

ORDINANCE 2010 - 05

ORDINANCE TO REPEAL SECTIONS 93.40, 93.41, 93.42, 93.43, and 93.44 AND ENACTING IN ITS PLACE THE LANGUAGE SET FORTH IN THIS ORDINANCE AND DECLARING AN EMERGENCY

WHEREAS, the Village of Maineville has determined that there is a need to replace sections of its Municipal Code regulating and governing the general maintenance of properties throughout the Village in the interest of the public health, safety and welfare of the community; and

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Maineville that the Municipal Code of Ordinance of the Village of Maineville, Ohio Sections 93.40, 93.41, 93.42, 93.43, and 93.44 are hereby repealed and new language set forth below is hereby enacted:

92.40 Weed and Grass Control:

- a. The owner or occupant, or any other person, firm or corporation, having the care of any lot or land within the Village shall cut down and remove all offensive and noxious weeds, vines and grass of a height of eight inches or more and any and all weeds, vines, and grass constituting a threat to the public health, safety, comfort or welfare.
- b. It is a prima-facie violation of this chapter if weeds, vines or grass eight inches or more in height exist on any lot on any of the following dates: May 1, May 15, June 1, June 15, July 1, July 15, August 1, August 15, September 1, September 15, October 1, October 15.
- c. The Village Administrator shall cause an annual notice to be published in a newspaper of general circulation in the Village notifying the residents of the requirement of this chapter.
- d. The provisions of this chapter shall not apply under the following circumstances:
 1. To vegetation such as trees, bushes, flowers or other ornamental plants maintained as a part of a landscaping plan notwithstanding that such trees, bushes, flowers or other ornamental plants may exceed a height of eight inches, provided however, that the words "maintained as a part of a landscaping plan" is intended to permit the cultivation of such vegetation in designated planting beds and areas for decorative purposes. It shall not be construed to permit the unregulated or unrestrained growth of such vegetation upon a property so as to create a nuisance to neighboring properties.
 2. To that portion of any lots or land within the Village which are naturally wooded and tree covered such that the existing trees, bushes and similar vegetation have the effect of shading out the noxious weeds and rank vegetation intended to be curtailed by the operation of the section;

3. To that portion of any lots or land within the Village which are maintained and cultivated for agricultural purposes.

92.41 Notice to Cut:

- a. When the Village Administrator or his designated agent determines that such noxious weeds, vines and grass, as described in Section 92.40(A), exist on one of the days set forth in Section 92.40(B), he shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the cutting and removal of such noxious weeds, vines and grass.
- b. 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 the newspaper of general circulation in the Village.
- c. Only one notice per calendar year under subsections (a) or (b) hereof is required for a lot or parcel. If, after a notice has been served in accordance with this section, the Village Administrator, or his designated agent, determines that a subsequent violation has occurred, the Village may proceed with the remedy set forth in Section 92.43 without further notice.

92.42 Failure to Comply: No owner, occupant or any other person, firm or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in Section 92.41 within five days from the receipt thereof.

92.43 Procedure when owner fails to comply with Notice to Cut:

- a. If the owner, occupant or any other person, firm or corporation, having the care of the lands mentioned in Section 92.40, fails to comply with the notice provided for in Section 92.41, the Village shall cause such noxious weeds, vines and grass to be cut and removed. Such cutting and removing shall be at the owner's expense.
- b. Notice of such assessment shall be given to the owner of the lot or land charged therewith, or his agent, either in person or left at the usual place of residence or sent by mail, and all assessments not paid within ten days after the giving of such notice shall, after approval by Council, be certified by the Fiscal Officer to the Warren County Auditor to be placed on the tax duplicate and collected as other taxes are collected.
- c. Whoever violates any provision of this Section shall be guilty of a minor misdemeanor. In addition, a separate offense shall be deemed committed each day during or on which a violation continues or occurs.

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance, adopted by the Village of Maineville, Ohio shall be filed with the Warren County Law Library; and

BE IT FURTHER ORDAINED, that any rule requiring three (3) readings is hereby suspended, and that the immediate filing of this Ordinance is necessary for the public peace, health, welfare and safety of the community, and is therefore declared to be an emergency, shall take effect immediately, and shall be promptly filed.

L. Tebsen made the motion and D. Drask seconded the motion, and role being called upon the question of adoption of this Ordinance, at least a majority of the Council approving said Ordinance, the vote resulted as follows:

Yeas 6 Nays 0

Adopted this 20th day of MAY, 2010.

ATTEST:

James Marconet
Interim Clerk/Fiscal Officer

Dale Marconet
DALE MARCONET, Mayor
Village of Maineville

CERTIFICATION

I, the undersigned, Interim Clerk/Fiscal Officer of the Village of Maineville, Ohio, certify that this is a true copy of a Ordinance adopted at a meeting of Village of Maineville Council held on the 20 day of MAY, 2010.

James Marconet
Interim Clerk/Fiscal Officer