

CHAPTER 553

Weeds

553.01 CUTTING REQUIRED

(a) Between March 1 and December 31 of each year, no person or entity which is the owner of record of any parcel, lot or land within the City corporation limits shall permit any grass over twelve inches, noxious weeds, or untended, rank, and unmanaged growth of vegetation to grow thereon. The failure to abide by the aforesated prohibition is deemed to constitute a threat to public health, safety, or welfare, for which the remediation and intervention hereinafter provided shall be declared necessitated. The term “managed” as used in this ordinance means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation. For the purpose of this ordinance, noxious weeds shall be the same as defined in Section 5579.04 of the Ohio Revised Code, including all future revisions or supplements to such Code.

(b) The provisions of this Chapter shall be applied, and the grass, noxious weeds, or untended, rank, and unmanaged growth of vegetation regulated hereby shall be managed in accordance with the following:

1. With regard to any residentially zoned property (S-1, R-1, R-2, or R-3), or any parcel, lot or land, upon which there is situated any residence, place of business, or place of activity, to the entire area thereof, and in full compliance with the provisions of Section 553.01(a).
2. With regard to any business or industrial zoned parcel, lot or land upon which no residence, place of business, or place of activity is located, which is situated adjacent to two (2) or more parcels, lots or lands with a residential use, to the entire area thereof, in full compliance with the provisions of Section 553.01(a).
3. With regard to any business or industrial zoned parcel, lot or land upon which no residence, place of business, or place of activity is located, which is situated adjacent to only one (1) residential use parcel, lot or land, in compliance with the following:
 - (i) at all times during the period of March 1 through December 31, of each calendar year, the affected grass, noxious weeds, or untended, rank, and unmanaged growth of vegetation shall be maintained, cut and/or removed pursuant to Section 553.01(a) to a depth of not less than twenty-five (25) feet from the edge of any and all abutting public street or alley pavement; and,

- (ii) not less than one (1) time during the period of May 1 through July 31, and not less than one (1) time during the period August 1 through October 31 the entire area of any such parcel, lot or land shall be maintained, cut and/or removed in full compliance with the provisions of Section 553.01(a).

(c) The City Manager shall cause an annual notice to be published in a newspaper of general circulation in the County on or about March 1 of each calendar year, notifying the residents of Ordinance Chapter 553.

553.02 NOTICE TO CUT.

(a) When the City Manager or his/her designated agent determines that the grass, noxious weeds, or untended, rank, and unmanaged growth of vegetation exist in violation of the requirements of Section 553.01, the City Manager shall order the maintaining, cutting, and/or removal of such offending grass, noxious weeds, or untended, rank, and unmanaged growth of vegetation by taking one or both of the following courses of action:

- (1) Those properties found to be in violation of Section 553.01 shall have a placard conspicuously placed in the front of the property for a period of seven days. Said placard shall be of a size, shape, and color to be clearly visible and shall contain the following information:
 - (i) The nature of the code violation;
 - (ii) An order to maintain, cut and/or remove the grass, noxious weeds, or untended, rank, and unmanaged growth of vegetation;
 - (iii) A statement indicating that should the property owner fail to comply with the order, the city will cause the grass, noxious weeds, or untended, rank, and unmanaged growth of vegetation to be maintained, cut and/or removed at the owner's expense of removal plus a fee.
 - (iv) The penalties provided for removing the placard before bringing the property into compliance.
 - (v) Contact information of the appropriate city agency.

Such placard shall remain on the property until the property is brought into compliance with Section 553.01. Removal of the placard before the property complies with Section 553.01 shall constitute a violation of this section and subject to a three hundred dollar (\$300) penalty. Unless the provisions of Section 553.02(a)(2) are initiated at the sole option of the City Manager, the placement of the placard, as provided for herein shall serve as the sole and official notice of violation of Section 553.01.

- (2) In lieu of, or in addition to, the placement of the placard, as provided for in Section 553.02(a)(1), at the sole discretion of the City Manager his/her agent, a written violation notice may be mailed via USPS regular mail to the person or entity which is the owner of record of the offending parcel, lot or land to the address currently on file at the Shelby County Auditor's office at the time the violation is found to exist. Written notice of violation will be mailed no more than one (1) time during any calendar year. Service of such written notice of violation shall be deemed to have been affected upon placement of such written notice of violation into any USPS postal delivery receptacle.

553.03 FAILURE TO COMPLY.

No person or entity which is the owner of record of any parcel, lot or land shall fail to comply with the notice provided for in Section 553.02 within seven days from the date the placard is placed on the property, or the date of mailing of the written notice.

553.04 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

- (a) If the person or entity which is the owner of record of any parcel, lot or land as described in Section 553.01 fails to comply with the notice provided for in Section 553.02, the City shall cause such grass over twelve inches, noxious weeds, or untended, rank, and unmanaged growth of vegetation to be maintained, cut and/or removed. Such maintaining, cutting and/or removing shall be at the owner's expense and the costs, together with all fees as described in this section shall be assessed against the parcel, lot or land. The fee for the first remedial action of the

calendar year shall be fifty dollars (\$50). A second remedial action in the same calendar year at the same parcel, lot or land will be assessed a seventy-five dollar (\$75) fee. Each additional remedial action in the same calendar year at the same parcel, lot, or land will be assessed a one hundred dollar (\$100) fee.

(b) Notice of such assessment shall be given to the person or entity which is the owner of record of the parcel, lot or land charged therewith, or his agent, either in person or left at the usual place of residence or sent by mail to the address on file at the Shelby County Auditor office, and all assessments not paid within thirty days after the giving of such notice shall, after approval by Council, 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.

553.05 RESPONSIBILITY OF ADJACENT OWNER.

The person or entity which is the owner of record of any parcel, lot or land adjacent to a street or alley shall be responsible for maintaining, cutting and/or removing all grass over twelve inches, noxious weeds, or untended, rank, and unmanaged growth of vegetation in the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

553.06 PROCEDURES AND REQUIREMENTS FOR GRANTING OF WAIVER.

(a) Authorization. The City Manager or his/her appointed designee may authorize, upon request in specific cases, such waiver from the terms of Section 553.01 as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Section 553.01 would result in undue hardship or practical difficulty. Waivers from the regulations of Section 553.01 shall not be granted unless the City Manager or his/her appointed designee makes specific findings of fact based directly on the particular evidence presented to him/her. It shall be the applicant's burden to provide all the information necessary for the City Manager or his/her appointed designee to make a decision. The owner, or his or her agent, shall file a request for waiver on forms provided by the City.

(b) Waivers shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of Section 553.01 will result in undue hardship or practical

difficulty. Under no circumstance shall the City waive the requirements to remove noxious weeds.

(c) The City Manager or his/her appointed designee shall not grant a waiver unless he/she finds the following;

1. That the land is of such shape or size, is affected by such physical conditions that it is impossible or impractical for the owner to comply with provisions of chapter;
2. That there are special circumstances or conditions, fully described in the application applying to the land for which the waiver is sought, which circumstances or conditions are peculiar to such land and do not apply generally in the City, that said circumstances or conditions are such that the strict application of the provisions of this chapter would cause undue hardship, and that the waiver is the minimum waiver that will accomplish this purpose;
3. That the granting of the waiver will be in harmony with the general purpose and intent of this chapter and will not be a nuisance to the neighborhood or the City or otherwise be detrimental to the public health, safety and welfare;