

Record of Ordinances

Ordinance No.: 2016- 12

Passed: 25, April 2016

AN ORDINANCE RELATING TO THE TRIMMING OF NOXIOUS WEEDS, GRASS, BRUSH, AND OTHER WEEDS

WHEREAS, the Village Council of the Village of West Lafayette, Coshocton County, Ohio desires to establish an Ordinance, Relating to the Trimming of Noxious Weeds, Grass, Brush, and Other Weeds; and

WHEREAS, Council elects to cause a separate ordinance to be passed other than 2016- 13;

NOW THEREFORE, BE IT ORDAINED that Code of Ordinances §661 be enacted and titled Trimming of Noxious Weeds, Grass, Brush and Other Weeds and that current Code of Ordinances §660.18 is repealed. Other sections of Chapter 660 shall remain as enacted until amended or repealed.

SECTION ONE:

(A) 661.01 Any person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants, within the Village of West Lafayette, Ohio shall keep the land clear of noxious weeds, grass, brush, and other weeds. Noxious weeds, grass, brush, and other weeds in excess of seven (7) inches in height shall be defined as a nuisance and health hazard as a breeding area for insects and rodents.

(B) 661.02 Written notice of a violation of this section shall be served upon the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants. The written notice shall inform the person he is in violation of this ordinance and that he has five (5) calendar days, not including date of service, to cut said noxious weeds, grass, brush, and other weeds. Failure to cut within the five (5) days will be deemed keeping a nuisance condition. Written notice may be made by certified mail with proof of receipt or by a police officer or clerk of the legislative authority personally as provided for at Ohio Revised Code §731.52. Fees for personal service by a police officer or clerk of the legislative authority shall be the same as allowed for service and return of summons in civil cases before a Magistrate. Return of Service shall be documented by the personal server.

(C) 661.03 If the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants, are nonresidents of the Village of West Lafayette, Ohio whose address is known, the written notice shall be sent certified mail to his address or served by personal delivery as described in Section 661.02 with Return of Service. If the address of the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the County. Costs of Publication shall be included with other costs certified to the Auditor pursuant to Ohio Revised Code §731.54. If certified mail notice is returned as acceptance refused or unclaimed, notice shall be deemed sufficient if it is then mailed regular mail with proof of mailing.

(D) 661.04 Thereafter, if the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants having control of such land or premises fails to maintain such land or premises in accordance with this section, within the same calendar year, then the Village shall be permitted to abate the nuisance or to issue a subsequent complaint

or citation to the offender, without the serving of a subsequent notice as set forth in this ordinance.

(E) 661.05 The person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants who fails to comply with this ordinance within the time provided in Section 661.02 of this section is guilty of a minor misdemeanor for each day of violation.

(F) 661.06 The Village of West Lafayette shall cause an annual notice to be published in a newspaper of general circulation in the County notifying the residents of the requirements of this ordinance. The notice shall be published during the months of March, April, or May.

(G) 661.07 A Property Maintenance Inspector is created by this ordinance. The Property Maintenance Inspector may request other persons to assist him. The Mayor shall appoint an Inspector.

(H) 661.08 After the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants fails to comply with this Ordinance, the Village may cause such noxious weeds, grass, brush, and other weeds cut and removed and may employ labor to perform the task. After such work is performed, the Village shall give five (5) days notice by regular mail with proof of mailing to the person owning or having control of such land or premises, to pay the cost of such cutting or removal of the noxious weeds, grass, brush, and other weeds, which notice shall be accompanied by a statement of the amount of cost incurred. If the same is not paid within thirty (30) days after the mailing of the notice, such amount may be certified to the Coshocton County Auditor for collection as other taxes and assessments are collected in accordance with Ohio Revised Code §731.54.

(I) 661.09 When it is deemed necessary to cut and remove noxious weeds, grass, brush, and other weeds on private property, in accordance with the provisions of this section, the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants shall be charged at the rate of one hundred dollars (\$100.00) per hour or portion thereof, or the actual cost of such work, whichever is the larger. Actual costs shall include administration and supervision, transportation of equipment, equipment use, equipment operator, incidental labor, contractor charges, and any other costs and charges associated with mailing and/or publishing notices. The minimum charge therefore shall be one hundred dollars (\$100.00).

(J) 661.10 This ordinance does not apply to land being used under a municipal building or construction permit or license, during the applicable period of such permit or license, or under a conditional zoning permit or variance lawfully granted.

SECTION TWO:

(A) 661.11 Notices shall be in the forms attached and incorporated herein by reference.

(B) A Notice to Cut shall be delivered in the form attached as Exhibit A.

(C) A Notice of Assessment shall be delivered in the form attached as Exhibit B.

SECTION THREE:

This ordinance shall repeal existing Ordinance Section 660.18. This Ordinance shall now be known as New Section 661.01-661.11 of the Code of Ordinances for West Lafayette, Ohio and

shall also incorporate Exhibit A and Exhibit B as the new official notice to cut and notice of assessment forms.

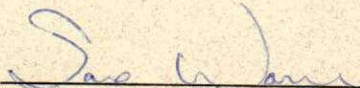
SECTION FOUR:

That this ordinance be and is hereby declared to be an emergency measure for the immediate preservation of the health, welfare, and safety of the citizens of the Village of West Lafayette, Coshocton County, Ohio, and to make this Ordinance effective for the upcoming Spring and Summer seasons, therefore, this Ordinance shall take effect immediately upon its passage and signing by the Mayor.

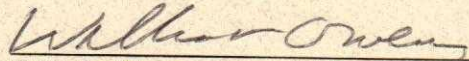
PASSED IN COUNCIL THIS 25 day of April, 2016.


Stephen R. Bordenkircher, Mayor

ATTEST:

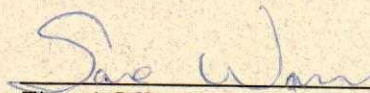

Sara Warne, Fiscal Officer/Clerk

APPROVED AS TO FORM:


William M. Owens, Village Solicitor

CERTIFICATE OF POSTING

I hereby certify that the foregoing Ordinance was posted according to law this 26th day of April, 2016.


Fiscal Officer, Clerk

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EXHIBIT A

Noxious weeds, grass, brush, and other weeds notice.

To: _____

Address: _____

The Property Maintenance Inspector for The Village of West Lafayette, Coshocton County, Ohio, has found your property to be in violation of Ordinance 2016- 12.

AN ORDINANCE RELATING TO THE TRIMMING OF WEEDS AND GRASS

- 1) Any person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants within the Village shall keep the land clear of tall or noxious weeds, grass, brush and other weeds. The person shall be required to keep the noxious weeds, grass, brush, and other weeds less than seven (7) inches tall.
- 2) Noxious weeds, grass, brush, and other weeds must be cut within **five (5) days** after service of this notice.
- 3) When it is deemed necessary to cut and remove noxious weeds, grass, brush, and other weeds on private property, in accordance with this Ordinance, the person owning lands or being in charge of lands or premises; including but not limited to lessees, agents, or tenants shall be charged at the rate of one hundred dollars (\$100.00) per hour or portion thereof, or the actual cost of the work, whichever is the larger. Actual costs shall include administration and supervision, transportation of the equipment, equipment use, equipment operator, incidental labor, contractor charges, and any other costs and charges associated with mailing and/or publishing notices. The minimum charge therefore shall be one hundred dollars (\$100.00).

Property Maintenance Inspector

Date

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EXHIBIT B

Noxious Weeds, Grass, Brush, and Other Weeds Assessment

The Village of West Lafayette, Coshocton County, Ohio, has removed noxious weeds, grass, brush, and other weeds from your property.

You are hereby ordered to pay a fee for the removal of noxious weeds, grass, brush, and other weeds from your property.

Date of Cutting

Date of Notice

Labor Hour(s)

Total Amount Due

Due Date

If the same is not paid within thirty (30) days after the mailing of the notice, such amount may be certified to the Coshocton County Auditor for collection as other taxes and assessments are collected in accordance with Ohio Revised Code 731.54.

Property Maintenance Inspector

Date