

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2011-12

Passed August 10 20

2011-12

AN ORDINANCE TO KEEP DOWN GRASSES, WEEDS, NOXIOUS WEEDS, AND OTHER VEGETATION/TRIM TREES AND SHRUBBERY

WHEREAS, Council for the Village of Thurston believes that in order to preserve property values and public health, safety and sanitation, every owner, lessee, agent or tenant having charge of, or responsibility for, maintenance of the lots or lands within the Village shall be required to cut grasses, weeds, noxious weeds, other vegetation and trim trees and shrubbery so as to not obstruct the distribution of light or the view of traffic.

NOW, **THEREFORE BE IT ORDAINED**, by the Council of the Village of Thurston, that:

SECTION 1: Counsel for the Village of Thurston hereby creates and enacts the following:

GRASSES, WEEDS, NOXIOUS WEEDS, AND OTHER VEGETATION

- (a) Any word or phrase used in this Section which is not defined herein shall have its ordinary meaning.
 - (1) Grass shall mean any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
 - (2) Noxious weeds shall include, but is not limited to, thistle, burdock, jimson weed, ragweed, milkweed, dandelion, poison ivy, poison oak and poison sumac.
- (b) No person, whether as owner, lessee, agent, tenant, or any other person having charge or care of land in the Village, shall permit grasses, weeds, noxious weeds, or other undesirable vegetation to grow thereon to a height in excess of six (6) inches, or to mature their seeds to thereon, or fail to cut and destroy such weeds grasses and other undesirable vegetation on such property, including any adjacent right of ways. Any growth of grass, weeds or other undesirable vegetation in violation of this Ordinance constitutes a detriment to public health and hereby is declared a nuisance.
- (c) When determined by the Mayor, or his/her designee, that a violation of subsection (b) hereof exists upon any land within the Village, a written notice of violation shall be served to the owner, lessee, agent, tenant or person having charge or care of the land. This notice may be served by certified mail or personal service and shall contain an order to cut or destroy the grasses, weeds, noxious weeds, undesirable vegetation, etc. within ten (10) days. 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) In the event the owner, lessee, agent, tenant, or person having charge does not comply with the notice and order to cut or destroy the grasses, weeds, noxious, weeds, undesirable vegetation, etc. within the time limit specified in subsection (c) hereof, after notice of violation has been issued, the Mayor, or his/her designee, shall cause such grasses, weeds, noxious weeds, undesirable weeds or vegetation to be cut, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. In addition, the owner is liable to the penalties provided herein.
- (e) When grasses, weeds, noxious weeds, undesirable weeds etc. are cut or destroyed, pursuant to this Ordinance, from the property, a statement of cost thereof shall be

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mailed to the owner of such land by certified mail, return receipt requested. Such statement shall include the following costs to the Village:

- (1) Actual cost of mowing, cleaning up & disposal of the grass, weeds, etc.
- (2) Service of notice fees and a 50% administrative fee.

- (f) The owner, lessee, agent, tenant, or any other person having charge or care of land, shall pay such fees as are charged in accordance with subsection (e) hereof to the Village within thirty (30) days after receipt of the statement of costs. Any payment so received shall be restored to the appropriation from which the costs were paid. If the fee is not paid when due, the Clerk-Treasurer shall certify to the County Auditor the proceedings taken under this Ordinance, together with a statement of the charges for services listed in subsection (e) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village.
- (g) The Mayor or Clerk may make service and return of the notices provided for in subsections (c) hereof, and shall be allowed the same fees as that provided for service and return of summons in civil cases before a court or magistrate.
- (h) Whoever violates this section is guilty of a minor misdemeanor. Each day that the grasses, weeds, noxious weeds, undesirable vegetation, etc. is permitted to continue to grow after the specified time limit has expired shall constitute a separate offense.
- (i) The failure of any officer or employee of the Village to perform any official duty imposed by this Ordinance shall not subject the officer or employee to the penalty imposed for a violation of this Ordinance

TRIMMING OF TREES AND SHRUBBERY

- (a) Any word or phrase used in this Section which is not defined herein shall have its ordinary meaning.
- (b) It shall be unlawful for any person to plant, grow, or maintain any tree or shrubbery which obstructs the proper distribution of light from any street lamp or which obstructs the view of traffic approaching from any direction.
- (c) All trees and shrubbery shall be trimmed so as to have a clear height of ten (10) feet above the surface of sidewalks and twelve (12) feet above the surface of the street or roadway.
- (d) When determined by the Mayor, or his/her designee, that a violation of subsection (b) or (c) hereof exists upon any land within the Village, a written notice of violation shall be served to the owner, lessee, agent, tenant or person having charge or care of the land. This notice may be served by certified mail or personal service and shall contain an order to trim or remove the tree and/or shrubbery within ten (10) days. 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.
- (e) In the event the owner, lessee, agent, tenant, or person having charge does not comply with the notice and order within the time limit specified in subsection (d) hereof, after notice of violation has been issued, the Mayor, or his/her designee, shall cause such trees and/or shrubbery to be trimmed or removed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. In addition, the owner is liable to the penalties provided herein.

- (f) When trees and/or shrubbery are trimmed and/or removed, pursuant to this Ordinance, a statement of cost thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement shall include the following costs to the Village:
- (1) Actual cost of trimming and/or removing.
 - (2) Service of notice fees and a 50% administrative fee.
- (g) The owner, lessee, agent, tenant, or any other person having charge or care of land, shall pay such fees as are charged in accordance with subsection (f) hereof to the Village within thirty (30) days after receipt of the statement of costs. Any payment so received shall be restored to the appropriation from which the costs were paid. If the fee is not paid when due, the Clerk-Treasurer shall certify to the County Auditor the proceedings taken under this section, together with a statement of the charges for services listed in subsection (f) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village.
- (g) The Mayor or Clerk may make service and return of the notices provided for in subsections (d) hereof, and shall be allowed the same fees as that provided for service and return of summons in civil cases before a court or magistrate.
- (h) Whoever violates this section is guilty of a minor misdemeanor. Each day that the trees and/or shrubbery are permitted to continue to grow after the specified time limit has expired shall constitute a separate offense.
- (i) The failure of any officer or employee of the Village to perform any official duty imposed by this Ordinance shall not subject the officer or employee to the penalty imposed for a violation of this section.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Thurston which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

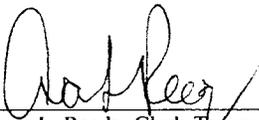
Passed in Council this 10 day of August 2011.

First Reading: 6/8/2011
Second Reading: 7/20/2011
Third Reading: 8/10/2011


Mary Bowling, Mayor

DATE OF PASSAGE: 8-10-2011

EFFECTIVE DATE: 9-10-2011

ATTEST: 
Aaron L. Reedy, Clerk-Treasurer

APPROVED:

Approved as to form this 8th day of June 2011:



Brian M. Zets
Village Solicitor