

ORDINANCE NO.: 2017- 18 (AS AMENDED SEPTEMBER 12, 2017)

SPONSORS: MAYOR NEUGEBAUER

INTRODUCED: AUGUST 8, 2017

ASSIGNED TO: PLANNING

AN ORDINANCE AMENDING SECTION 660.14, "OFFENSIVE WEEDS AND GRASS" OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning Division has reviewed the existing ordinance in regard to offensive weeds and grass within the City of Green; and

WHEREAS, the Zoning Division has recommended that Section 660.14 be amended to provide the clarity and uniformity in the enforcement of the weeds and grass control within the City of Green.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Existing Section 660.14 of Green's Codified Ordinances be, and the same is hereby amended to read and provide, in its entirety, as it is set forth in **AMENDED** Exhibit "A", a copy of which is attached hereto and incorporated herein by referenced.

SECTION TWO:

Any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of a conflict and all ordinances not amended by this Ordinance shall remain in full force and effect.

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason that enforcement may go into effect as soon as possible. Provided that this legislation receives the affirmative vote of three-fourths ($\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

Page 2

Ordinance 2017-18 (AS AMENDED SEPTEMBER 12, 2017)

ADOPTED: Sept. 26, 2017
Molly Kapeluck
Molly Kapeluck, Clerk

Chris Humphrey
Chris Humphrey, Council President

APPROVED: Sept. 26, 2017
Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

COPIED
MAY FIN LAW PLAN ENG
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: Sept. 26, 2017

ON ROLL CALL: Ahlstrom -Aye Dyer -Aye Humphrey -Aye Knodel -ABSENT
Speight -Aye Summerville -NAY Young -Aye
Adopted 5-1

Suburbanite publication on Sept. 29 and Oct. 6, 2017
Molly Kapeluck
Molly Kapeluck, Clerk

09/012/2017 Approved as to form and content by Diane A. Calta, Director of Law Diane A. Calta
9.7.17

660.14 OFFENSIVE WEEDS AND GRASS.

Exhibit "A" 2017-18

AS AMENDED 9.12.17

(a) Intent. The intent of this section is to uniformly address offensive weeds and grass on vacant lots, lots with vacant buildings and lots being neglected, and is in the interest of the public's health and safety. Enforcement shall be deemed necessary as a means of reducing pollen, litter and the risk of attracting nuisance animals to populated areas. It is not the intent of this section to establish standards for lawn care.

(b) Offensive Weeds and Grass Defined. (1) As used in this section, "offensive weeds and grass" means: (i) grass that have attained an overall height of over eight (8) six (6) inches; and (ii) weeds that have been designated as noxious under Ohio Administrative Code 901:5-37; and (iii) located on any lot or parcel of land situated in the City after April 15th of any year.

As defined herein offensive weeds and grass and are hereby determined to create a public nuisance. (2) The following shall be exempted from the definition of offensive weeds and grass:

(i) Vegetation in wetlands and the area within any designated riparian corridor; and

(ii) Maintained flower and vegetable gardens, including wildflower gardens, rain gardens, bog gardens and any other approved plantings.

(c) Removal of Offensive Weeds and Grass by Owner.

(1) No owner or person in possession or control of any lot or parcel of land situated within the City, whether the same is improved or unimproved, vacant or occupied, shall fail to keep the entirety of such lot or parcel, or any public right of way or tree lawn abutting such lot or parcel, free from all offensive weeds and grass as defined above.

(2) The Code Inspector Zoning Superintendent shall exempt lots or parcels of land of one (1) two (2) acre or more in size, either in whole or in part, from the requirements of division (c)(1) of this section, so long as all of the following conditions are met:

(i) The offensive weeds and grass are deemed not to negatively impact neighboring properties and the neighborhood; and

(ii) All the area within thirty (30) feet of any public or private roadway, all side adjacent properties and in areas abutting active and maintained lots and land is maintained at a height of eight (8) six (6) inches or less; and

(iii) All the area within thirty (30) one hundred (100) feet of any residential or commercial building is maintained at a height of eight (8) six (6) inches or less.

(3) The Code Inspector Zoning Superintendent shall cause an annual notice to be published prior to April 15th in a newspaper of general circulation in the City and on the City's website/ social media pages notifying residents of the requirements of this chapter.

(d) Procedure for Removal by City.

Deleted: a
Formatted: Font: Bold
Deleted: weeds and
Formatted: Strikethrough
Deleted: twelve
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold, Strikethrough
Deleted: ¶
Formatted: Font: Bold
Formatted: Font: Bold
Deleted: b
Deleted:
Formatted: Font: Bold, Strikethrough
Deleted: Director of Public Service
Deleted: may
Formatted: Font: Bold
Formatted: Font: Bold, Strikethrough
Deleted: five
Deleted: s
Deleted: b
Formatted: Font: Bold
Formatted: Strikethrough
Formatted: Font: Bold, Strikethrough
Formatted: Strikethrough
Formatted: Font: Bold, Strikethrough
Deleted: City Service Director
Deleted: c
Deleted: 2017-18A re AMENDED Exhibit A AMENDED 660 14 Offensive Weeds and Grass rev 8 1 17

(1) Upon receipt of information that offensive weeds or grass, as defined in division (b) of this section, are present on a lot or land within the City, the Code Inspector Zoning Superintendent, is authorized to determine if in fact such offensive weeds or grass are present. After a determination has been made that such offensive weeds or grass are present, it shall be the duty of the Code Inspector Zoning Division to cause written notice to be served upon the owner or person in possession or control of such lot or land that the offensive weeds or grass must be cut and destroyed and that such destruction must be completed within five (5) days after the service of such notice. The notice shall also indicate that the failure to comply with the notice shall result in the City's destruction of the offensive weeds or grass and shall require the owner or person in possession or control to reimburse the City for all expenses incurred in connection with the destruction of such weeds or grass.

(2) Notice to the owner or person in possession or control of such lot or land shall be served by sending it to his or her address by certified mail or by other mail tracking delivery service and shall be posted on the lot or land.

(3) If the address of the owner or person in possession or control of such lot or land is unknown, or if service of the notice pursuant to division (d)(1) of this section is incomplete, it shall be sufficient for the Code Inspector Zoning Superintendent to publish such notice once in a newspaper of general circulation in the City and on the City's website.

(4) Only one notice per calendar year under division (c) is required for a lot or parcel. If, after a notice has been served in accordance with this division, the Code Inspector Zoning Superintendent or his or her designated agent determines that a subsequent violation has occurred, the City may proceed with the remedy set forth in division (e) of this section without further notice.

(e) Procedure Upon Failure to Comply With Notice.

(1) If the owner or person in possession or control of such lot or land, as provided in division (c)(1) of this section, fails to comply with the notice within five (5) days, the Code Inspector Zoning Superintendent shall cause the offensive weeds or grass to be cut and destroyed and may employ the necessary labor to perform the destruction of such weeds or grass and bring the property into compliance with this section.

(2) Upon performance of the labor mentioned in division (e)(1) of this section, the Zoning Division shall forward the expenses to the Finance Department and the Finance Department shall bill the owner or person in possession or control of the lot or land for the cost of cutting and destroying the weeds, including therein the costs of inspection, record research, notification and billing. A schedule of such costs shall be on file in the Zoning Division's office.

(f) Costs as Lien.

(1) If the bill is not paid within thirty (30) days or if the address of the owner or person in possession or control is not known, the Finance Department shall refer the matter to the City Law Director, including a statement of all charges for City services, the amount paid for the performance of the labor and the fees of the officers who made the service of the notice and return.

Deleted: a
Deleted: growing or
Formatted: Font: Bold
Formatted: Font: Bold, Strikethrough
Deleted: Public Service Director
Deleted: growing or
Formatted: Font: Bold
Deleted: growing or
Formatted: Font: Bold
Formatted: Font: Bold, Strikethrough
Deleted: Director
Deleted: ten
Deleted: .
Deleted: If the owner or person in possession or control of such lot or land is a nonresident whose address is known, such
Deleted: n
Deleted: t
Deleted: by ordinary mail pursuant
Deleted: c
Formatted: Font: Bold, Strikethrough
Deleted: Service Director
Deleted: s (a) and (b) of this section
Formatted: Font: Bold, Strikethrough
Deleted: Service Director
Deleted: d
Deleted: d
Deleted: b
Deleted: ten
Deleted: days, the Service Director shall cause written notice to be served upon such owner or person in possession or control that the City will order the destruction of the offensive weeds or grass and shall require the owner or person in posse ... [2]
Formatted: Font: Bold, Strikethrough
Deleted: Service Director
Deleted: the task
Deleted: 3
Deleted: d
Deleted: 2
Deleted: Director
Deleted: Service Director
Deleted: e
Deleted: Service Director
Deleted: 2017-18A re AMENDED Exhibit A ... [1]

(2) Upon receipt of such statement of expenses incurred, the City Law Director shall make written return to the Auditor of Summit County of the action taken pursuant to this section, with a statement of the charges for the City's services, the amount paid for the performance of the labor, the fees of the officers who made the service of the notice and return, and a proper description of the premises, to be entered upon the tax duplicate of the County for the purpose of making the same a lien upon such lands, to be collected as other taxes and returned to the City with the General Fund in accordance with Ohio R.C. 731.54.

(g) Penalty. In addition to the remedies previously set forth in this section, whoever fails to comply with the notice from the ~~Code Inspector Zoning Superintendent~~, as provided in division (d) of this section, shall be deemed guilty of a misdemeanor and may be fined not more than five hundred dollars (\$500.00) and imprisoned not more than six (6) months.

(Ord. 95-8. Passed 5-9-95; Ord. 01-17. Passed 10-23-01.)

Deleted: f

Deleted: Service

Formatted: Font: Bold

Formatted: Font: Bold, Strikethrough

Deleted: Director

Deleted: c

Deleted: 2017-18A re AMENDED Exhibit A
AMENDED 660 14 Offensive Weeds and Grass rev 8
1 17

2017-18A re AMENDED Exhibit A AMENDED 660 14 Offensive Weeds and Grass rev 8 1 17

days, the Service Director shall cause written notice to be served upon such owner or person in possession or control that the City will order the destruction of the offensive weeds or grass and shall require the owner or person in possession or control to reimburse the City for all expenses incurred in connection with the destruction of such weeds or grass.

(2) After serving notice of the City's intentions, the