

Sponsor:

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 93.15, 93.16, 93.17, RELATING TO CUTTING REQUIRED OF THE CODIFIED ORDINANCES OF THE CITY OF WELLSTON**

**WHEREAS**, Council finds it necessary to review Sections 93.15, 93.16, 93.17, relating to Cutting Required, of the Codified Ordinances of the City of Wellston, Ohio.

**WHEREAS**, Sections 93.15, 93.16, and 93.17 Cutting required, currently provides as follows:

**93.15 CUTTING REQUIRED.**

(A) Any person owning or having charge of land within the city shall keep the property free and clear of all noxious weeds and rank vegetation, and shall cut all such weeds and vegetation on the lots owned or controlled by him at least four times in every year, once between May 1 and May 15, once between June 1 and June 15, once between July 15 and August 15 and once between September 1 and September 15. (Ord. 1788, passed 8-1-63; Am. Ord. 3202, passed 5-21-98)

(B) Whoever violates this section is guilty of a minor misdemeanor.

**93.16 SERVICE OF NOTICE TO CUT.**

(A) Upon information that noxious weeds and rank vegetation are growing on lands in the city and are about to spread or mature seeds, Council through the City Clerk, shall cause written notice to be served on the owner or person having charge of such land that the noxious weeds or rank vegetation are growing on such lands and that the weeds or rank vegetation must be cut or destroyed within five days after service of the notice. If the owner or person in charge of such land is a nonresident whose address is known, the notice shall be sent to his address by registered or certified mail; if unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the city.

(B) Any police officer or the Clerk of Council may make service and return of the service of the notice and shall be allowed the same fee as that provided for service and return in summons in civil cases before a magistrate.

**93.17 FAILURE TO COMPLY; LIEN.**

(A) If the owner or person having charge of such land fails to comply with the notice to cut weeds, Council shall cause the weeds and rank vegetation to be cut and destroyed and may employ the necessary labor to perform such task. All expenses and labor incurred shall, when approved by Council, be paid out of the city funds not otherwise appropriated in conformity with R.C. ' 731.53.

(B) Council, through the City Auditor, shall make a written return to the County Auditor of its action under this section with a statement of the charges for its service, the amount paid for labor, the fees of the officers serving such notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and shall be a lien upon such lands from and after the date of the entry and be collected as other taxes, and be turned in to the city with the general fund.

**WHEREAS**, Council finds it to be in the best interest of the City of Wellston, Ohio to amend Section 93.15, 93.16, 93.17 for the preservation of public peace, health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WELLSTON, OHIO, AS FOLLOWS:**

**SECTION ONE:** Sections 93.15, 93.16 and 93.17 of the Codified Ordinances of the City of Wellston, Ohio are hereby repealed. The same is amended to read as provided by this Ordinance.

**SECTION TWO:** Section 93.15, 93.16 and 93.17 of the Codified Ordinances of the City of Wellston, Ohio which read as follows:

**93.15 CUTTING REQUIRED.**

(A) Any person owning or having charge of land within the city shall keep the property free and clear of all noxious weeds and rank vegetation, and shall cut all such weeds and vegetation on the lots owned or controlled by him at least four times in every year, once between May 1 and May 15, once between June 1 and June 15, once between July 15 and August 15 and once between September 1 and September 15. (Ord. 1788, passed 8-1-63; Am. Ord. 3202, passed 5-21-98)

(B) Whoever violates this section is guilty of a minor misdemeanor.

**93.16 SERVICE OF NOTICE TO CUT.**

(A) Upon information that noxious weeds and rank vegetation are growing on lands in the city and are about to spread or mature seeds, Council through the City Clerk, shall cause written notice to be served on the owner or person having charge of such land that the noxious weeds or rank vegetation are growing on such lands and that the weeds or rank vegetation must be cut or destroyed within five days after service of the notice. If the owner or person in charge of such land is a nonresident whose address is known, the notice shall be sent to his address by registered or certified mail; if unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the city.

(B) Any police officer or the Clerk of Council may make service and return of the service of the notice and shall be allowed the same fee as that provided for service and return in summons in civil cases before a magistrate.

### **93.17 FAILURE TO COMPLY; LIEN.**

(A) If the owner or person having charge of such land fails to comply with the notice to cut weeds, Council shall cause the weeds and rank vegetation to be cut and destroyed and may employ the necessary labor to perform such task. All expenses and labor incurred shall, when approved by Council, be paid out of the city funds not otherwise appropriated in conformity with R.C. ' 731.53.

(B) Council, through the City Auditor, shall make a written return to the County Auditor of its action under this section with a statement of the charges for its service, the amount paid for labor, the fees of the officers serving such notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and shall be a lien upon such lands from and after the date of the entry and be collected as other taxes, and be turned in to the city with the general fund.

### **ARE REPEALED, AND THE SAME IS AMENDED TO READ AS FOLLOWS:**

#### **93.15 CUTTING REQUIRED.**

(A) Any person owning or having charge of land within the city shall keep the property free and clear of all noxious weeds and rank vegetation, and shall cut all such weeds and vegetation on the lots owned or controlled by him at least three times in every year, one week before Memorial Day in May, one week before Independence Day on July 4<sup>th</sup>, and once week before Labor day. **Provided, however, at no time shall weeds and vegetation on a lot be permitted to grow higher than six (6) inches.**

(B) Any person owning Nonresidential developed land may be exempted from this regulation by the Director of Public Service, and the owner may cut such land once per year,

(C) Upon information that noxious weeds and rank vegetation are growing on lands in the city, the Director of Public Service shall cause written notice to be served on the owner or person having charge of such land that the noxious weeds or rank vegetation are growing on such lands and that the weeds or rank vegetation must be cut or destroyed within five days after service of the notice. If the owner or person in charge of such land is a nonresident whose address is known, the notice shall be sent to his address by registered or certified mail; if unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the city.

(D) If the owner or person having charge of such land fails to comply with the notice to cut weeds as described in Section (C), the Director of Public Service shall cause the weeds and rank vegetation to be cut and destroyed and may employ the necessary labor to perform such task. All expenses and labor incurred shall, when approved by Council, be paid out of the city funds not otherwise appropriated.

(E) The Director of Public Service, through the City Auditor, shall make a written return to the County Auditor of their actions under this section with a statement of the charges for its service, the amount paid for labor, the fees of serving such notices and a proper description

of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and shall be a lien upon such lands from and after the date of the entry and be collected as other taxes, and be turned in to the city with the general fund.

(F) The owner or person having charge of such land, who fails to comply with the notice to cut weeds as described in Section (C), and violates this section, is guilty of a minor misdemeanor.

It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the council and any of its committees resulted in such formal action, were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Council President**

**ATTEST:**

\_\_\_\_\_  
**Clerk of Council**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Mayor**

Posted \_\_\_\_\_ through \_\_\_\_\_ at Foodland, City Hall, Senior Citizen’s Center, The Library and the Post Office.

Prepared by: Shannon S. Weber, Law Director