

VILLAGE OF RIPLEY, OHIO

ORDINANCE NO. 1172

AN ORDINANCE AMENDING SECTIONS 93.40 - 93.46 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RIPLEY TO REGULATE WEED CONTROL AND LITTER WITHIN THE VILLAGE OF RIPLEY, BROWN COUNTY, OHIO

BE IT ORDAINED by the Council of the Village of Ripley, Brown County, Ohio, two-thirds (2/3) or more of all members thereof concurring as follows:

SECTION 1. That existing Subsections 93.40 through 93.46, inclusive, of the Codified Ordinances of the Village of Ripley be and the same are hereby repealed.

SECTION 2. That the Codified Ordinances of the Village of Ripley be amended to include new Subsections 93.40 through 93.49, which shall be a part of Title IX, GENERAL REGULATIONS, Chapter 93, Nuisances, as follows:

93.40 CUTTING REQUIRED.

(A) The owner or occupant, or any other person, firm or corporation, having the care of any lot or land within the Municipality shall cut down and remove therefrom 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 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 or October 1.

(C) The Village Administrator of the Municipality 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 Ordinance 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 Municipality 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 Ordinance;

93.46 APPLICATION OF CHAPTER.

The provisions of this Chapter shall apply to those areas which are within seventy-five feet of any property line which includes a residence or place of business, or within twenty-five feet of the edge of the pavement along any road frontage of any lot or parcel of land which does not include a residence or place of business.

93.47 LITTER.

(A) Upon a finding by the Village Administrator that litter has been placed on lands in the municipality, and has not been removed, and constitutes a detriment to public health, the Village Administrator shall cause written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(B) As used in this section and § 93.43, **LITTER** includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(C) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. 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 a newspaper of general circulation in the county.

(D) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, §§ 4737.05 to 4737.12, or R.C. Chapter 6111.

93.48 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE TO REMOVE LITTER.


If the owner, lessee, agent, or tenant having charge of the lands mentioned in § 93.47 fails to comply with the notice required by such section, the Village Administrator shall cause such litter removed and employ the necessary labor or contract for the necessary labor and/or machinery to perform the task. All expenses incurred shall, when approved by the Village Administrator, be paid out the money in the treasury of the municipality not otherwise appropriated.

93.49 WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT AS LIEN UPON PROPERTY.

The Village Administrator shall make a written return to the County Auditor of his action under §§ 93.47 and 93.48, with a statement of the charges for his services and costs, amount paid for labor and/or machinery, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the municipality with the general fund.

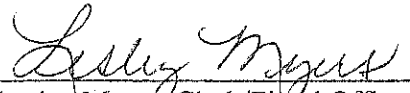
SECTION 3. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED: 10-25, 2005



Tom Leonard, Mayor

ATTEST:



Lesley Myers, Clerk/Fiscal Officer

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

93.41 NOTICE TO CUT.

(A) When the Village Administrator or his designated agent determines that such weeds, as described in Section 93.40(A), exist on one of the days set forth in Section 93.40(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 weeds and noxious grasses.

(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 a 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 Municipality may proceed with the remedy set forth in Section 93.43 without further notice.

93.43 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 93.42 within five days from the receipt thereof.

93.44 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 93.41(A), fails to comply with the notice provided for in Section 93.42, the Municipality shall cause such noxious weeds and grass to be cut and removed. Such cutting and removing shall be at the owner's expense and the cost together with an administrative fee of twenty percent (20%) shall be assessed against the lot or land. Such administrative fee shall not exceed two hundred dollars (\$200.00).

(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 Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

93.45 RESPONSIBILITY OF ADJACENT OWNER.

The owner, occupant or custodian of each lot adjacent to a street or alley shall be responsible for 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 centerline of the alley and the property line or the center line of an unimproved street and the property line.