

CHAPTER 557 WEEDS¹

Sections:

557.01 CUTTING REQUIRED.

Duties of owner and occupant; cutting required.

- (a) Council has determined that in order to protect the public health, safety, and welfare of its citizens and to provide for the orderly appearance of properties within the Municipality, it is necessary to provide for the cutting and destruction of weeds, grass, and other undesirable vegetation as set forth herein. It is the intention of Council that this chapter be liberally construed to implement the intention as stated above.
- (b) The record title owner and any occupants shall be the individuals or entities subject to the provisions of this chapter. Neither the owner nor occupant may raise as a defense the obligation of the other to comply with this chapter.
- (c) No person, whether an owner or occupant having charge or care of land in the Municipality, shall permit:
 - (1) Noxious weeds, including but not limited to (Shatter Cane, Russian Thistle, Johnsongrass, Wild Parsnip, Wild Carrot, Oxeye daisy, Wild Mustard, uncultivated grapevines, Canada Thistle, Poison Hemlock, Cressleaf Groundsel, Musk Thistle, Purple Loosestrife, Mile-A-Minute Weed, burdocks, jimsonweed, ragweed, milkweed, mullein, poison ivy, poison oak), to grow thereon, or fail to destroy and cut such weeds when notified by the City Manager or his or her designated agent.
 - (2) Growth of grass, herbage of rank growth, or undesirable vegetation, grasses, or vines, growing on developed property to reach a height in excess of seven inches, not including ornamental grasses, or fail to cut and destroy such grass, herbage of rank growth, or undesirable vegetation, grasses or vines when notified to do so by the City Manager or his or her designated agent.
 - (3) Growth on undeveloped properties of grass, herbage of rank growth, or undesirable vegetation, grasses, or vines to a height in excess of ten inches or to spread mature seeds thereon, or to fail to cut and destroy such weeds, herbage, vegetation, grasses, or vines when notified by the City Manager or his or her designated agent.
 - (4) The growth of lawn, hedges, bushes, and/or noxious weeds, herbage of rank growth, or undesirable vegetation, grasses, or vines such that the same overhang a public or private sidewalk or a driveway or obstruct in any way a doorway.
- (d) The City Manager or his or her designated agent shall determine when lots in the Municipality contain noxious weeds as defined in subsection (c)(1) hereof, herbage of rank growth, or other undesirable vegetation, grasses or vines which constitute a nuisance or endanger the public health and safety and shall see that such weeds, herbage, vegetation, grasses or vines are removed or the nuisance abated.

(Ord. No. 97-50, 10-7-1997)

¹State law reference(s)—Notice to cut noxious weeds, O.R.C. § 731.51 et seq.; Destruction of weeds, O.R.C. § 971.33 et seq.; Noxious weeds, see OAC 901:5-31

557.02 NOTICE TO CUT.

- (a) The City Manager shall provide a notice in a newspaper of general circulation within the City to be published the last full week of the third (3rd) month of the calendar year informing the property owners of the City of Powell about Section 557.01 Cutting Required Ordinance and 557.02 Notice to Cut in the City of Powell Codified Ordinances. Such notice shall not be required to describe the lands or to specify the name of the owner of such property. However, such notice shall constitute notice to any owner of any land upon which overgrown vegetation and/or noxious weeds are grown that the same must be cut and destroyed within five calendar days after such publication. Such notice shall further specify that such overgrown vegetation and/or weeds shall be cut every subsequent time the height exceeds 10 inches. Such notice shall be published one time per year in order to constitute notice hereunder. Said notice shall substantially state the following:
- (1) All noxious weeds and vegetation growing, lying, or located on any land within the City are hereby declared to be a public nuisance per se.
 - (2) All properties within the City of Powell shall keep their property in accordance with Section 557.01 of the City of Powell Codified Ordinances;
 - (3) Should the owner of the property fail to comply with Section 557.01, the City will cut the weeds or growth at the owner's expense;
 - (4) Contact information of the City agency.
 - (5) Failure to read the notice shall not constitute a defense to, nor waive liability imposed by the tax lien.
- (b) One additional written notice will be served upon the owner either in person, or by regular mail to the legal mailing address provided by the Delaware County Auditor. This second written notice will serve as the second and final notice for the mowing season to all property owners.
- (c) Those vacant properties found to be in violation shall have a sign conspicuously placed on the premises from April 1st until November 15th or until the property becomes inhabited. Said notice shall contain the following information:
- (1) The nature of the code violation;
 - (2) An order to cut or remove the weeds or grass when the growth meets or exceeds 10 inches;
 - (3) A statement indicating that should the property owner fail to comply with the order, the city will cause the weeds or growth to be cut or removed at the owner's expense, and the city will place a lien on the property; and
 - (4) Contact information of the appropriate city agency.
 - (5) Removal of the notice before the property is brought into compliance shall constitute a violation of this section.
- (b) In those instances where the address of the owner is unknown, it shall be sufficient to publish a notice once in a newspaper of general circulation in the county.
- (Ord. No. 97-50, 10-9-1997)

557.03 FAILURE TO COMPLY.

The owner or occupant shall comply with the notices provided for in Section 557.02 within seven days of mailing and posting of the notice. Failure to timely comply with notice is addressed in Section 557.04.

(Ord. No. 97-50, 10-7-1997)

557.04 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

- (a) If the owner or occupant of a noncompliant property fails to comply with the notice provided for in Section 557.02, the City shall cause such noxious weeds and grass to be cut and removed. Such cutting and removal shall be immediately due and payable to the City provided, however, that the administrative fee shall not exceed \$500.00. The cost and administrative fee shall be assessed against the lot or land.
- (b) Notice of such assessment shall be given to the owner of the lot of land charged therewith, and the occupant by mailing such notice to the address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises. All assessments not paid within ten days after such mailing and posting, after approval by the City Manager, shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

(Ord. No. 2008-12, 5-6-2008)

557.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day a violation occurs or continues shall be deemed a separate offense. The City also retains the right to enforce any additional legal remedies.