

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 817-11

Passed May 16, 20 11

AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR THE MOWING OF WEEDS IN THE VILLAGE OF TONTOGANY AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Tontogany has determined that the Village needs specific legislation regarding the mowing of weeds within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TONTOGANY, COUNTY OF WOOD AND STATE OF OHIO:

SECTION 1: That any person owning or having charge of land within the municipality shall keep said property free and clear from all noxious weeds and rank vegetation including grasses and shall be required to cut and destroy all such weeds, vegetation and grass on said lots owned or controlled by said person prior to such time that said weeds, grass or vegetative material are about to spread or mature seeds, or at any time that said weeds, vegetative material or grass grows to a height from ground level of six (6) inches or more.

SECTION 2: That the Fiscal Officer or Zoning Inspector shall prepare a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying said person that such weeds, grass or vegetative materials are days after service of such notice. The notice shall be served by the Zoning Inspector, or if the Zoning Inspector is not available, by any Village Police Officer, by delivering a copy of the notice to any person sixteen (16) years of age or older occupying the property. If no such person is found at the property, the notice shall be posted at a conspicuous place on the premise, by nailing, stapling or taping the notice on or near an entrance door. The Fiscal Officer or Zoning Inspector shall simultaneously mail a copy of said notice to the last known address of the owner of said property by regular US Mail, if an address can be found, keeping a copy of the notice marked with the date the notice was mailed. If the name and address of the owner or person in charge of the property cannot be ascertained, either from Village utility records or from County Auditor's tax records, delivering or posting the notice on the property shall be deemed sufficient notice. If no action is taken to comply with the notice within the five (5) day notice period, the Fiscal Officer or Zoning Inspector may choose to send and/or post a second notice, following the same procedures outlined above; or, if it is determined that the condition of the property is such that mowing should be completed as soon as possible because the grass or vegetative materials has become unreasonably high or are about to spread or mature seeds, then the Village may cause the property to be mowed as soon as possible as provided in Section D below, without waiting an additional five (5) days to complete service of a second notice. A citation may be issued to the owner or any person having charge of said property who neglects or refuses to comply with a notice to mow served according to this ordinance.

SECTION 3: That the Zoning Inspector or any police officer who completes the service of the notice required by Paragraph B and shall make his/her return to the Fiscal Officer, noting the person who the notice was delivered to and/or the date, time and place the notice was posted at the property.

SECTION 4: That if the owner, lessee, agent, tenant or other person having charge of lands referred to herein fails to comply with such notice, Village Council may cause said weeds, grass or vegetative material to be cut and destroyed and the expenses so incurred shall be approved by Council and paid out of the treasury of the Village.

SECTION 5: That the Village shall bill the property owner and/or

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other responsible party at the minimum rate of \$150 per hour or the actual cost if more, for weed or grass cutting on private property performed by Village Crews or by hired Contractors pursuant to paragraph 4 above.

SECTION 6: That the Village Fiscal Officer shall send written return to the County Auditor of the actions of Council with a statement for the charges for said services, the amount paid for the performance of such labor if more than the minimum hourly charges established in (E) above, and the fees of the officers who made the service of the notice and return, together with a proper description of the premises along with a request that such amount be entered upon the tax duplicate to become a lien upon such lands from and after the date of the entry and to be collected as other taxes and returned to the Village according to law.

SECTION 7: That the land and property referred to in Paragraphs A through F to be kept free from noxious weeds, rank vegetation and grasses in excess of six (6) inches in height shall include that area between the paved portion of the adjacent street or alley and the adjacent property line which would be included within boundary lines of the dedicated street or adjacent public right-of-way and which commonly includes the curb, gutter, tree lawn, and sidewalk, if any.

SECTION 8: That any owner, lessee, agent, tenant or other person having charge of land within the Village who fails to cut and destroy noxious weeds, grass or other vegetative material after being served with notice as required by this Section, is guilty of a minor misdemeanor. Each day of violation shall constitute a separate offense.

SECTION 9: That any previous Ordinance that is inconsistent with any provision of this Ordinance is hereby repealed.

SECTION 10: That this Ordinance is an emergency measure and shall go into force and effect immediately upon its passage. The reason for the emergency is that certain properties in the Village have tall weeds that are creating a traffic and health hazard and need immediate attention.

PASSED: May 16, 2011 Nicholas Waller
DATE MAYOR

ATTEST: Sheryl Wallace Solether
FISCAL OFFICER

CERTIFICATION

I hereby certify that the foregoing Ordinance No. 817-11 passed on the 16th day of May, 2011 by the Council of the Village of Tontogany, Ohio has been published by me by posting the same at five (5) public places in the Village of Tontogany, Ohio for the period May 18th, 2011 through June 19th, 2011.

May 18, 2011 Sheryl Wallace Solether
DATE FISCAL OFFICER

THOMAS J. BAMBUROWSKI, VILLAGE SOLICITOR