

CITY OF SHARONVILLE OH

521.13 WEED REMOVAL.

(a) Property to be Cleared. The control of weeds and vegetation required by subsection (b) hereof shall be accomplished on all lands within the City that lie within 300 feet of any residential or business or industrial structure or within 200 feet of any accessory building or structure or paved public or private right of way.

(b) Keeping Down Weeds.

(1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Noxious" means harmful or offensive.

B. "Owner" means the legal title holder and in cases of foreclosure the mortgagee.

C. "Rank" means luxuriant in growth.

D. "Weed" includes, but is not limited to the following: any bush, and all briars, thistles, burdock, dock, cocklebur, wild mustard, jimson weed, dog's fennel, lamb's quarters, plantain, wild carrot, wild parsnip, horseweed, white or yellow sweet clover, velvet leaf, common mallow, ironweed, poison ivy, poison oak, teasel and ragweed or milkweed. In addition, grass of a height of eight inches or more shall be deemed a weed under this definition, as shall all vegetation constituting a threat to the public health, safety or welfare.

(2) Any person owning or having charge of land within the City which falls within the limits provided by subsection (a) hereof, shall keep such land free and clear from all noxious weeds and rank vegetation, except trees and shrubs, garden variety flowers and farm crops, and shall keep all sidewalks, alleys, streets and other public rights of way free from any plant growth that hinders the public use thereof by cutting or other effective legal means of control the growth of such weeds, grasses and vegetation under eight (8) inches. The owner or other responsible person shall have the duty to mulch or in the alternative rake and remove all clippings and waste resulting from the cutting of such weeds, grasses and vegetation.

(c) Notice to Owner. In the event the owner does not trim or remove any tree, plant, or any part thereof that hinders the public use thereof, or does not cut noxious or rank vegetation, weeds or grasses as defined in subsection (b)(2) hereof, the Safety-Service Director or his designee shall cause written notice to be served on the owner or person having charge of the land that the tree, shrub, vegetation or weed must be trimmed or removed. This notice may be served either in person or by registered mail. The owner or person having charge of the land shall trim, cut or destroy the noxious, rank vegetation or

weed within seven (7) days after service of the notice. If the address of the owner or person having control of the land is unknown or property is in foreclosure, it shall be sufficient to either conspicuously post notice on property in violation or publish the notice once in a newspaper of general circulation within the City.

(d) Service and Return. The Chief of Police, any police officer or the Council Clerk may make service and return of notice provided for in subsection (c) hereof, either in person or by registered mail.

(e) Procedure for Owner Noncompliance with Notice. If the owner or person having charge of the land fails to comply with the notice provided for in subsection (c) hereof, the Safety- Service Director or his designee is authorized to have the right of entry to the property to have the provisions of this chapter enforced, and to cause the trimming and removal of the tree, plant or shrub, or any part thereof, or the cutting and removal of rank or noxious vegetation as defined in subsection (b) hereof. All expenses and labor costs incurred shall be paid out of the City funds not otherwise appropriated.

(f) Assessment of Costs. Whenever any tree, plant or shrub, or part thereof, or any noxious or rank vegetation growing in any street, public place or upon private property shall be trimmed or cut and removed by the City as provided in subsection (e) hereof, then after the work is done, the Council Clerk shall give notice, as provided for in subsection (c) hereof, to the owner of the lot or parcel of land, at his last known address, to pay the cost of trimming and removal. The notice shall be accompanied by a statement of the amount of the costs incurred, including a fifteen percent (15%) but not less than twenty-five dollars (\$25.00) processing charge. In the event the same is not paid within thirty days after the mailing of the notice, then the amount shall be assessed as provided in subsection (g) hereof.

(g) Lien Upon Property. The Council Clerk shall make a written return to the County Auditor of the action taken under the preceding subsections, with a statement of the charges for labor, material and equipment incurred in the cutting and destroying of the noxious weeds, to which shall be added the processing charge as specified above along with a proper description on the premises. The amounts shall be entered upon the tax duplicate as a weed cutting or tree trimming assessment and be a lien upon the land from and after the date of entry and be collected as other taxes and returned to the City for the General Fund.

(h) Enforcement and Investigation of Violations. Enforcement of the provisions of this section shall be by the Safety-Service Director or his designee.

(i) Any person who knowingly violates the written order of the Safety/Service Director pursuant to subsection (e) hereof, is guilty of a misdemeanor of the fourth degree in accordance with Section 501.99, Penalties for Misdemeanors, of the Codified Ordinances of the City of Sharonville. Each day thereafter shall constitute a distinct and separate offense hereunder.

(Ord. 2009-20. Passed 5-12-09.)