

## Ordinance 19-06

### ENACTING SECTION 660.15, ENTITLED "REMOVAL OF HIGH GRASS, WEEDS AND WILD VEGETATION", OF THE CODIFIED CODE OF THE VILLAGE OF SOUTH POINT, OHIO, AND DECLARING AN EMERGENCY:

**WHEREAS**, the growth of weeds and wild vegetation and the overgrowth of grass tends to support the breeding of mosquitoes and perpetuates other disease carrying insects and rodents;

**WHEREAS**, such insects and rodents are dangerous to the health and welfare of a closely built up residential community;

**WHEREAS**, grass, weeds and other vegetation that is not cut and controlled can be unsightly and a nuisance to neighbors.

**WHEREAS**, the Village of South Point wishes to codify existing Ordinances of the Village concerning high grass, weeds and wild vegetation into a designated Section of the Codified Code of the Village of South Point.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of South Point, Ohio that Section 660.15 of the South Point Code is hereby created being entitled "High Grass, Weeds and Wild Vegetation";

#### **SECTION 660.15 REMOVAL OF HIGH GRASS, WEEDS AND WILD VEGETATION**

##### **(a) NOTICE TO CUT OR REMOVE.**

1. Upon receipt of written or verbal information or personal observation by a Code Enforcement Officer that High Grass, Weeds, or Wild Vegetation (as defined herein) are growing on lands in the Village a Code Enforcement officer for the Village of South Point shall have cause to investigate the information and/or complaint.
2. Upon finding that High Grass, Weeds or Wild Vegetation are growing on lands in the Village of South Point in violation of this section the Administrator for the Village of South Point shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him or her that High Grass, Weeds, or Wild Vegetation are growing on such land in violation of the South Point Code and that they must be cut and destroyed within five (5) days after the service of such notice.
3. Notice required by Section (a), 2, shall be served by one of the following means by an officer of the Village of South Point Police Department or the Village Administrator or his designee;
  - I. Certified or registered mail, overnight delivery service, hand delivery, or any other method which includes a written evidence of mailing or receipt.
  - II. If the owner or other person having charge of the land is a nonresident of the Village 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. The definitions provided in division (H) of Section 1701.07 of the Revised Code apply if the person is a corporation.
  - III. For purposes of this section, service is complete upon receipt of the party being personally served, except as provided in division (H) of Section 1701.07 of the Ohio Revised Code. If the service is attempted upon the owner, lessee, agent or tenant having charge of such land at the address contained in the Lawrence County Auditor's tax duplicate for such property, and if the notice is returned unclaimed or refused for any reason not the fault of the parties serving the notice, regular mail will then be sent and unless it is returned undeliverable, then service is complete five (5) days after mailing of regular mail.

**Ordinance 19-06**

- IV. If personal service cannot be obtained and mail is returned undeliverable, then service may be made by posting a copy of the notice at the premises and service will be considered complete five (5) days after the posting.

**(b) NONCOMPLIANCE WITH NOTICE**

If the owner, lessee, agent or tenant having charge of the land mentioned in subsection (a) 2, 3, and 4 hereof fails, neglects or refuses to comply with the provisions of this ordinance within five (5) days after service of the written notice provided for in section (a) (50 or (60, the code Enforcement Officer for the Village of South Point shall cause such noxious weeds to be cut and destroyed, litter removed and vehicles towed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Village Administrator, be paid out of any money in the Village treasury not otherwise appropriated.

**(c) FEE SCHEDULE FOR PROPERTY ASSESSMENT.**

The following fee schedule is hereby established to charge persons who have failed to comply with this code Section 660.15 resulting in the Village removing the High Grass, Weeds or Wild Vegetation.

Mowing Charges by Lot Size:

Less than one (1) Lot 80' x 100'	\$100.00
One (1) Lot	\$150.00
1.5 Lots	\$200.00
2.0 Lots	\$300.00

Hauling Charges

1 level Pick Up Truck Load or less	\$140.00
Each additional load	\$160.00

Equipment

Bush Hog	\$80.00 per hour
Front end loader and/or dump truck	\$80.00 per hour

There may be additional charges depending upon the amount and size of vegetation.

**{d) WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT OF LIEN UPON.**

The Village Administrator for the Village of South Point shall make a written return to the County Auditor of his or her action under this section, with a statement of the charges for the Village's services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return and a proper description of the premises including parcel number. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village General Fund.

**{e) DEFINITIONS**

1. "High Grass" shall be defined as all grasses 8" or taller on residential lands or 12" or taller on commercial lands; not including cultivated ornamental grasses.
2. "Wild Vegetation" shall be defined as any vegetation that is not cultivated and maintained. This does not include trees, shrubs, cultivated flowers and ornamental gardens that are maintained or any other cultivated and maintained vegetation.
3. "Weeds" is defined as valueless plants growing wild.

**{f) PENALTY.**

1. **Whoever fails to comply with notice required by this ordinance is guilty of a misdemeanor and upon conviction thereof on the first offense shall be fined up to \$100 and each subsequent offense in a calendar year an amount not exceeding \$500.00. Each day such violation is committed or permitted to continue after notice as set forth herein may constitute a separate offense and shall be punishable as such hereunder. These fines may be in addition to any charges for removal.**

**Ordinance 19-06**

This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

With the enactment of this code section 660.15, Ordinance 15-07 is rendered null and void.

Adopted This 5th Day of February 2019

  
\_\_\_\_\_  
Jeff Gaskin, Mayor

Attest:   
\_\_\_\_\_  
Scott Thomas, Clerk