

**ORDINANCE NO. 2021-18**

Introduced by Monty Tapp

**AN ORDINANCE AMENDING AND RESTATING CHAPTER 557 NUISANCE CONDITIONS PROHIBITED (GRASS, WEEDS AND VEGETATION) AND DECLARING AN EMERGENCY.**

**WHEREAS**, on May 8, 2012, the City of Huron passed Ord. 2012-11 creating Chapter 557 of the Codified Ordinances to address weeds and other yard property maintenance conditions; and

**WHEREAS**, the City desires to enhance Chapter 557 to provide greater clarity as to the conditions that are deemed to be a violation of Chapter 557, to clarify the party responsible for nuisance conditions, to permit the City Manager or his nominee/designee remediate any and all such nuisance conditions, and to enhance provisions relating to consequences for noncompliance with Chapter 557; and

**WHEREAS**, the existence of unabated nuisance conditions has a direct impact on the peace, health, safety, welfare, and character of the community, and poses significant risks affecting the peace, health, safety, and welfare of both residents of the City and its guests;

**WHEREAS**, the Council finds it necessary to fully amend and restate Chapter 557 of the Codified Ordinances for the foregoing reasons.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

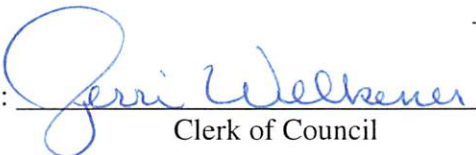
Section 1: That Chapter 557 of the Codified Ordinances of the City of Huron, Ohio WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit "A" attached), shall be and hereby is repealed.

Section 2: That Chapter 557 of the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows: (refer to Exhibit "B" attached)

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to authorize the City Manager to take any and all measures to protect the public from conditions within the City that endanger public health and to ensure conditions to benefit the public health, safety and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

ATTEST:

  
Clerk of Council



Sam Artino, Mayor

ADOPTED:

11 MAY 2021

**CHAPTER 557**  
**Weeds**

<b>557.01</b>	<b>Nuisance conditions prohibited.</b>	<b>557.06</b>	<b>Bill to be sent to owner.</b>
<b>557.02</b>	<b>Determination of nuisance.</b>	<b>557.07</b>	<b>Noncompliance.</b>
<b>557.03</b>	<b>Serving of notice to abate nuisance.</b>	<b>557.08</b>	<b>Weeds to be cut regularly.</b>
<b>557.04</b>	<b>Address of lot(s) to be provided.</b>	<b>557.99</b>	<b>Penalty</b>
<b>557.05</b>	<b>Right to entry; abatement by City.</b>		

**CROSS REFERENCES**

Removal of noxious weeds or litter- see Ohio R.C. 731.51  
Sweeping of leaves and grass onto public way - see GEN. OFF.  
521.10

**557.01 NUISANCE CONDITIONS PROHIBITED.**

No owners, agents, lessees, tenants or occupants of any lots or lands located within the City shall permit upon such lots or lands noxious weeds, thistles, burlocks, jimson weeds, ragweeds, mildweeds, mulleims, poison ivy, poison oak, or other weeds of rank growth, exceeding twelve inches in height, or overgrown and/or wild grass, exceeding six inches in height, which would constitute a nuisance or endanger the public health.  
(Ord. 2012-11. Passed 5-8-12.)

**557.02 DETERMINATION OF NUISANCE.**

The County Health Commissioner, Director of Service of the City, or his designee is hereby authorized to determine if such weeds constitute a nuisance or endanger the public health.  
(Ord. 2012-11. Passed 5-8-12.)

**557.03 SERVING OF NOTICE TO ABATE NUISANCE.**

After a determination has been made as set forth in Section 557.02 that a nuisance exists or that the public health is endangered, then the County Health Commissioner, Director of Service or his designee shall cause written notice to be served upon the owners, agents, lessees, tenants or occupants of such lots or lands that such nuisance or endangering of the public health must be abated by cutting or destroying such weeds as set forth in Section 557.01 within 10 days from the date of the notice required herein. If the owners or other such persons are nonresidents or other persons whose address is known, notice shall be sent to such address; however, if the address of such owners, or other persons whether residents or nonresidents is unknown, then it shall be sufficient to publish such notice once in a newspaper of general circulation.  
(Ord. 2012-11. Passed 5-8-12.)

**557.04 ADDRESS OF LOT(S) TO BE PROVIDED.**

Any resident or person making a complaint to the City that a nuisance exists shall provide the Director of Service or his designee the address of such lot(s).  
(Ord. 2012-11. Passed 5-8-12.)

**557.05 RIGHT OF ENTRY; ABATEMENT BY CITY.**

Upon the failure to abide and comply with the notice set forth in Section 557.03 within the time period stipulated, the Director of Service is authorized to enter upon such lots or lands and shall cause such weeds, vegetation of rank growth or overgrown and/or wild grass, constituting a nuisance or endangering the public health to be cut or destroyed by the direct employment of City laborers or authorize a person to cut the weeds on behalf of the City.  
(Ord. 2012-11. Passed 5-8-12.)

**557.06 BILL TO BE SENT TO OWNER.**

When the City Manager causes undesirable vegetation to be cut and the land cleaned of debris as provided in Section 557.05, a statement of cost thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement of cost shall include the following:

- (a) Administration and supervision;
- (b) Transportation of equipment;
- (c) Equipment rental;
- (d) Equipment operator;
- (e) Incidental labor;
- (f) Cost of equipment damages or repairs directly related to the work performed on owner's property.

The minimum charge shall be seventy-five dollars (\$75.00) for the first hour or portion thereof, and thirty-five dollars (\$35.00) for each additional hour or portion thereof or one hundred twenty-five percent (125%) of the contractual costs whichever is greater.  
(Ord. 2012-11. Passed 5-8-12.)

**557.07 NONCOMPLIANCE.**

Any person not complying with Section 557.06 shall be subject to all available collection procedures including but not limited to having certified to his tax duplicate such billing with the County Auditor, in accordance with the Ohio Revised Code.  
(Ord. 2012-11. Passed 5-8-12.)

**557.08 WEEDS TO BE CUT REGULARLY.**

(a) It is hereby determined that weeds growing at a height of twelve inches or higher, or grass growing at a height of six inches or higher upon any property in the City are a public nuisance.

(b) The Director of Service, for the first two calendar weeks of each year, shall publish this determination in a newspaper of local circulation and shall make demand that all property owners regularly cut the weeds growing upon their properties during the ensuing months of the year.

(c) Should any such weeds be found within the City after the foregoing publication has been completed, the Director of Service may cause these to be cut at the expense of the City. Thereupon the expense of cutting shall be billed to the property owner by registered mail and upon his failure to reimburse the City this amount within twenty days thereafter, may cause the Director of Law shall collect the same by judicial process. Any judgment uncollected for thirty days after its date shall be recorded in the records of the Clerk of the Common Pleas Court of Erie County, as a lien upon the lands of the property owner concerned.

(d) This section shall not be construed as repealing Sections 557.01 through 557.07, but is supplementary thereto.  
(Ord. 2012-11. Passed 5-8-12.)

**557.99 PENALTY**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's violation shall constitute a separate offense.  
(Ord. 2012-11. Passed 5-8-12.)

**CHAPTER 557**  
**Grass, Weeds, and Vegetation**

<b>557.01</b>	<b>Nuisance conditions prohibited.</b>	<b>557.06</b>	<b>Bill to be sent to owner.</b>
<b>557.02</b>	<b>Determination of nuisance.</b>	<b>557.07</b>	<b>Noncompliance.</b>
<b>557.03</b>	<b>Serving of notice to abate nuisance.</b>	<b>557.08</b>	<b>Weeds to be cut regularly.</b>
<b>557.04</b>	<b>Address of lot(s) to be provided.</b>	<b>557.09</b>	<b>Penalty.</b>
<b>557.05</b>	<b>Right to entry; abatement by City</b>		

**CROSS REFERENCES**

Removal of noxious weeds or litter- see Ohio R.C. 731.51  
Sweeping of leaves and grass onto public way - see GEN. OFF.  
521.10

**557.01 NUISANCE CONDITIONS PROHIBITED.**

No owner of any lots or lands located within the City shall permit upon such lots or lands noxious weeds, thistles, burdocks, jimson weeds, ragweeds, milkweeds, mulleins, poison ivy, poison oak, or other weeds of rank growth, exceeding eight inches in height, or overgrown yard grass (including front yards, side yards, and rear yards), vegetation and/or wild grass, exceeding six inches in height, which would constitute a nuisance or endanger the public health.

**557.02 DETERMINATION OF NUISANCE.**

The County Health Commissioner or the City Manager or his nominee/designee are hereby authorized to determine if such weeds constitute a nuisance or endanger the public health.

**557.03 SERVING OF NOTICE TO ABATE NUISANCE.**

(a) After a determination has been made as set forth in Section 557.02 that a nuisance exists or that the public health is endangered, then the County Health Commissioner or the City Manager or his nominee/designee shall cause written notice to be served upon the owner of such lots or lands that such nuisance or endangering of the public health must be abated by cutting or destroying such weeds or grass as set forth in Section 557.01 within 7 days from the date of the notice required herein. If the owners or other such persons are nonresidents or other persons whose address is known, notice shall be sent to such address; however, if the address of such owners, or other persons whether residents or nonresidents is unknown, then it shall be sufficient to publish such notice once in a newspaper of general circulation, which published notice shall be deemed to be effective for the then-existing violation of Section 557.01 any and all further violations of Section 557.01 for the then-existing balance of the calendar year, and no additional published notice(s) shall be required for future violations by such owner (for which notice is initially published in accordance with this Section 557.03) for any and all violations of Section 557.01 for the balance of the then-existing calendar year.

(b) In addition to the notice(s) outlined in Section 557.03(a), above, the City Manager or his nominee/designee may also cause a notice to be provided to an owner of such lots or lands that such nuisance or endangering of the public health must be abated by cutting or destroying such weeds or grass as set forth in Section 557.01 within 7 days from the date of the notice required in Section 557.03(a) by posting a notice of violation in a conspicuous location on or about the lots or lands notifying the Owner of the violation(s) of Chapter 557.

**557.04 ADDRESS OF LOT(S) TO BE PROVIDED.**

Any resident or person making a complaint to the City that a nuisance exists shall provide the City Manager or his nominee/designee the address of such lot(s).

**557.05 RIGHT OF ENTRY; ABATEMENT BY CITY.**

Upon the failure to abide and comply with the notice set forth in Section 557.03 within the time period stipulated (noting only one published notice to an owner in violation of this Chapter shall be required each calendar year as set forth in Section 557.03 hereof), the City Manager or his nominee/designee is authorized to enter upon such lots or lands and shall cause such weeds, vegetation of rank growth or overgrown yard grass (including front yards, side yards, and rear yards), vegetation and/or wild grass, constituting a nuisance or endangering the public health to be cut or destroyed by the direct employment of City laborers or authorize a person to cut the weeds on behalf of the City.

**557.06 BILL TO BE SENT TO OWNER.**

When the City Manager causes undesirable weeds, vegetation of rank growth or overgrown yard grass (including front yards, side yards, and rear yards), vegetation and/or wild grass to be cut and the land cleaned of debris as provided in Section 557.05, a statement of cost thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement of cost shall include the following:

- (a) Administration, publication, and supervision;
- (b) Transportation of equipment;
- (c) Equipment rental;
- (d) Equipment operator;
- (e) Incidental labor;
- (f) Cost of equipment damages or repairs directly related to the work performed on owner's property.

The minimum charge for all costs referenced in this Section 557.06 (a) through 557.06 (f) shall be seventy-five dollars (\$75.00) for the first hour or portion thereof, and thirty-five dollars (\$35.00) for each additional hour or portion thereof or one hundred twenty-five percent (125%) of the contractual costs whichever is greater.

**557.07 NONCOMPLIANCE.**

Any person not complying with Section 557.06 shall be subject to all available collection procedures, including but not limited to having certified to his tax duplicate such billing with the County Auditor, in accordance with the Ohio Revised Code.

**557.08 WEEDS TO BE CUT REGULARLY.**

(a) It is hereby determined that noxious weeds, thistles, burdocks, jimson weeds, ragweeds, milkweeds, mulleins, poison ivy, poison oak, or other weeds of rank growth growing at a height of eight inches or higher, or overgrown yard grass (including front yards, side yards, and rear yards), vegetation and/or wild grass growing at a height of six inches or higher upon any property in the City are a public nuisance.

(b) The City Manager or his nominee/designee, for the first two calendar weeks of

each year, shall publish this determination in a newspaper of local circulation and shall make demand that all property owners regularly cut the weeds growing upon their properties during the ensuing months of the year.

(c) Should any such noxious weeds, thistles, burdocks, jimson weeds, ragweeds, milkweeds, mulleins, poison ivy, poison oak, or other weeds of rank growth growing at a height of eight inches or higher, or overgrown yard grass (including front yards, side yards, and rear yards), vegetation and/or wild grass be found within the City after the foregoing publication has been completed, the City Manager or his nominee/designee may cause these to be cut at the expense of the City. Thereupon the expense of cutting shall be billed to the property owner by registered mail and upon his failure to reimburse the City, this amount within twenty days thereafter, and may cause the Director of Law shall collect the same by judicial process. Any judgment uncollected for thirty days after its date shall be recorded in the records of the Clerk of the Common Pleas Court of Erie County, as a lien upon the lands of the property owner concerned.

#### **557.99 PENALTY**

(a) Whoever violates any provision of this Chapter is guilty of a minor misdemeanor. Each day's violation shall constitute a separate offense.

(b) Whoever, after first being charged and convicted of a violation pursuant to Section 557.01, subsequently violates any provision of this Chapter in the same calendar year, is guilty of a misdemeanor of the fourth degree. Each day's violation shall constitute a separate offense.