) may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such this Resolution seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators.
2. Permit (WTG) in selected areas by on-site residential, commercial, or industrial users; Subject to the terms, conditions, and provisions hereof.
3. Ensure the public health, welfare, and safety of the Elizabeth Township residents in connection with (WTG).
4. Avoid potential damage to real and personal property from the (WTG) or anemometer Towers or the failure of such structures and related operations.

**Section 520.12 Procedure:**

Any proposed construction, erection, or siting of a (WTG) or anemometer shall be permitted only by issuance of a Conditional Use Permit in accordance with Section 1002 of this resolution, as amended hereof unless said (WTG) meets the requirements of Section 520.14.

**Section 520.13 Definitions:**

Definitions for the purposes of the regulation of residential, commercial, and industrial use of (WTG).

Accessory Structure: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings or accessory buildings, or otherwise intrude onto a neighboring property.

Cowling: A streamlined removable metal that covers the turbine nacelle.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Wind Power Turbine Owner: The person or persons who own the wind turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

## Section 520.14 Residential Wind Turbines

Elizabeth Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Elizabeth Township, Miami County, Ohio permits the use of residential wind turbines under the following regulations to ensure that the safety and welfare of all Elizabeth Township residents is met.

1. Wind turbines shall be a *permitted use* under the following conditions.
  - A. The maximum height of the turbine shall be 100 feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine blades. Maximum height therefore shall be calculated measuring the length of prop at the maximum vertical rotation to the base of the tower.
  - B. Setbacks: The following shall apply in regards to setbacks. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs, would be contained solely on the property where the turbine is located, and would not strike any structure including the primary dwelling, and any accessory buildings or uses.
  - C. Aesthetics: The turbine, including the prop blades turbine, cowling, and tower shall be painted white, gray, or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine or tower.
  - D. Maintenance: Wind turbines must be maintained in good working order. Turbines that become inoperable for more than six (6) months must be removed by the owner within thirty (30) days of the issuance of zoning violations. Removal includes all apparatuses, supports, and other hardware associated with the existing wind turbine.

## 520.15 Permits:

- A. A permit shall be required before construction can commence on an individual wind turbine system.
- B. As part of the permit process, the applicant shall inquire with the Miami County Planning and Zoning Department as to whether or not additional height restrictions are applicable due to the units location in relation to the Dayton International Airport.
- C. Applicant shall then provide the Elizabeth Township Zoning Inspector the following items and/or information when applying for a permit:
  1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
  2. An engineering report that shows:
    - A. The total size and height of the unit.
    - B. The total size and depth of the units mounting pad.
    - C. An average decibel rating for the particular model.
    - D. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, and lighting protection.
    - E. Data specifying the kilowatt size and generating power of the unit.
    - F. Evidence of "Clear fall zone" with the manufacturer recommendations.
  3. A site drawing showing the location of the unit in relation to existing structures on the Property, roads and other public right-of-ways, and neighboring properties.
  4. Color of the unit as well as location and size of the manufacturers identifying logos shall be include in the plan.
  5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled if necessary will be part of the permit.

Adopted 11-19-2008