

CHAPTER 909
Weeds

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CROSS REFERENCES

Destruction of weeds—see Ohio R.C. 971.33 et seq.

Injury or destruction of trees and growing products—see
GEN. OFF. 541.04

Notice to cut noxious weeds—see Ohio R.C. 731.51 et seq.

Noxious weeds—see OAC 901:5-31

909.01 WEEDS DECLARED NUISANCES; PROHIBITION.

(a) "Weeds" being herein defined as all burrs, vines, Russian, Canadian and common thistles, briars, dock, burdock, wild mustard, jimson weed, dog fennel, ragweed, golden rod, sweet clover, wild parsnip, wild carrot or other noxious weeds, growing wild and uncultivated upon any land within the City, which may cause noxious exhalations which may prove offensive or injurious to the health or detrimental to the general welfare of the inhabitants of the City, are hereby determined and declared to be nuisances and are hereby prohibited. "Rank vegetation," defined as all weeds, grasses, annual plants and vegetation (other than trees or shrubs) which have grown to a length in excess of ten inches from the ground, is hereby determined and declared to be a nuisance, and is hereby prohibited.

(b) No owner, occupant or person having the charge or management of any lot or parcel of land situated within the City shall allow the existence of the nuisance described in subsection (a) hereof to continue.

(c) As used in this Chapter, the term "parcel" shall mean a specified tract of land with a permanent parcel number.

(d) Notwithstanding Section 909.01(a) above, plants maintained in compliance with the provisions of an approved stormwater control plan adopted under the authority of the Codified Ordinance Chapter 918 and Chapter 961 and on file in the City Engineer's office are excepted from the definitions of weeds and rank vegetation.
(Ord. 13-163, passed 6-25-13.)

909.02 REMOVAL OF WEEDS BY OWNER OR OCCUPANT.

(a) The owner, occupant, or person having the charge or management of any parcel

of land less than or equal to four (4) acres in area, situated within the City, whether the same be improved or unimproved, vacant, or occupied, shall cut and destroy or remove, or cause to be cut and destroyed or removed, any weeds and any rank vegetation growing upon any such parcel of land, or between the property line and the center line of any street upon which such parcel abuts and prevent the vegetation described in subsection 909.01(a) from blooming or going to seed. All cutting of such weeds shall be done in such a manner so that the portion of such weeds remaining after cutting shall be of a height not greater than four inches above the level of the ground.

(b) The owner, occupant, or person having the charge or management of any parcel of land greater than four (4) acres in area, situated within the City, whether the same be improved or unimproved, vacant, or occupied, shall cut and destroy or remove, or cause to be cut and destroyed or removed, any weeds and any rank vegetation growing within 100 feet of any public right-of-way, 100 feet of any property line that abuts residential property, or between the property line and the center line of any street upon which such parcel abuts and prevent the vegetation described in subsection 909.01(a) from blooming or going to seed. All cutting of such weeds shall be done in such a manner so that the portion of such weeds remaining after cutting shall be of a height not greater than four inches above the level of the ground.

909.03 FAILURE TO CUT; WORK BY CITY; COLLECTION OF EXPENSES WITHOUT LIEN.

If the owner, occupant, or agent having the charge or management of any lot or parcel of land situated within the City fails to comply with the prohibition stated in Section 909.02, the Code Enforcement Manager shall cause such nuisance conditions, to be cut or destroyed and prevented from blooming or going to seed. He/she shall, with the assistance of the Director of Law, cause the cost of such cutting and destroying to be collected through such legal processes as are available to the City for the collection of such debts. All expenses so incurred, including charges for all services and service of notice, the use of machinery, equipment and labor necessary for cleaning as well as the cutting of such parcel, may be charged against the owner, occupant, or agent having the charge or management of the noncompliant parcel of land upon which the City caused such weeds and rank vegetation to be cut or destroyed.

909.04 NOTICES.

Whenever the Code Enforcement Manager determines that there has been a violation of any provision of this chapter, he/she shall give written notice of such violation to the person responsible therefore and notify such person of their obligation to correct the violation and their continuing obligation to comply with the provisions of this Chapter. The Code Enforcement Manager need not give the owner, occupant, or person having charge or management of any noncompliant parcel of land more than one notice each calendar year. Providing the notice described in this section is not a precondition for the Code Enforcement Manager to enforce the provisions of this Chapter or to abate the nuisance conditions prohibited in Section 909.01(b).

909.05 VIOLATION CITATION TAGS.

The Code Enforcement Manager is authorized and directed to provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of the provisions of this chapter.

- (a) Such citation tag shall be put in writing on an appropriate form, describe the offense charged, refer to the section of the chapter violated, order the defendant to appear at a stated time and place, and it shall be made on oath before any person authorized by law to administer oaths.
- (b) The citation tag shall be served on such person in accordance with the provisions of Section 909.05(d).
- (c) The citation tag shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within that stated time, appear personally at the office

of the Clerk of Municipal Court and on signing a plea of guilty and a waiver of trial pay a stated fine and stated costs, if any. The citation shall inform the defendant that he may be arrested if he fails to appear either at the Clerk's office or at the time and place stated in the citation.

- (d) When the defendant fails to appear within the stated time, a warrant may be issued for the arrest of that person.
- (e) When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with Rule 5 of the Ohio Rules of Criminal Procedure.
- (f) The citation tag as herein provided shall be sufficient notice, summons and legal service thereof for the purpose specified thereon, provided that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided by Section 909.05, in the event such violation is continued or repeated.

909.06 OWNER TO KEEP TREES TRIMMED; EXCEPTIONS.

(a) The owner, occupant, or person having charge or management of any parcel of land situated within the City and abutting upon any public alley or street, shall trim and keep trimmed all trees growing on such premises, or between the property line and the center of such abutting alley or street, the branches of which trees overhang any part of the pavement or sidewalk of the public alley or street, such trees to be so trimmed and kept trimmed so that the lowermost branches thereof shall be a height of fifteen and one-half feet above the level of that part of the pavement of any sidewalk, alley or street so overhung by such branches. However, the provisions of this section shall not apply to trees so small that the branches thereof do not materially obstruct public travel and which cannot be so trimmed without serious injury thereto.

(b) The notice provisions of Section 909.04, the enforcement mechanisms in Section 909.03, and the violation citation tag provisions in Section 909.05 are fully applicable to enforcement of this Section.

909.07 CIVIL PENALTY FOR FAILURE TO PAY.

In the event any person fails to pay a sum, required to be paid to the City under this Chapter (hereinafter the "principal sum"), within ninety (90) days after the sum becomes due and owing to the City, a civil penalty is imposed on such person equal to thirty-three and thirty-three one-hundredths percent (33.33 %) of the sum of the following two items:

- (a) the unpaid principal sum due and owing to the City under this Chapter,
- (b) court costs incurred in obtaining a judgment against such person for the unpaid principal sum due and owing to the City under this Chapter.

909.99 PENALTY.

Whoever violates any provision of this chapter where another penalty is not otherwise provided is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of any provision of the chapter, a violation of any such provision is a misdemeanor of the fourth degree.