

ORDINANCE NO. 2015-3

**AN ORDINANCE ENACTING A “KEEPING DOWN GRASS AND WEEDS”
REGULATION FOR THE VILLAGE OF PORT WASHINGTON, OHIO
AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Port Washington, Tuscarawas County, Ohio:

Section 1. KEEPING DOWN GRASS AND WEEDS

Any person owning or having charge of land within the municipality shall keep such property free and clear of all grass overgrowth, noxious weeds and rank vegetation, and shall be required to cut all grass, weeds and rank vegetation on the land owned or controlled by him or her at least 6 times in every year; once between May 1 and June 1; once between June 1 and July 1; once between July 1 and August 1; once between August 1 and September 1; and once between September 1 and October 1. In no case shall the person having charge of said lands allow grass and weeds to exceed a height of 10 inches. For the purpose of this regulation, grass overgrowth shall be defined as grassy vegetation exceeding 10 inches in height, excepting cultivated ornamental grasses in garden areas and cultivated agricultural crops in farm fields. Grass and weeds in uncultivated gardens or fallow fields shall not be excepted.

Section 2. NOTICE TO CUT GRASS AND NOXIOUS WEEDS; SERVICE.

The Mayor shall, annually, cause a notice to be published in a newspaper of general circulation within the Village stating that grass overgrowth and noxious weeds growing on lands within the limits of the Village and within 200 feet of residential property or public right-of-way shall be cut periodically. The notice shall not be required to describe the lands or to specify the name of the owner of the property; however, the notice shall constitute notice to any owner, lessee, agent, or tenant having charge of any land on which grass overgrowth and noxious weeds are grown that the grass and weeds must be cut and destroyed within 15 days after the publication. Notice shall be published 1 time in order to constitute notice hereunder.

Section 3. PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

When any person, being the owner, lessee, agent, or tenant having charge of the lands mentioned in Section 1 fails to comply with the notice set forth in the publication, the Village Mayor shall cause the grass overgrowth and noxious weeds to be cut and destroyed and may employ the necessary labor to perform the task. All expense incurred shall, when approved by the Mayor, be paid out of any money in the Village treasury not otherwise appropriated.

Section 4. REIMBURSEMENT PROCEDURE.

Charges for Village action to cut grass overgrowth and weeds in accordance with Section 3 shall be invoiced to the property owner of record. The Village Fiscal Officer shall make a written return to the County Auditor with a statement of the charges that remain unpaid for over 30 days for services in cutting the grass overgrowth and weeds, together with a proper description of the premises. The amounts shall be entered on the tax duplicate, shall constitute a lien on the lands from the date of the entry, and shall be collected as other taxes and returned to the Village with the general fund.

Section 5. ENFORCEMENT; COURT PROCEEDINGS.

Failure to keep down grass and weeds as required by Section 1 shall be punishable as provided in Section 6. A misdemeanor citation may be issued by any police officer without previous notice other than as specified in Section 2. Proceedings under Section 3 shall not relieve any party from criminal prosecution or punishment for violation of this subchapter.

Section 6. PENALTY.

(A) Except as otherwise provided in the individual sections, whoever violates any provisions of this chapter, and who has not previously been convicted of a violation of this chapter is guilty of a minor misdemeanor.

(B) Any person who has been previously convicted of a violation of any provision of this chapter is guilty of the following level of offense:

- (1) One previous conviction – fourth degree misdemeanor
- (2) Two previous convictions – third degree misdemeanor
- (3) Three previous convictions – second degree misdemeanor
- (4) Four or more previous convictions – first degree misdemeanor

Section 7. That all ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 8. This Ordinance shall take effect and be in force immediately upon its passage and approval.

Section 9: This ordinance is hereby declared to be an emergency for the reason that immediate action must be taken in order to ensure that weeds and vegetation are properly taken care of before the arrival of the growing season.

PASSED this 17th day of February, 2015.

John J. Bourne
President of Council

Attest: _____
MaLena Tice, Fiscal Officer

APPROVED: 02/17/ 2015.

Thomas Gardner, Mayor