

ORDINANCE NO. 10-10

AN ORDINANCE ALLOWING THE DECLARATION OF A PUBLIC NUISANCE AND DECLARING AN EMERGENCY

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

1. That the following conditions occurring on privately owned or controlled property in the Village of Spencer are declared to be public nuisances:

- a. Any tree the Mayor determines to be diseased and/or hazardous and is apt to fall in whole or in part across any street, sidewalk or public place.
- b. Any grass or weeds in excess of eight inches (8") in height on any lot, whether improved or unimproved.
- c. Any shrub, bush, "living fence" and/or hedgerow exceeding three feet (3') in height located within twenty-two feet (22') of an intersection of two (2) or more sidewalks. Distance will be measured from the point of intersecting sidewalk lines. Where no curbs exist, measurement will be from the point where the sidewalk would intersect if it were to be installed.
- d. Any non-woody or woody perennial plant growing on private property or any portion thereof, encroaching into any public street, sidewalk, alley or restricting the flow of traffic or visibility of such public property shall be trimmed back as follows:
 - (1) Non-woody plants shall have a minimum clearance of one foot (1') from the inside edge of the sidewalk and a maximum height of three feet (3').
 - (2) All woody perennials shall have a minimum clearance of thirteen feet (13') from the surface of the street; a minimum clearance height of eight feet (8') above the surface of any public right-of-way; and minimum clearance of one foot (1') from the inside edge of the sidewalk.
- e. Broken glass, stumps, roots, filth, garbage, trash, debris, motor vehicle parts, boat or trailer parts, or parts thereof, in a condition of disrepair or deterioration .


- f. The Village of Spencer may from time to time conduct tests, analyses, and inspections as the Mayor deems necessary to determine the existence of a public nuisance and/or diseased or hazardous tree throughout the Village. All such tests, analyses, and inspections shall be at the sole cost and expense of the Village of Spencer.

2. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of said Village, and for the particular reason, that it is immediately necessary to enact legislation that allows for declaration of and abatement of nuisance properties thereby allowing for appropriate upkeep of properties in the Village of Spencer, and that this Ordinance shall be in full force and effect from and after its passage.

PASSED: June 30, 2010

ATTEST:


TOMMY RAMEY, Mayor


SHERI RAMEY, Village Fiscal Officer