

2017-17
Ordinance No. _____

Passed _____ October 26, 2017

AN ORDINANCE ENACTING OHIO BASIC CODE FOR THE VILLAGE OF SABINA RELATING TO THE CONTROL OF WEEDS AND SHRUBS AND BUSHES AND REPEALING ORDINANCE 98-12

WHEREAS, certain types of weeds and brush become a problem during the growing season in the Village, both obstructing traffic and creating allergy problems, and

WHEREAS, Section 93.40 of the Ohio Basic Code restricts the control of certain periods of time, and

WHEREAS, the climatic changes within the village do not necessarily conform to the calendar, therefore,

THEREFORE, BE IT ORDAINED that the Village of Sabina, Clinton County, Ohio, with two-thirds of all members concurring, do hereby adopt this ordinance.

SECTION ONE: Noxious weeds

- (a) Prohibited. No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the Municipality, shall permit noxious weeds or other undesirable vegetation, grasses, etc., to grow thereon to a height in excess of twelve inches, or to mature their seeds thereon, or fail to cut and destroy such weeds and other undesirable vegetation when notified by the Chief of Police to do so. (Section 93.40 of the Ohio Basic Code).
- (b) Notice to Cut; Service. When determining through investigation by the Chief of Police that weeds and/or other undesirable vegetation exceeding the height specified in subsection (a) hereof exist upon any land within the Municipality, the Chief shall issue a notice of violation of the owner of such land by certified mail, return, receipt requested. The notice of violation shall contain an order to cut or destroy the weeds or undesirable vegetation within ten (10) days. (Section 93.41 of the Ohio Basic Code).
- (c) Failure to Comply; Correction by Municipality. In the event the owner does not comply with the order to cut or destroy undesirable vegetation within the time limit specified in subsection (b) hereof, after proper notice of violation has been issued by the Chief, the Chief shall cause such undesirable vegetation of be cut and destroyed, and may employ the necessary labor and equipment to perform such task, together with any clean-up work required, within appropriations previously made by council. In addition, the owner shall be liable for the penalty provided in subsection (d) hereof.
- (d) Mailing of Statement of Cost to Owner. When the Chief of Police causes undesirable vegetation of be cut and the land cleaned of debris, as provided in subsection (c) hereof, a statement of cost thereof shall be mailed to the owner of such and by certified mail, return receipt requested. Such statement of cost shall include the following costs to the Municipality: (Section 93.44 of the Ohio Basic Code).

The minimum fee to be charged shall be one hundred dollars (\$100.00) for the first hour and each additional hour after that, subject to annual revision by the legislative authority.

SECTION TWO: Obstruction of Public Ways by Trees, Shrubs, and Bushes

Ordinance No. ^{passed} (a) No person, whether as owner, lessee, agent, tenant or other person, having charge or care of real property in the Municipality, shall:

- i. Permit any tree, shrub or bush to grow in a manner as to obstruct the free flow of vehicular traffic using any highway, street or alley;
- ii. Permit the lowest branches of a tree to be at a height lower than thirteen and one-half feet over the right of way of any State Highway, or eight and one-half feet over any Municipal street, alley or sidewalk; or
- iii. Fail to trim a said tree, or part thereof, which is located so as to be a potential hazard to nay highway, street, alley or sidewalk.

(b) Whenever any tree, shrub or bush is interfering with or is otherwise dangerous to the public use of any highway, street, alley or sidewalk, the Chief of Police shall notify the owner, lessee, agent, tenant, or other persons having charge of the real property upon which such tree, shrub or bush is located by certified mail. Such notice shall contain a description of the condition to be corrected and a time for compliance, not to exceed thirty days. If the condition is not corrected within the required time, the Chief of Police shall cause the trimming or removal of the tree, shrub or bush, the cost of which shall be borne by the owner of the real property. Such remedy shall be in addition to the penalty provided in subsection (d).

(c) If a tree located in a village right of way needs to be removed, it is the responsibility of the village to remove it. If not located in the village right of way, it is the responsibility of the property owner to remove the tree.

(d) Whoever violates this section is guilty of a minor misdemeanor. A separate offenses shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

SECTION THREE: Removal of Noxious Weeds and Grass

(a) It shall be unlawful for any person to knowingly cause grass clippings, leaves, or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads within the Village of Sabina.

This ordinance shall be in full force and effect from and after the earliest period allowed by law.

This ordinance repeals Ordinance #98-12 and any other legislation relating to the control of weeds, shrubs and bushes.


First Reading: 9/28/2017 **Second Reading:** 10/12/2017 **Passed:** 10/26/2017

Attest:


Nancy L. Cornell

Approved by:


Peggy Sloan, President of Council


Dean K. Hawk, Mayor

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- (b) Notice to Cut; Service. When determining through investigation by the Chief of Police that weeds and/or other undesirable vegetation exceeding the height specified in subsection (a) hereof exist upon any land within the Municipality, the Chief shall issue a notice of violation of the owner of such land by certified mail, return, receipt requested. The notice of violation shall contain an order to cut or destroy the weeds or undesirable vegetation within ten (10) days. (Section 93.41 of the Ohio Basic Code).
- (c) Failure to Comply; Correction by Municipality. In the event the owner does not comply with the order to cut or destroy undesirable vegetation within the time limit specified in subsection (b) hereof, after proper notice of violation has been issued by the Chief, the Chief shall cause such undesirable vegetation of be cut and destroyed, and may employ the necessary labor and equipment to perform such task, together with any clean-up work required, within appropriations previously made by council. In addition, the owner shall be liable for the penalty provided in subsection (d) hereof.
- (d) Mailing of Statement of Cost to Owner. When the Chief of Police causes undesirable vegetation of be cut and the land cleaned of debris, as provided in subsection (c) hereof, a statement of cost thereof shall be mailed to the owner of such and by certified mail, return receipt requested. Such statement of cost shall include the following costs to the Municipality: (Section 93.44 of the Ohio Basic Code).

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[illegible]

SECTION ONE: Noxious weeds

(a) Prohibited. No person, whether the owner, lessee, agent, tenant, or any other person having charge or care of land in the Municipality, shall permit weeds or other undesirable vegetation to grow thereon to the height of more than twelve inches, or to mature their seeds thereon, or fail to cut and destroy such weeds and other undesirable vegetation when notified by the Chief of Police to do so. (Section 93.40 of the Ohio Basic Code).

(b) Notice to Cut Services. When determining the height of weeds or other undesirable vegetation exceeding the height specified in subsection (a), loss of existence of any land within the Municipality, the Chief shall issue a notice of violation of the owner of such land by certified mail, return, receipt requested. The notice of violation shall contain an order to cut or destroy the weeds or undesirable vegetation within ten (10) days. (Section 93.41 of the Ohio Basic Code).

(c) Failure to Comply, Correction by Municipality. In the event the owner does not comply with the order to cut or destroy undesirable vegetation within the time limit specified in subsection (b) hereof, after proper notice of violation has been issued by the Chief, the Chief shall cause such undesirable vegetation to be cut and destroyed, and may employ the necessary labor and equipment to perform such task, together with any clean-up work required, within appropriations previously made by council. In addition, the owner shall be liable for the penalty provided in subsection (d) hereof.

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