

ORDINANCE NO. 17-02

AN ORDINANCE TO AMEND ORDINANCE 11-15 (WEED & GRASS MAINTENANCE)

WHEREAS, with Ordinance 09-10, adopted May 11, 2009, Council for the Village of Thornville adopted and created regulations governing the maintenance of weeds and grass on private property within the Village; and

WHEREAS, in 2011, with Ordinance 11-07 and Ordinance 11-15, Council for the Village of Thornville amended its weeds and grass regulations; and

WHEREAS, Council for the Village of Thornville now wants to (1) better clarify the definitions of Grass, Noxious Weeds, and Invasive Plants and (2) simplify the process by which non-complying parcels are addressed so that service of violation notices/citations can be accomplished more efficiently, and these nuisances can be abated more quickly.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Ordinance 11-15, adopted the 24th day of October 2011, shall be amended to read the following:

(a) Grass, Noxious Weeds, and Invasive Plants

Any word or phrase used in this Section which is not defined herein shall have its ordinary meaning.

- (1) "Grass" shall include, but is not limited to, any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaving flowers borne in spikelets of bracts.
- (2) "Noxious Weeds" shall include, but not be limited to, the Noxious Weeds listed in Ohio Basic Code Section 93.40.
- (3) "Invasive Plants" shall mean all unmanaged and not deliberately planted plants which displace or crowd native plant species, compete with desired plants for the resources that a plant typically needs for growth (namely, sunlight, soil nutrients, and water), impact wildlife which rely on native plant communities for food, shelter and breeding habit, provide food or shelter for animal pests, and for monoculture plant communities when reduces biological diversity as listed by the Ohio Department of Natural Resources (ODNR).

No person, whether as owner, lessee, agent, tenant, or any other person having charge or care of land in the Village (which includes, but is not limited to, the unimproved street right-of-way and any ditches and/or culverts along the property, and any land from the abutting street or alley throughout the parcel), shall allow Grass, Noxious Weeds, and/or Invasive Plants to grow thereon, and outside a contained garden area, to a height in excess of six (6) inches. Any growth of Grass, Noxious Weeds, and/or Invasive Plants in violation of this Ordinance constitutes a detriment to public health and hereby is declared a nuisance.

(b) Notice of Violation and Order to Cut Grass, Noxious Weeds, and/or Invasive Plants

When determined by the Zoning Inspector, in his/her absence the Village Administrator, that a violation of Subsection (a) hereof exists upon any land within the Village, a written notice of violation shall be served during the growing season, April 1st through October 31st upon the owner, lessee, agent, tenant, or person having charge or care of the land.

The notice of violation shall be served by certified mail and shall contain an order to cut or destroy the Grass, Noxious Weeds, and/or Invasive Plants within five (5) calendar days of service of the notice. If service via certified mail is unclaimed, refused or

returned for any other reason, written notice of violation may be served personally, or by ordinary/regular United State Mail postage prepaid, or by posting the notice of violation conspicuously at the property. If the address of the owner or other person having charge of the and is unknown, it is sufficient to publish the notice of violation once a week for two consecutive weeks in a newspaper of general circulation within the county.

(c) Failure to Comply with Order

In addition to the penalties set forth in subsection (f) below, in the event the owner, lessee, agent, tenant, or person having charge of the land does not comply with the order to remove and/or cut or destroy the Grass, Noxious Weeds, and/or Invasive Plants within the time limit specified in subsection (b) hereof, after the notice of violation has been served, the Village Administrator may cause such Grass, Noxious Weeds, and/or Invasive Plants to be cut or may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriation previously made by Council. In addition, the owner is liable for the penalties provided herein.

(d) Fees and Liens

When Grass, Noxious Weeds, and/or Invasive Plants are removed, cut and/or destroyed, pursuant to Subsection (c) hereof, a statement of cost thereof shall be mailed to the owner of such land by ordinary/regular United States Mail. Such statement shall include the following cost to the Village.

1. The Village's total cost to cut the Grass, Noxious Weeds, and/or Invasive Plants;
or
2. The Village's total cost to employ the necessary labor and equipment to cause such Grass, Noxious Weeds, and/or Invasive Plants to be cut, and
3. A \$100 administrative process fee.

The owner, lessee, agent, tenant or any other person having charge or care of land shall pay such costs and fees as are charged in accordance with this subsection to the Village within thirty (30) days after the statement is issued. Any payment so received shall be restored to the appropriation from which the costs and fees were paid. If the statement is not paid when due, the Fiscal Officer shall certify to the County Auditor the proceedings taken under this Chapter, together with a statement of the charges for services listed in subsection (d) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village. All money received under this subsection, whether by direct payment or lien satisfaction, may be used to pay for, or help pay for cost to cut Grass, Noxious Weeds, and/or Invasive Plants on any property within the Village.

(e) Service Fees

The Police Chief, Village Administrator, Zoning Inspector, or any Village of Thornville Police Officer may make service and return of the notices provide in Chapter, and shall be allowed the same fees as that provided for service and return of summons in civil cases before a court or magistrate.

(f) Criminal Penalties

Whoever violates this Ordinance and/or any of its subsection is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which the office occurs or continues.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any

of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 3: All prior legislation or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

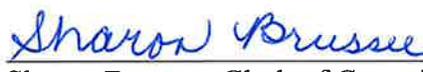
SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 24th day of April 2017.



~~Gavin Renner, Mayor~~
Mary Renner, Council Member

ATTEST



Sharon Brussee, Clerk of Council

APPROVED:

Approved as to form this 17th day of February 2017.



Brian M. Zets, Esq.
Village Solicitor