

ORDINANCE NO. 03-11
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Brooks Compton on the 21st day of February, 2011.

AN ORDINANCE AMENDING SECTION 660.14 OF THE
CENTERVILLE MUNICIPAL CODE REGARDING
WEEDS AND GRASS.

PREAMBLE AND PURPOSE

WHEREAS, the City of Centerville has previously enacted regulations in the Centerville Municipal Code Section 660.14 to enforce regulations for the cutting and removal of offensive weeds, vines and grass that have attained a height of over eight inches; and

WHEREAS, the City previously established a process for the notification to a property owner informing the property owner to cut and remove all offensive weeds, vines and grass within five days of receiving notice from the City or the City Manager is authorized to cause such weeds, vines and grass to be cut and removed; and

WHEREAS, the City now intends to revise the process in Section 660.14 to address those instances when a property owner repeatedly allows for the growth of offensive weeds, vines and grass;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Section 660.14 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

660.14 WEEDS AND GRASS.

(a) **Offensive Weeds, Vines and Grass Defined.** As used in this section, "offensive weeds, vines and grass" means weeds, vines and grass that have attained a height of over eight inches.

(b) **Removal of Offensive Weeds, Vines and Grass by Owner.**

(1) The owner of any lot or parcel of land situated within the City, whether the same is improved or unimproved, vacant or occupied, within five days of receipt of written notice to do so, shall cut any offensive weeds, vines or grass on such lot or parcel or upon any street, public right-of-way or tree lawn abutting such lot or parcel. Written notice may be served by certified mail, return receipt requested, *personal service by either a Code Official or a City police officer*, or by posting upon the premises. In the event a certified mailing is returned without delivery, service of written notice may thereafter be made by regular mail to the last known address of the owner of the lot or parcel. *Personal service shall be considered valid*

and received by the owner if served upon an adult human being at said real property. If such service is refused or undeliverable, written notice may be made by posting in a prominent place on said property.

(2) If an owner of any lot or parcel of land situated within the City allows for the growth of offensive weeds, vines or grass to attain a height of over eight inches for a second time within the same calendar year as the first violation noticed to the owner per subpart (b)(1) of this Section, notice of the second violation will be served by posting on the premises that specifies that the offensive weeds, vines or grass shall be cut within seventy-two hours after posting on the premises. If an owner of any lot or parcel of land situated within the City allows for a growth of offensive weeds, vines or grass to attain a height of over eight inches for a third or more time within the same calendar year as the first violation noticed to the owner per subpart (b)(1) of this Section, notice will be served by posting on the premises that specifies that the offensive weeds, vines or grass shall be cut within twenty-four hours after posting on the premises.

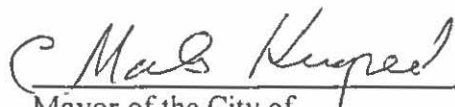
~~(2)~~(3) The Manager may exempt lots or parcels of land of five acres or more in size either in whole or in part from the requirements of division (b)(1) of this section.

(c) Removal of Offensive Weeds, Vines and Grass by City. If the owner does not comply with the provisions of division (b) of this section, the Manager is authorized to enforce the provisions of this section and to cause to be cut and removed all offensive weeds, vines and grass.

(d) Assessment of Costs by City. Whenever any offensive weeds, vines and grass are cut and removed by the City pursuant to division (c) of this section, the City shall give five days notice, by regular mail, to the owner of the lot or parcel, at his or her last known address, to pay the cost of such cutting and removal plus the City's administrative cost of fifteen percent of its cost for said cutting and removal, which notice shall be accompanied by a statement of the amount of cost, including the administrative cost, incurred. If the same is not paid within 30 days after the mailing of the notice, such amount shall be certified to the County Auditor for collection, the same as other taxes and assessment are collected.

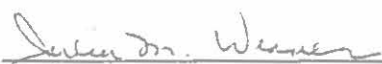
Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 21st day of February, 2011.



Mayor of the City of
Centerville, Ohio

ATTEST:

Asst. 

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 3-11, passed by the Council of the City of Centerville, Ohio on the 21st day of February, 2011.

Julia M. Weaver
asst. Clerk of the Council

Approved as to form, consistency with the Charter
and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney