

ORDINANCE NO.: 36 -2015
INTRODUCED BY: ALEXANDER

AN ORDINANCE AMENDING SECTION 521.10, "REMOVAL OF NOXIOUS WEEDS AND TALL GRASSES", OF THE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, the lack of maintenance of yard areas in the City continues to be a significant problem and contributes to the decline of aesthetics and property values in the City and creates health and safety problems for residents and visitors of the City; and

WHEREAS, amendments to the City's enforcement Code are, therefore, necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Existing Section 521.10, "Removal of Noxious Weeds and Tall Grasses" is amended to hereinafter provide as follows:

"521.10 Removal of Trash, Noxious Weeds, ~~and Tall Grasses~~ and Overgrown Bushes and Hedges."

- (a) Every owner, lessee, agent or tenant having charge of the following described lot or lands within the Municipality ~~shall be~~ is required to ~~cut~~ remove miscellaneous tree debris, trash, household items and any other obstructions that prevent the performance of necessary yard maintenance, and to cut, trim or remove overgrown bushes or noxious weeds and tall grasses on lots and lands as hereinafter described:
 - (1) All sublots in a recorded subdivision in their entirety;
 - (2) All land which lies within twenty feet of a lot line which is adjacent to a lot or lands upon which a residential or commercial building exists; and
 - (3) All land which lies within 200 feet of a dedicated ~~thoroughfare~~ public street.
- (b) Every owner, lessee, agent or tenant having charge of any lot or lands described in this section, shall cause the lot or lands to be kept free from trash, overgrown bushes, noxious weeds, and/or ~~tall~~ grasses which exceed six inches in height. Noxious weeds shall include but not be limited to rag weed, golden rod, poison ivy, poison oak, broadleaf weeds, crabgrass, goosegrass or any type of wild grass or wild flower whose seed or root is invasive to neighboring properties, or other ~~like~~ similar

vegetation generally considered to be weeds and not cultivated plants. Trash shall include fallen tree debris, excessive leaves, grass clippings, abandoned or obsolete above-ground pools, lawn toys or playground equipment, obsolete lawn furniture, household items, tires, new or used construction materials or equipment, excess landscaping materials, firewood, furniture not designed for outdoor use, or any other items, discarded or otherwise, that prevent the necessary and proper maintenance of the yards and exterior property areas. Overgrown bushes or hedges shall include those bushes that, by their size or height, adversely impact the safety or appearance of a primary structure, that grow over the property line of the bush's owner, that grow over the edges of a public sidewalk or street, or that obstruct, by virtue of their size, height or location, the safe line-of-sight of either drivers or pedestrians at a driveway or intersection. Such trash, weeds, bushes, hedges or grasses, are hereby declared to be nuisances.

- (c) Notwithstanding any penalty provided for in this Code, when the Commissioner of Building, Zoning and Housing ascertains that trash, noxious weeds, overgrown bushes or hedges, or tall grasses described in this section are placed on or are growing on lands within the Municipality, ~~he~~ the Commissioner, or the Commissioner's designee, shall cause written notice to be served upon the owner, lessee, agent or tenant having charge of any lot or lands within the Municipality that trash, noxious weeds, overgrown bushes or hedges, and/or tall grasses have been placed or are growing upon ~~on such lands~~ and that they must be removed, cut and/or destroyed and that such ~~destruction~~ remediation must be commenced within ~~four~~ three days after the service of the notice. Such notice shall be delivered either personally, to the owner of the property or a person of suitable age and residing or performing business at the subject property, by ~~registered~~ regular, first-class mail, or by posting the notice at a conspicuous place upon the subject property. In addition to the notice provisions of this subsection, if the owner or other person having charge of the lands is a nonresident whose address is known, the notice shall be sent to the nonresident's most recent address of record by ~~registered~~ regular, first-class mail. If the address of the owner is unknown, it shall be sufficient to ~~publish~~ post the notice ~~once in a newspaper of general circulation in the Municipality~~ in a conspicuous location on the property. Only one such notice of violation shall be sent to the owner of a property per calendar year and shall contain language to the effect that subsequent notices will not be issued in that calendar year for remediation of the nuisance(s) set forth in this section. Subsequent violations may be immediately abated using resources assigned by the City-Municipality with no additional notice required.
- (d) The Commissioner of Building, Zoning and Housing, the Assistant Commissioner of Building, Zoning and Housing, any sworn police

officer **of the City**, or other person designated by the Mayor, may make service and return of the notice provided for in subsection (c) hereof.

(e) **Cost Recovery.**

- (1) If the owner, lessee, agent or tenant having charge of the lands mentioned in subsection (a) fails to comply with the notice, the Commissioner of Building, Zoning and Housing shall thereupon cause **the trash to be removed and the noxious weeds, overgrown bushes or hedges** and/or tall grasses to be cut and/or destroyed and for such purpose, the Commissioner may ~~employ~~ **assign** the necessary ~~labor~~ **resources** to carry out the provisions of this section. The Commissioner of Building, Zoning and Housing shall **cause an invoice for services rendered to be served on a monthly basis to the owner of record via regular, first-class mail in the amount of \$100 per hour with a two-hour minimum charge, plus Division of Building, Zoning and Housing, Department of Finance, and legal costs in the amount of \$75 per invoice.** **The Commissioner shall also** report all the expenses to Council **at an appropriate time.**
 - (2) Upon the receipt of the statement of ~~expenses~~ **costs** incurred, Council shall make written return to the ~~County Auditor~~ **Fiscal Officer** of Cuyahoga County of the City's action under the preceding subsections hereof with a statement of the charges for ~~their~~ **its** services, the amount paid for the performing of the labor and a proper description of the premises for the purpose of making same a lien upon the lands and to be collected as other taxes and returned to the Municipality with the General Fund.
- (f) The remedy set forth in subsection (e) hereof shall be in addition to the penalty provided in subsection (g) ~~hereof~~ **of this section.**
- (g) Whoever violates this section is guilty of a misdemeanor of the first degree.”

Section 2: Existing Section 521.10, “Removal of Noxious Weeds and Tall Grasses” of the Codified Ordinances is hereby repealed as of the effective date of this Ordinance.

Section 3 It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution is declared to be an emergency measure immediately necessary to preserve and enhance the public health, safety and general welfare of the citizens of

the City and for the further reason that it is immediately necessary to have enforcement authority to begin during the spring seasonal growth period; wherefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

David H. Roche, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council