

ORDINANCE NO: 17 – 1150

AN ORDINANCE TO AMEND CHAPTER 521.11, ENTITLED “LITTER; WEEDS”, INTO THE RUSSELLS POINT CODIFIED ORDINANCES IN THE VILLAGE OF RUSSELLS POINT, OHIO

WHEREAS, the Village of Russells Point codified ordinances contain provisions regarding the prevention of high weeds, grass, vegetation and litter on properties in the Village; and

WHEREAS, the codified ordinances of the village are antiquated and need updated periodically; and

WHEREAS, this Council believes it is necessary to enact an ordinance adopting new provisions of its weeds/litter ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Russells Point, Ohio:

SECTION I: That Chapter 521.11 of the Village of Russells Point Codified Ordinances be amended and written as follows:

521.11 LITTER; WEEDS.

~~(a) Duty of Land Owners. Any person owning or having charge of land within the Village shall not permit the accumulation of litter thereon, and shall not permit the growth of noxious weeds or rank vegetation to exceed twelve inches.~~

~~(b) Noxious Weeds and Rank Vegetation. Noxious weeds and rank vegetation shall include but not be limited to:~~

~~(1) All weeds such as ragweed, thistle, jimson, burdock, cocklebur, or other weeds of like kind.~~

~~(2) Bushes of the species of tall, common, or European barberry, known as Berberis vulgaris or its horticultural varieties.~~

~~(3) Any weeds, grass or plants growing to a height exceeding twelve inches other than trees, bushes, vegetables, flowers or other ornamental plants.~~

~~(c) Litter. Litter includes but is not limited to any rubbish, bottles, cans, paper, garbage, peelings of fruit and vegetables, ashes, trash, wire, glass, cartons, boxes, furniture, automobile or any mechanical parts, oil, cardboard, wood, tree limbs, cut weeds, vegetation, bushes or grass, unused tires, barrels or anything else that is unsightly or of an unsanitary nature.~~

~~(d) Notice to Land Owner. Upon information that litter is permitted to accumulate and/or noxious weeds, and/or rank vegetation is allowed to grow on lands within the Village a written notice shall be served on the owner or persons having charge of such land that is in violation of this section. Such notice shall state the nature of the violation and that such violation shall be corrected within five days after the service of such notice. If the notice cannot be served by conventional procedures then it shall be sufficient to publish such notice once in a newspaper of general circulation in the Village.~~

~~(e) Failure to Comply with Notice; Penalty.~~

~~(1) If the owner or persons having charge of such land fail to comply with such notice, Council shall cause the litter to be removed and/or the weeds and vegetation to be cut and destroyed.~~

~~(2) Willful failure to comply with the notice to cut weeds by any owner or person in charge shall be a minor misdemeanor with a maximum fine of one hundred dollars (\$100.00).~~

~~(3) Willful failure to remove litter by any owner or person in charge shall be a minor misdemeanor with a maximum fine of one hundred dollars (\$100.00).~~

~~(4) Each day of willful failure shall be considered a separate offense and subject to a separate fine of one hundred dollars (\$100.00).~~

~~(f) Fees. The fees payable to the Village by property owners upon submission of the notice for failure to comply with this Section 521.11 shall be five hundred dollars (\$500.00) plus cost of mowing and/or removal cost.~~

~~(g) Lien Against Property. Council shall cause certification in writing to the County Auditor with a statement of the charges, fees, and a 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 shall be collected as other taxes and returned to the General Fund.~~

(a) The Code Enforcement Officer shall provide annual notice to the Village residents of the requirements of this chapter.

(b) Notice shall be given by publishing a summary of this Chapter in a newspaper of general circulation in the Village or Logan County.

(c) Notice shall also be placed upon the Village website in a conspicuous place.

521.11.01 CUTTING REQUIRED.

(a) The owner or occupant, or any other person, firm or corporation, having the care of any lot or land within the Village shall cut down and remove therefrom all offensive and noxious weeds, vines and grass of a height of twelve inches or more and any and all weeds, vines, and grass constituting a threat to the public health, safety, comfort or welfare.

(b) It is a prima-facie violation of this chapter if weeds, vines and grass are twelve inches or more in height exist on any lot on any of the following dates: April 15, May 1, June 1, July 1, August 1, September 1, October 1, and October 15.

521.11.02 NOTICE TO CUT.

(a) When the Code Enforcement Officer or his/her designated agent determines that such weeds, as described in subsection 521.11.01(a), exist on one of the days set forth in Section 521.11.01(b), he shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the cutting and removal of such weeds and noxious grasses.

(b) If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the Village or Logan County.

(c) Only one notice per calendar year under subsections (a) or (b) hereof is required for a lot or parcel. If, after a notice has been served in accordance with this section, the Code Enforcement Officer, or his/her designated agent, determines that a subsequent violation has occurred, the Village may proceed with the remedy set forth in Section 521.11.06 without further notice.

521.11.03 LITTER REMOVAL REQUIRED.

(a) Any person owning or having charge of land within the Village shall not permit the accumulation of litter thereon.

(b) As used in this section, "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

521.11.04 NOTICE TO REMOVE LITTER.

(a) When the Code Enforcement Officer or his/her designated agent determines that such litter, as described in Section 521.11.03 exists, the Code Enforcement Officer shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the removal of such litter.

(b) If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the Village or in Logan County.

(c) Only one notice per calendar year under subsections (a) or (b) hereof is required for a lot or parcel. If, after a notice has been served in accordance with this section, the Code Enforcement Officer, or his/her designated agent, determines that a subsequent violation has occurred, the Village may proceed with the remedy set forth in Section 521.11.06 without further notice.

521.11.05 FAILURE TO COMPLY.

No owner, occupant or any other person, firm or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in Section 521.11.02 or 521.11.04 within five days from the receipt thereof.

521.11.06 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

(a) If the owner, occupant or any other person, firm or corporation, having the care of the lands identified under this Chapter, fails to comply with the notice provided for in Section 521.11.02, the Village shall cause such noxious weeds and grass to be cut and removed. Such cutting and removing shall be at the owner's expense and the costs, together with an administrative fee of five hundred dollars (\$500.00) shall be assessed against the lot or land.

(b) If the owner, occupant or any other person, firm or corporation, having the care of the lands identified under this Chapter, fails to comply with the notice provided for in Section 521.11.04, the Village shall cause such litter to be removed. Such removal shall be at the owner's expense and the costs, together with an administrative fee of five hundred dollars (\$500.00) shall be assessed against the lot or land.

(b) Notice of such assessment shall be given to the owner of the lot or land charged therewith, or his agent, either in person or left at the usual place of residence or sent by certificate of mailing, and all assessments not paid within ten days after the giving of such notice shall, after approval by Council, be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

521.11.08 APPLICABILITY

Requirements set forth in section 521.11.01 of this section shall not apply to a parcel or lot that has been zoned for agricultural use under the Codified Ordinances of this Village or a parcel or lot that is owned by the Village.

521.11.99 PENALTY.

Whoever violates this section is guilty of a minor misdemeanor.

SECTION II: That any and all fines, penalties, assessments or other enforcement of the previous litter; weeds ordinance, levied against a person for violations of the previous ordinance of the Village of Russells Point, remain enforceable by the Village of Russells Point for those violations.

SECTION III: That any violations of the Village’s “Weeds/Litter Ordinance” shall be issued under Section 521.11 beginning with the effective date of this Ordinance.

SECTION IV: That 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 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 Ohio Revised Code.

SECTION V: That this ordinance shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

John Huffman
President Pro Tem of Council

Robin Reames
Mayor

Attested: _____
Jeff Weidner
Fiscal Officer

Approved as to form:
Robert N. Eshenbaugh Jr.
Village Solicitor