

ORDINANCE NO. 2022-26

AN ORDINANCE AMENDING ORDINANCE NO. 09232015B AND SETTING POLICY AND RULES FOR CUTTING WEEDS AND DECLARING AN EMERGENCY

WHEREAS, the Village of Jacksonville desires to amend Ordinance 09232015B and set policy and rules for cutting weeds.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JACKSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

SECTION 1. DEFINITIONS

Agricultural plants, for purposes of this title, means an agricultural plant is defined as plants that bear fruit, seeds, nuts, and vegetables for personal consumption or use.

Invasive plants means a plant species that is not native to Ohio whose introduction causes or is likely to cause economic or environmental harm, or harm to human health as determined by scientific studies.

Lawn grass means grasses commonly used in regularly cut lawns or play area, such as but not limited to, Bluegrass, Fescue, and Ryegrass blends.

Noxious weeds means any plant or plant product that can directly injure public or environmental health or poses a risk of damage to ecosystems, agriculture, irrigation, navigation or other natural resources. Noxious weeds include state listed invasive plant species.

SECTION 2. NOXIOUS WEEDS, GRASS TO BE CUT

No person, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the Village, shall permit lawn grass or noxious weeds to grow thereon or on the adjacent right-of-way to a height in excess of eight inches, or to mature seeds thereon, or fail to cut and destroy such high grass or noxious weeds when notified by the Mayor or designee to do so. Agricultural plants are exempt if for personal use and are in compliance with Section 8 of this Ordinance regarding sightline maintenance.

All landscaping materials shall be kept in a neat and orderly appearance, free from litter, refuse, debris, and noxious weeds.

SECTION 3. NOTICE TO OWNER TO CUT NOXIOUS WEEDS

The Mayor's Office shall and hereby is directed to continually monitor the growth of weeds upon all lands within the Village, and that upon determination that weeds on any land are, or are approaching such growth as indicated in Section 2, so as to become injurious or harmful to the inhabitants of the Village, notice thereof shall be sent in accord with Sections 731.51 and 732.52 of the Ohio Revised Code to the owner, lessee, agent or tenant having charge of such lands to cut and destroy the weeds and grass within five days of service of said notice.

SECTION 4. FAILURE TO COMPLY WITH NOTICE

Upon failure to comply with the notice in Section 3 within the prescribed time to cut and destroy noxious weeds and grass the Mayor's Office shall forthwith cut and destroy said weeds and grass.

SECTION 5. COSTS

The Mayor's Office shall keep accurate record of the cost of such cutting and shall immediately cause to be sent to the proper person as required by Section 731.53 of the Ohio Revised Code a statement for such cost of each cutting which shall be immediately due and payable.

The minimum fee to be charged shall in no case be less than \$100.00 for the first hour or portion thereof, and a maximum of \$50.00 for each additional hour or portion thereof.

A second notice of payment due may be sent for the total cost of each and every cutting not paid, which shall be immediately due and payable.

All payments received shall be credited to the General Fund, but no payments shall be accepted after the certification to the County Auditor as hereinafter provided.

SECTION 6. CERTIFICATION TO COUNTY AUDITOR OF UNPAID COSTS FOR CUTTING FOR LIEN UPON PROPERTY

The Village Fiscal Officer or Mayor shall make written return to the Auditor of Athens County of its actions under this section and Sections 731.51 to 731.53, inclusive, of the Ohio Revised Code with a statement of the charges for its services, the amount paid for the performing of such labor as certified by the Mayor's Office, the fees for service and notice of return and a proper description of the premises. Said return to the County Auditor shall be for the purpose of having said amounts entered upon the tax duplicate as a lien upon said lands in accord with the provisions of Section 731.54 of the Ohio Revised Code.

SECTION 7. WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT A LIEN UPON PROPERTY

The Council shall make a written return to the County Auditor of their action with a statement of the charges for their services, the amount paid for labor, the fees of the individuals serving the notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of the entry and be collected as other taxes and returned to the Village of Jacksonville for the General Fund.

SECTION 8. SIGHTLINE MAINTENANCE

- (A) Landscaping at intersections of a private drive and a public right-of-way, or at intersections of two or more public rights-of-way, shall be maintained at a maximum height of 24 inches or, if planted with trees, trees shall have all branches trimmed to maintain a clear vision of eight feet above the roadway surface, for such distance behind the right-of-way lines as is deemed necessary on a case-by-case basis by the Village Office to ensure the public safety
- (B) No landscaping, tree, fence, wall or similar item constructed or installed after the adoption of this code shall be maintained in the vicinity of any corner, street intersection, or access way intersecting a public right-of-way which the Village determines is an obstruction to visibility or is a traffic hazard.

SECTION 9. PENALTY

That it is hereby determined that the growth of noxious weeds upon lands within the Village not only pose a harmful or injurious threat to the health or physical well-being of the inhabitants of the Village but also pose a significant safety hazard and that anyone who violates this Ordinance, in addition to the assessment of costs for failure to comply with proper notice, shall be guilty of a minor misdemeanor. Each day of non-compliance shall be deemed a separate offense.

SECTION 10. PREVIOUS CUTTING WEEDS ORDINANCES

All previous Grass Cutting Ordinances before said date become null and void, unless otherwise specified in this Ordinance. All fines, penalties, fees and any other amounts owed or outstanding from prior grass cutting ordinances remain due and payable. This Ordinance does not vacate those. All persons, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the village still owe existing amounts owed.

SECTION 11. EMERGENCY MEASURE

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reasons set forth in the preamble hereto, and therefore, this Ordinance shall take effect immediately upon its passage by the affirmative vote of at least two-thirds (2/3) of the members of this Village Council.

Duly enacted by under suspension of the rules this 28th day of July, 2022.

VILLAGE OF JACKSONVILLE

By: [Signature]
Mayor

By: [Signature]
President of Council

ATTEST/SEAL:

[Signature]
Fiscal Officer

CERTIFICATION

I, Heather Rockwell, Fiscal Officer for the Village of Jacksonville, Athens County, Ohio, certify that the foregoing is a true and correct copy of the Ordinance adopted by the Village Council of the Village of Jacksonville, and appears in the Village records as Ordinance 2022-26.

Publication of this Ordinance was made by posting a copy of the same in the following five locations within the Village beginning on July 29, 2022, and concluding on August 15, 2022 (at least 15 days later):

Jacksonville Post Office
VFW Jacksonville
Corner Pizza & Deli

Eagles Club Jacksonville
Jacksonville Municipal Building

ATTEST: DATE: 7/28/22

FISCAL OFFICER: [Signature]