

AN ORDINANCE AMENDING SECTION 1307.14, 'CUTTING WEEDS' OF THE EXTERIOR PROPERTY MAINTENANCE CODE, AND DECLARING AN EMERGENCY

WHEREAS, some properties in the Village are being poorly maintained in a nuisance condition with excessively overgrown vegetation and tall grass which is unsightly and can create a safety issue; and

WHEREAS, existing Section 1307.14, 'Cutting Weeds,' of the Exterior Property Maintenance Code primarily addresses noxious weeds and rank vegetation and requires five (5) days' notice to the owner or person responsible; and

WHEREAS, the Village believes that the health, safety and welfare of the Village would be better served by requiring violations of Section 1307.14 to be abated within two days after a notice is served on the property owner, instead of the current five day time period; and

WHEREAS, this Council believes that the suggested amendments to Section 1307.14 are in the best interest of the Village and its inhabitants.

BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That existing Section 1307.14 of the Exterior Property Maintenance Code be amended to read as follows:

1307.14 CUTTING OF TALL GRASS AND NOXIOUS WEEDS REQUIRED.

(a) Definitions. As used in this section, the following definitions shall apply:

(1) "Noxious weed" means any plant which is currently listed as a prohibited and restricted noxious weed" by the Director of Agriculture in the Ohio Administrative Code.

(2) "Uncontrolled growth" means all grasses and/or weeds growing at a height of eight inches or higher.

(b) Uncontrolled Growth, Nuisance. Uncontrolled growth, as defined in subsection (a)(2) hereof, within the Village of Richfield, is hereby declared to be a public nuisance.

(c) Agricultural Use, Exempted. Notwithstanding the provisions of this chapter, any land where grasses are grown in conjunction with the agricultural purposes of farming, dairying and/or pasturage shall not be subject to the provisions of this chapter.

(d) Removal of Noxious Weeds and/or Uncontrolled Growth. Upon information that:

(1) Noxious weeds are growing on lands within the Village and are about to spread or mature seeds, and/or

(2) Uncontrolled growth is occurring on lands or property which is adjacent to lots or lands upon which a residential dwelling or commercial building exists, whether or not such building is occupied, and/or on all sublots in a recorded subdivision in their entirety;

The Director of Planning and Zoning shall cause written notice to be served upon the owner, lessee, agent or tenant having charge of any such lot or parcel of land, whether the same is improved or unimproved, vacant or occupied notifying him or her that noxious weeds and/or uncontrolled growth is growing on such lot or parcel of land and that such noxious weeds and/or uncontrolled growth must be cut and destroyed within two (2) days after the service of such notice.

(e) Notification; Service. If such owner or other persons having charge of such lands is a resident whose address is known, notice of violation of this section shall be made by personal service by any police officer or employee of the Village Planning and Zoning Department or by certified mail, return receipt requested. If such owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his or her address by certified mail, return receipt requested; if the address of such owner is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in Summit County, Ohio.

(f) Compliance. The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same is improved or unimproved, vacant or occupied, within two (2) days after written notice that noxious weeds and/or uncontrolled growth is growing on such lands is served upon him or her in conformity with this section, shall cut or destroy or cause to be cut or destroyed all noxious weeds and/or uncontrolled growth, and prevent the same from blooming, going to seed or spreading.

(g) Noncompliance; Remedy of Village. If the owner, lessee, agent or tenant having charge of the lands herein fails to comply with such notice, the Director of the Planning and Zoning Department or his/her designee shall cause such noxious weeds and/or uncontrolled growth to be cut and destroyed, and the expenses so incurred may be paid out of the treasury of the Village.

(h) Collection of Costs. Council shall make a written return to the County Fiscal Officer of its action under this section with a statement of the charges for its services, the amount paid for labor, the fees of the officers serving the notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as taxes and returned to the Village with the General Fund.

(i) Penalty. Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and fined not more than one hundred fifty dollars (\$150.00). Each day's violation shall constitute a separate offense."

SECTION 2. That existing Section 1307.14 of the Exterior Property Maintenance Code, as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

SECTION 3. It is 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 all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to serve notices on properties maintaining excessively overgrown vegetation and tall grass; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: September 2, 2014

Rick Markert
President of Council

ATTEST:

Rebecca Garner
Clerk of Council

Bobine Bosman
Mayor
Dated: 9-2-2014

