

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 05-10

INTRODUCED BY: Stefanik, Bobulsky, Gentile, Willey, Koch,
Zaccardelli, Uffman Kirsch, Mayor Luks

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART SIX GENERAL OFFENSES CODE, CHAPTER 660 SAFETY, SANITATION AND HEALTH, SECTION 660.14 WEEDS AND GRASS, AND DECLARING AN EMERGENCY

WHEREAS: It presents an undue administrative burden to the city to repeatedly notify offending landowners that they are to remove noxious weeds, grass, and woody vegetation; and

WHEREAS: Notification once each calendar year provides sufficient notice to a landowner of noncompliance with the city's weeds and grass ordinance to caution the homeowner as to the requirements of the ordinance; and

WHEREAS: It is therefore necessary to amended Section 660.14 Weeds and Grass as provided for herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Codified Ordinances of the City of North Royalton, Part Six General Offenses Code, Chapter 660 Safety, Sanitation and Health, Section 660.14 Weeds and Grass is hereby amended to read as follows:

660.14 WEEDS AND GRASS.

(a) Every owner, occupant or person in control of any lot or parcel of land in the Municipality shall cause such lot or parcel of land to be kept free, for a distance of not less than fifty feet from any dwelling, building, structure or public roadway, including ditches and tree lawns, of any and all noxious weeds, grass and woody vegetation by cutting, by digging them under or by any other method approved by the Building Commissioner, ***unless such vegetation is part of a riparian or wetland setback as defined in Chapter 1492 of the Codified Ordinances or part of a deed restricted conservation area.***

(b) Every owner, occupant or person in control of any lot or parcel of land shall also cause that portion of such lot or land, which lies within fifty feet of any dwelling, building or structure, ***or public roadway*** located on any contiguous lot or parcel of land, to be ***maintained and*** kept free of all such noxious weeds, woody vegetation, underbrush and nonedible grass ***in excess of 6 inches unless such vegetation is part of a riparian or wetland setback as defined in Chapter 1492 of the Codified Ordinances or part of a deed restricted conservation area*** ~~in a manner provided in subsection (a) hereof.~~

(c) The Building Commissioner, upon notification of a violation of subsection (a) or (b) hereof, shall cause written notice to be mailed by certified mail to the tax mailing address of the owner of such land ***or by posting a notice on the parcel*** notifying him or her that noxious weeds, grass and woody vegetation, are growing ***in violation*** on such land and that the same must be cut within five days after such notice is mailed ***or posted. One notice per calendar year shall be considered notice for the entire calendar year.***

(d) Upon failure to comply within the prescribed five day period, the Building Commissioner shall cause the noxious weeds, grass and woody vegetation, to be immediately cut by the direct employment of labor or by the Municipal employees and shall thereafter give notice to the owner of such parcel by certified mail at his or her tax mailing address ***or by posting a notice on the parcel*** to pay the costs of such cutting of weeds, grass and woody vegetation, which notice shall be accompanied by a statement of the amount of cost incurred. If such statement is not paid within thirty days after the mailing of such notice, then a collection cost of seventy dollars (\$70.00) shall be added thereto, and such amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments are collected. The remedy provided for herein shall be in addition to the penalty provided for in subsection (e) hereof.

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. The penalty shall be as provided in Section 698.02.

Section 2. Section 660.14 is hereby amended as provided for herein and all other provisions of Chapter 660 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all other previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend Section 660.14 Weeds and Grass to allow for notification once a year to noncompliant landowners.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: February 1, 2005

DATE APPROVED: February 3, 2005

First reading suspended
Second reading suspended
Third reading February 1, 2005

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Stefanik, Bobulsky, Gentile, Willey,
Koch, Uffman-Kirsch

NAYS: none

ABSENT: Zaccardelli