

ORDINANCE NO: 15-06

ADOPTED: _____

AN ORDINANCE TO AMEND ORDINANCE 11-15 (WEEDS AND GRASS MAINTENANCE) AND DECLARING AN EMERGENCY

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 weed and grass regulations; and

WHEREAS, while most businesses and residents comply with the Village's weed and grass regulations, some do not. Council for the Village of Thornville would like to 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 as follows:

(a) High Weeds and Grass

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

- (1) "Grass" shall mean, but is not limited to, any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
- (2) "Noxious weeds" shall include, but is not limited to, thistle, burdock, jimson weed, ragweed, milkweed, dandelion, poison ivy, poison oak, poison sumac, and other weeds or rank growth or grass exceeding six (6) inches.

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 grasses, weeds, noxious weeds, or other undesirable vegetation to grow thereon to a height in excess of six (6) inches, or to mature their seeds to thereon, or fail to cut and destroy such weeds grasses and other undesirable vegetation on such property that are in excess of six (6) inches. Any growth of grass, weeds or other undesirable vegetation 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 Weeds and Grass

When determined by the Zoning Inspector, or his/her designee, that a violation of Subsection (a) hereof exists upon any land within the Village, a written notice of violation shall be served upon the owner, lessee, agent, tenant, or person having charge or care of the land. This notice shall be served by certified mail and shall contain an order to cut or destroy the grasses, weeds, noxious weeds, undesirable vegetation, etc. within five (5) calendar days of service of the notice. If service via certified mail is unclaimed, refused, or returned for any other reason, the written notice of violation may be served personally or by ordinary/regular United States Mail or by posting the notice conspicuously at the property. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice of written violation once in a newspaper of general circulation in 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 or care of the land does not comply with the order to remove and/or cut or destroy the grasses, weeds, noxious weeds, undesirable vegetation, etc. within the time limit specified in subsection (b) hereof, after the notice of violation has been served, the Village Administrator, or his/her designee, may cause such grasses, weeds, noxious weeds, undesirable weeds or vegetation to be cut, or may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. In addition, the owner is liable to the penalties provided herein.

(d) Fees and Liens

When grasses, weeds, noxious weeds, and undesirable weeds, etc. 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 costs to the Village:

- (1) The Village's total cost to cut the grasses, weeds, noxious weeds, and undesirable weeds etc.; or
- (2) The Village's total cost to employ the necessary labor and equipment to cause such grasses, weeds, noxious weeds, undesirable weeds or vegetation to be cut, and
- (3) A \$100 administrative processing 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: trimming, cutting, or removing, trees, litter, grasses, weeds, noxious weeds or other undesirable vegetation on any property within the Village; purchasing landscape plantings (trees, bushes, vegetation, etc.), landscape materials, and other site elements; purchasing equipment and supplies necessary to install landscape plantings, landscape materials, and site elements; and/or paying for the labor needed to install landscape plantings, landscape materials, and site elements.

(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 provided for 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 subsections is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which the offense 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 action 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: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the Village needs to amend these regulations immediately so that nuisance properties can be dealt with before the end of the mowing season. Wherefore, provided this Ordinance receives the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage by Council.

Passed in Council this _____ day of _____, 2015.

Gavin Renner, Mayor

ATTEST

Sharon Brussee, Clerk of Council

APPROVED:

Approved as to form this 26th day of August 2015:



Brian M. Zets, Esq.
Village Solicitor