

Ordinance No. 3-19

**AN ORDINANCE AMENDING SECTION 1186.05 (WEEDS AND LITTER ON PRIVATE PROPERTY) OF THE VILLAGE OF PLAIN CITY MUNICIPAL CODE TO REGULATE WEED CONTROL AND LITTER WITHIN THE VILLAGE OF PLAIN CITY.**

**WHEREAS**, Village Council has the power, pursuant to Chapter 713 of the Ohio Revised Code to enact zoning legislation; and

**WHEREAS**, the Village Council has determined that the existing regulations contained in Ordinance 1186.05 are insufficient and that amendments are needed to Ordinance 1186.05 to clarify the language in the ordinance; and

**WHEREAS**, the Village Council deems it appropriate to adopt Village Ordinance 1186.05, as an amendment to Village Ordinance Chapter 1186.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

**Section 1.** Village Council hereby amends Village Codified Ordinance Chapter 1186.05 as set forth and written as follows:

1186.05 WEEDS AND LITTER ON PRIVATE PROPERTY.

(a) Keeping Down the Weeds and Litter.

- (1) Any word or phrase used in this Section which is not defined herein shall have its ordinary meaning.
  - A. Grass shall mean any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
  - B. Noxious weeds shall include, but are not limited to, thistle, burdock, jimson weed, ragweed, milkweed, poison ivy, poison oak and poison sumac.
  - C. As used in this Chapter, "litter", as defined in Section 521.08(d)(1) of the Village Codified Ordinances, means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

- (2) No person, whether as owner, lessee, agent, tenant, or any other person having charge or care of land in the Village (which includes the unimproved street rights-of-way, and also any ditches and/or culverts along the property), shall permit litter to accumulate on the land and/or grasses, weeds, noxious weeds, or other undesirable vegetation to grow thereon to a height in excess of ~~twelve (12) inches~~ eight (8) inches, or to mature their seeds to thereon, or fail to cut and destroy such weeds grasses and other undesirable vegetation on such property. Any accumulation of litter and/or growth of grass, weeds or other undesirable vegetation in violation of this Section constitutes a detriment to public health and hereby is declared a nuisance.
- (3) Composting shall be permitted and limited to coffee grounds, egg shells, fruits or vegetables, landscape or garden plant materials, and manure from herbivores. Composting shall be limited to the rear portion of any lot and the composting site shall not exceed sixteen (16) square feet and the height of which shall not exceed four (4) feet. Bins or composting area shall be reasonably maintained so as to avoid nuisance to neighboring properties.
  - (b) Notice to Cut Weeds, Remove Litter.
    - (1) Violation Schedule.
      - A. The owner or occupant, or any other person, firm or corporation, having care of any lot or land within the Village shall cut down and remove therefrom all offensive and noxious weeds, vines and grass of a height of 8 inches or more and any and all weeds, vines, and grass constituting a threat to the public health, safety, comfort or welfare of the community. If the owner or occupant does not maintain the property accordingly with the previous text, the Village will remedy any grass, noxious weeds, undesired vegetation, litter, etc on the property.
      - B. The Zoning Inspector will issue violations based on first impressions of noxious weeds, grass, and litter on any lot on the first and third Tuesdays of every month from May through October.
      - C. The Zoning Inspector shall send an annual notice to the public in the Village notifying the residents of the requirements of this Chapter. The notice is to be sent or distributed to the residents prior to the fifteenth of April.
    - (2) Initial Violation Notice. When determined by the Village Zoning Inspector, that a violation of subsection (a) hereof exists upon any land within the Village, a written notice of violation shall be served to the owner, lessee, agent, tenant, or person having charge or care of the land. This notice may be served by certified mail or personal service and shall contain an order to remove the litter and/or cut or destroy the grasses, weeds, noxious weeds, undesirable vegetation, etc. within seven (7) days of the date on such notice. If the service via certified mail is unclaimed or refused, this notice may be served by ordinary United States Mail or by posting the notice at the property. If the

address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(c) Failure to Comply with Notice.

- (1) In the event the owner, lessee, agent, tenant, or person having charge or care of the land does not comply with the notice and order to remove the litter and/or cut or destroy the grasses, weeds, noxious, weeds, undesirable vegetation, etc. within the time limit specified in subsection (b) hereof, after notice of violation has been issued, the Village Administrator, or his/her designee, shall cause such litter to be removed and/or grasses, weeds, noxious weeds, undesirable weeds or vegetation to be cut, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, with appropriations from the General Fund. In addition, the owner is liable to the penalties provided herein.
- (2) Only one notice of violation will be sent out per calendar year to any given lot or parcel in violation of this section. If, after a notice has been served in accordance with this section, a subsequent violation occurs determined by the Village Zoning Inspector, the Village may proceed with remedying the violation on the property without further notice. The Village shall post a notice on the property and intent to remedy at least one (1) business day prior to such action by the Village to remedy the violation.

(d) Fees and Liens.

- (1) When litter is removed and/or grasses, weeds, noxious weeds, and undesirable weeds etc. are removed, cut and/or destroyed, pursuant to subsection (c) hereof, a statement of cost thereof shall be mailed, by the Village Administrator, to the owner of such land by certified mail, return receipt requested. Such statement shall include the following costs to the Village:
  - A. \$100.00 for administrative costs;
  - B. All service of process fees; and,
  - C. All fees and costs incurred as set forth in Section 1182.09(a).
- (2) The owner, lessee, agent, tenant, or any other person having charge or care of land, shall pay such fees as are charged in accordance with this subsection to the Village within thirty (30) days after receipt of the statement of costs. Any payment so received shall be restored to the General Fund. If the fee is not paid when due, the Fiscal Officer shall certify to the County Auditor the proceedings taken under this Chapter, together with a statement of the charges for services listed in subsection (d) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village.

- (e) Service Fees. The Police Chief, Zoning Inspector, Village Administrator, Fiscal Officer, or any Village of Plain City Police Officer may make service of process and return of the notices provided for in this Chapter and shall be allowed the same fees as that provided for service and return of summons in civil cases before a court or magistrate. Service Fees shall not apply to the first notice of violation.
- (f) Exceptions. The failure of any officer or employee of the Village to perform any official duty imposed by this Section and its Subsections shall not subject the officer or employee to the penalty imposed for a violation of this Section.
- (g) Criminal Penalties. Whoever violates this Section and its Subsections is guilty of a minor misdemeanor. Each day that the litter, grasses, weeds, noxious weeds, undesirable vegetation, etc. are permitted to continue to accumulate and/or grow after the specified time limit has expired shall constitute a separate offense.

**Section 2.** It is hereby 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 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 of the laws of the State of Ohio.

**Section 3.** This Ordinance shall take effect thirty (30) days after passage.

Passed: June 10, 2019.

Attest: Ronnie Sannick  
Village Fiscal Officer

Darin Lane  
Mayor

First reading: April 22, 2019. Vote: yea nay abstain

Second reading: May 13, 2019. Vote: yea nay abstain

Third reading: June 10, 2019. Vote: 6 yea     nay     abstain

## Village of Plain City – Office of the Zoning Inspector

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**Date: April 19, 2019**

**To: Village Council**

**From: Zach Hounshell, Zoning Inspector**

**Re: 1186.05 Weed and Litter on Property Ordinance**

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This ordinance is focused on a more effective way for the Zoning Inspector to enforce Section 1186.05 Weeds and Litter on Private Property. Below is a summary of what is being changed and what Planning and Zoning Commission agreed upon for this ordinance:

### Summary

- Beginning in May and Ending in October, the Zoning Inspector will be enforcing tall grass and litter laws on the first and third Tuesdays of each month.
- Residents will be given an annual notice before May to alert them that the Zoning Inspector will be issuing violations on those days to remind them to mow and upkeep their properties.
- When a property encounters its first violation, they will be given notice to comply within 7 days of receiving the notice before the Village will abate the violation for them.
- After the first violation, all recurring violations may be handled by the Village. The Village shall post a notice on the property with intent to remedy at least one business day prior to the action by the Village to remedy the violation.
- This will quicken the abatement process for tall grass control. Currently, our process takes weeks before we can abate a property. This will cut the process down to no more than 1-2 weeks.

Along with these additions, we have also added permitting 'manure from herbivores' to section 1186.05(a)(3) and changing the maximum grass height from 12 inches to 8 inches. This ordinance received approval from Planning and Zoning Commission at the April meeting. If you have any questions regarding the changes of the ordinance, feel free to contact me.

Respectfully,

Zach Hounshell  
Zoning Inspector

We, the undersigned, are petitioning to change City ordinance code 1193.08 section A part (5). The current code removes the "reasonable human" factor from the storage of boats and Recreational vehicles. Even an avid boater or recreational vehicle user, who would take their vehicle/watercraft out every weekend would still be in violation of this code, as there could be a 5 day period between use.

We would like this code to be removed and replaced with the following:

"Within any residential district boats and/or Recreational Vehicles (RVs) may be parked in a driveway or in the backyard, as long as the vehicle/watercraft and the area surrounding it are maintained, functional and not blocking sidewalks or impede the public way, where not otherwise prohibited by subdivision covenants."