

ORDINANCE NO.: 41 -2009
INTRODUCED BY: Roche

AN ORDINANCE AMENDING SECTION 521.10, “REMOVAL OF NOXIOUS WEEDS AND TALL GRASSES”, OF THE GENERAL OFFENSES CODE; AND DECLARING AN EMERGENCY.

Whereas, over the past few years there has been an increasing number of properties within the City that have not been kept free of weeds and tall grasses which weeds and tall grasses adversely affect the health, safety and welfare of the residents of the City by harboring rodents and insects, creating other health and safety hazards, and negatively impacting the aesthetics of the City and its property values, and which condition is hereby declared to be a nuisance; and

Whereas, current Section 521.10 of the General Offenses Code requires amendment to provide for more timely enforcement of the ordinance requiring such weeds and/or tall grasses to be cut and providing a procedure for the City to perform the necessary work if the owner or person in charge of the subject lands does not do so.

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

Section 1: Section 521.10, “Removal of Noxious Weeds and Tall Grasses”, of the General Offenses Code of the City shall be amended as follows:

**“521.10 REMOVAL OF NOXIOUS
WEEDS AND TALL
GRASSES.**

a) Every owner, lessee, agent or tenant having charge of the following described lot or lands within the Municipality shall be required to cut 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.
- (3) All land which lies within 200 feet of a dedicated thoroughfare.

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 noxious weeds and/or tall grasses which exceed six inches in height. ~~such~~ ~~n~~ Noxious weeds shall include but not be limited to rag weed, golden rod, poison ivy, poison oak, or other like vegetation **generally considered to be weeds and not cultivated plants**. Such weeds or grasses are hereby declared to be nuisances.

c) Notwithstanding any penalty provided, when the Commissioner of Building, Zoning and Housing ascertains that noxious weeds or tall grasses described in this section are growing on lands within the Municipality, he 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 noxious weeds **and/or tall grasses** are growing on such lands and that they must be cut and/or destroyed and that such destruction must be commenced within ~~four~~^{five} days after the service of the notice. Such notice shall be delivered either personally, **to a person of suitable age and residing or performing business at the subject property**, by registered 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** his address by registered mail; if the address of the owner is unknown, it shall be sufficient to publish the notice once in a newspaper of general circulation in the Municipality.

d) **The Commissioner of Building, Zoning and Housing**, ~~a~~ny police officer, or other person designated by the Mayor may make service and return of the notice provided for in subsection (c) hereof.

e) (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 noxious weeds and/or tall grasses to be cut and destroyed and for such purpose, ~~he~~ **the Commissioner** may employ the necessary labor to carry out the provisions of this section. The Commissioner of Building, Zoning and Housing shall report all the expenses to Council.

(2) Upon the receipt of the statement of expenses incurred, Council shall make written return to the County Auditor of Cuyahoga County of its **the City's** action

under the preceding subsections hereof with a statement of the charges for their 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.

(g) Whoever violates this section is guilty of a misdemeanor of the third degree."

Section 2: Existing Section 521.10, "Removal of Noxious Weeds and Tall Grasses", of the General Offenses Code of the City of Richmond Heights is hereby repealed.

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 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 Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council