

ORDINANCE 2019-09

VILLAGE OF NEW RICHMOND, OHIO

Council for the Village of New Richmond, Ohio met in regular session this ____ day of _____ 2019 with the following members present:

Richard Feldkamp, Mary Allen, Becky Ploucha,
Paul Vanderbosch, Gary Skeene, Melanie Slade,

Councilperson _____ moved for adoption of the following:

AN ORDINANCE REGULATING WEED AND LITTER CONTROL AND REPEALING ALL PRIOR ORDINANCES OF THE VILLAGE OF NEW RICHMOND RELATED TO REGULATING WEED CONTROL AND LITTER WITHIN THE VILLAGE OF NEW RICHMOND, CLERMONT COUNTY, OHIO

Whereas: AN ORDINANCE REPEALING SECTIONS 93.41 AND 93.42 AND ENACTING NEW SECTIONS 93.40 - 93.50 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NEW RICHMOND TO REGULATE WEED CONTROL AND LITTER WITHIN THE VILLAGE OF NEW RICHMOND, CLERMONT COUNTY, OHIO

BE IT ORDAINED by the Council of the Village of New Richmond, Ohio a majority of its members concurring as follows:

SECTION 1. That existing Subsections 93.41 and 93.42, inclusive, of the Codified Ordinances including Ordinance(s) 1975-12, 1979-13, 2007-34, 2010-35 and 2012-15 of the Village of New Richmond be and the same are hereby repealed.

SECTION 2. That the Codified Ordinances of the Village of New Richmond include new sections which shall be a part of Title IX, GENERAL REGULATIONS, Nuisances, as follows:

93.40 CUTTING REQUIRED

(A) The owner or occupant, or any other person, firm or corporation, having the care of any lot or land within the Municipality shall cut down and remove there from all offensive and noxious weeds, vines and grass of a height of eight 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 or grass eight inches or more in height exist on any lot on any of the following dates: April 15, May 1, May 15, June 1, June 15, July 1, July 15, August 1, August 15, September 1, September 15, October 1 or October 15.

(C) The Village Administrator of the Municipality shall cause an annual notice to be published in a newspaper of general circulation in the Village notifying the residents of the requirement of this chapter.

(D) The provisions of this Ordinance shall not apply under the following circumstances:

- (1) To vegetation such as trees, bushes, flowers or other ornamental plants maintained as a part of a landscaping plan notwithstanding that such trees, bushes, flowers or other ornamental plants may exceed a height of eight inches, provided however, that the words "maintained as a part of a landscaping plan" is intended to permit the cultivation of such vegetation in designated planting beds and areas for decorative purposes. It shall not be construed to permit the unregulated or unrestrained growth of such vegetation upon a property so as to create a nuisance to neighboring properties.
- (2) To that portion of any lots or land within the Municipality which are naturally wooded and tree covered such that the existing trees, bushes and similar vegetation intended to be curtailed by the operation of the Ordinance;
- (3) To that portion of any lots or land within the Municipality which are maintained and cultivated for agricultural purposes.

93.41 NOTICE TO CUT WITHIN 5 (FIVE) DAYS

(A) When the Village Administrator or his designated agent determines that such weeds, as described in Section 93.40(A), exist on one of the days set forth in Section 93.40(B), he shall forthwith serve 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 within 5 days.

(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.

(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 Village Administrator, or his designated agent, determines that a subsequent violation has occurred, the Municipality may proceed with the remedy set forth in Section 93.43 without further notice.

93.42 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 93.41 within five days from the receipt thereof.

93.42 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE TO CUT

(A) If the owner, occupant or any other person, firm or corporation, having the care of the lands mentioned in Section 93.40(A), fails to comply with the notice provided for in Section 93.41, the Municipality 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 cost together with an administrative fee of twenty percent (20%) shall be assessed against the lot or land. Such administrative fee shall not exceed two hundred dollars (\$200.00).

(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 mail, 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.

93.44 RESPONSIBILITY OF ADJACENT OWNER

The owner, occupant or custodian of each lot adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the centerline of the alley and the property line or the center line of an unimproved street and the property line.

93.44 APPLICATION OF CHAPTER

The provisions of this Chapter shall apply to those areas which are within seventy-five feet of any property line which includes a residence or place of business, or within twenty-five feet of the edge of the pavement along any road frontage of any lot or parcel of land which does not include a residence or place of business.

93.48 LITTER

(A) Upon a finding by the Village Administrator that litter has been placed on lands in the municipality, and has not been removed, and constitutes a detriment to public health, the Village Administrator shall cause notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 5 days after the service of the notice.

(B) As used in this section, litter includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(C) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. 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 county.

(D) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junk yard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, 4737.05 to 4737.12, or R.C. Chapter 6111.

93.49 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE TO REMOVE LITTER

- (A) If the owner, occupant or any other person, firm or corporation, having the care of the lands mentioned in Section 93.48, fails to comply with the notice provided for in Section 93.41, the Municipality shall cause such litter to be removed. Such removal shall be at the owner's expense and the cost together with an administrative fee of twenty percent (20%) shall be assessed against the lot or land. Such administrative fee shall not exceed two hundred dollars (\$200.00).
- (B) All expenses incurred shall, when approved by the Village Administrator, be paid out the money in the treasury of the municipality not otherwise appropriated.

93.50 WRITTEN RETURN TO COUNTY AUDITOR AMOUNT AS LIEN UPON PROPERTY

The Village Administrator shall make a written return to the County Auditor of his action under 93.48 and 93.49, with a statement of the charges for his services and costs, amount paid for labor and/or machinery, the fees of the officers serving the notices, and a proper description of the premises. These 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 other taxes and returned to the municipality with the general fund.

SECTION 3. This ordinance shall be effective from and after the earliest date allowed by law.

SECTION 4. That Council finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting and that all deliberations of Council

which resulted in the passage of this Ordinance were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Councilperson _____ seconded the motion to adopt the foregoing Ordinance and upon roll call the vote was as follows:

Richard Feldkamp _____
Melanie Slade _____
Mary Allen _____
Gary Skeene _____
Paul Vanderbosch _____
Becky Ploucha _____

First Reading: _____
Second Reading: _____
Third Reading: _____
Adopted: _____

ATTEST: _____

CLERK OF COUNCIL, Theresa Leigh

Mayor, Ramona Carr

Approved as to form:

Solicitor, Scott Sollmann