

ORDINANCE NO. 10, 2009

GRASS AND WEED CONTROL

EFFECTIVE MAY 13, 2009

SECTION 1. All property owners shall maintain their property within the Village so that the exterior portion of the property is free from noxious weeds, vegetation, garbage, refuse, or other debris that would constitute a nuisance.

SECTION 2. The Village may provide for the abatement, control, or removal of noxious weeds, vegetation, garbage, refuse, and other debris from land in the village, if the Village Council, Village Zoning Department Head, or the Village Property Maintenance Code Officer determine that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.

SECTION 3. "Noxious weeds" shall mean and include any and all grass, weeds and wild plants exceeding 10 inches in height.

SECTION 4. At least seven days before providing for the abatement, control, or removal of any noxious weeds, vegetation, garbage, refuse, or debris, the Village shall notify the owner of the land and any holders of liens of record upon the land that:

(1) The owner is ordered to abate, control, or remove the noxious weeds, vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the Council to be a nuisance;

(2) If the noxious weeds, vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the Council shall provide for the abatement, control, or removal, and any expenses incurred by the Village in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

(3) The Village shall send the notice to the owner of the land in any of the following ways:

(A) by certified mail if the owner is a resident of the Village or is a nonresident whose address is known; or

(B) if the owner is a resident of the Village or is a nonresident whose address is known, the Village may give notice to the owner by causing any of its agents

or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it; or

(C) a Village police officer may serve notice of the nuisance declaration in the same manner as provided for under the Ohio Rules of Civil Procedure: or

(D) if the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the Village.

(4) The owner of the land or holders of liens of record upon the land may enter into an agreement with the Village providing for either party to the agreement to perform the abatement, control, or removal before the time the Village is required to provide for the abatement, control, or removal under this Ordinance.

SECTION 5. If, within seven days after notice is given, the owner of the land fails to abate, control, or remove the noxious weeds, vegetation, garbage, refuse, or other debris, or no agreement for its abatement, control, or removal is entered into under this Ordinance, the Village Council shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task.

SECTION 6. The Village Council shall make a written report to the county auditor of the Council's action under this Ordinance. The Village shall include in the report a proper description of the premises and a statement of all expenses incurred in providing for the abatement, control, or removal of any noxious weeds, vegetation, garbage, refuse, or other debris, including the Village's charges for its services, the costs incurred in providing notice, and the amount paid for labor, materials, and equipment. The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of the entry, shall be collected as other taxes, and shall be returned to the Village and placed in the Village general fund.

SECTION 7. Violation of the provisions of this Ordinance shall constitute a misdemeanor, punishable by a fine not to exceed \$500 and imprisonment not to exceed six months.