

ORDINANCE 14-95

AN ORDINANCE OF THE VILLAGE OF SPENCER, MEDINA COUNTY, OHIO
CONCERNING CUTTING OF GRASS AND WEEDS AND PROHIBITING
LITTER, AND DECLARING AN EMERGENCY

BE IT ORDAINED, by the Council of the Village of Spencer,
three-fourths (3/4) of its members concurring herein as follows:

Section 1. KEEPING DOWN GRASS AND WEEDS AND PROHIBITING LITTER

Any person owning or having charge of land within the municipality, shall keep said property free and clear from all noxious weeds, grass and vegetation on the lots owned or controlled by him at least once per month between May 1st and October 1st; nor shall litter be placed on lands in the municipality.

Section 2. NOTICE TO OWNER TO CUT NOXIOUS WEEDS AND GRASS

Upon written information that grass and noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the council may cause written notice to be served on the owner, lessee, agent or tenant having charge of such land, that they must be cut and destroyed within five (5) days after service of such notice.

Upon a finding by the Council that litter has been placed on lands in the municipality, and has not been removed, and constitutes a detriment to public health, the Council of the municipality may cause a 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 that litter is on the land, and that it must be collected and removed within fifteen (15) days after the service of the notice.

As used in this ordinance, "litter" includes any garbage, waste, peeling 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.

If the owner or other person having charge of the land is a non-resident of the municipal corporation whose address is unknown, the notice shall be sent to his 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 in a newspaper of general circulation in the county.

This 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 junk yard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to Chapters 3734, 4737.05 to 4737.12, or 6111 of the Revised Code.

Section 3. FEES FOR SERVICE AND RETURN

The marshall, any police officer, or clerk of council may make service and return of the notice provided herein and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.

Section 4. PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE


If the owner, lessee, agent, or tenant having charge of the lands mentions herein fails to comply with the notice required by such section, the council of the municipality may cause such grass and noxious weeds to be cut and destroyed or such litter removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the council, be paid out of the money in the treasury of the municipality not otherwise appropriated. All costs thereof may be certified to the Medina County Auditor for addition to and collection with the real estate taxes upon the subject premises.

Section 5. Whoever violates any section of this ordinance shall be fined not more than \$100.00

Section 6. All other ordinances or sections of ordinances in conflict are hereby repealed.

Section 7. That this ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and for the particular reason that this regulation is necessary for the immediate control of the problems of litter and cutting grass and weeds, and that this ordinance be in full force and effect from and after its passage.

Passed: October 25, 1995



Mayor

ATTEST:



Clerk