

ORDINANCE NO. 2023-24

AN ORDINANCE REPEALING AND REPLACING ALL PRIOR ORDINANCES
PROHIBITING LITTER AND PROHIBITING THE GROWING OR NOXIOUS WEEDS IN
THE VILLAGE AND DECLARING AN EMERGENCY

WHEREAS, this Council has determined it necessary to establish rules, regulations and policies prohibiting litter and noxious weeds in the Village of DeGraff, Ohio (the “Village”);

WHEREAS, this Council previously adopted Ordinance No. 2021-19, which prohibited litter and growing of noxious weeds within the Village;

WHEREAS, this Council deems it necessary to repeal Ordinance No. 2021-19 in its entirety and replace said ordinance with the current ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of DeGraff, Ohio:

Preamble. Ordinance No. 2021-19 is repealed in its entirety.

Section 1. As used in this ordinance, “noxious weeds” shall include, but not be limited to, the following: (a) any weeds such as poison ivy, jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind; (b) bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties; (c) any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding twelve (12) inches, or which are about to spread or mature seeds; or (d) any weed or wild growth which, by reason of the pollen or seed spread by it, or the density of its growth, or its unsightliness, injuriously affects the public health, safety, or welfare.

Section 2. As used in this ordinance, “litter” shall include any garbage, waste, peelings of vegetables or fruits, animal carcasses, animal waste, rubbish, condemned properties, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of any unsightly or unsanitary nature.

Section 3. This Council hereby determines and declares that all noxious weeds and litter are nuisances.

Section 4. Any person owning and any lessee, agent, or tenant having charge of land within the Village shall keep said property free and clear from all noxious weeds and litter and shall be required to cut and destroy all such noxious weeds and remove all said litter on said property.

Section 5. Upon the failure of an owner, lessee, agent or tenant having charge of land within the Village to cut and destroy noxious weeds as required in Section 4 of this ordinance, this Council shall cause written notice to be served upon such owner, lessee, agent or tenant having charge of such land, notifying said owner that noxious weeds are growing on such land and that said noxious weeds must be cut and destroying within five (5) days after the service of such notice.

Section 6. Upon a finding by this Council that litter exists on lands in the Village, and that said litter constitutes a detriment to public health, and said litter has not been removed as required in Section 4 of this ordinance, this Council shall cause written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying said owner that litter is on the land, and that it must be collected and removed within fifteen (15) days after the service of such notice.

Section 7. This ordinance shall not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to Ohio Revised Code Chapter 3734, Ohio Revised Code sections 4737.05 to 4737.12, or Ohio Revised Code Chapter 6111.

Section 8. If the owner, lessee, agent or tenant having charge of the land described in this ordinance fails to remove said weeds or litter in accordance with Sections 4, 5, and 6 of this ordinance, Council shall cause such noxious weeds to be cut and destroyed or such litter to be removed, and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Council, be paid out of any money in the treasury of the Village not otherwise appropriated and taxed to the owner of said property where weeds and/or litter were removed.

Section 9. The Council shall make a written return to the Logan County Auditor of its action under Sections 5 through 8 of this Ordinance, with a statement of the charges for its services, the amount paid for the performing of such labor, the fees of the officers serving the notice, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such land from and after the date of entry, and shall be collected as other taxes and returned to the Village General Fund.

Section 10: Any notice provision required herein may be served upon the violating person, firm, entity or corporation in a manner guaranteed to show actual delivery, which may include any of the following, at the sole discretion of the Village Council:

- A. Certified mail service, return receipt required;
- B. Personal service by the Logan County Sheriff's Office or any other entity providing police or sheriff services within the Village of DeGraff, Ohio;
- C. Residence service by a private service provider; or
- D. If the address of the owner or other person having charge of such land is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in Logan County.

Section 11. Any person, firm, entity, corporation in violation of any of the within provisions shall be subject to a minor misdemeanor if the offense remains in the same condition more than ten (10) days after service of notice described by Section 10 above for violations of Section 5

and more than twenty (20) days for violations of Section 6 and, upon conviction thereof, be fined in an amount not to exceed One Hundred and Fifty Dollars (\$150.00). The offense shall be a minor misdemeanor as is defined by the Ohio Revised Code. Each day such violation is committed or permitted to continue is a separate offense.

Section 12. All ordinances or resolutions, or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed.

Section 13. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted into those formal actions were in meetings open to the public in compliance with the law.

Section 14. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, and for the further reason that this ordinance is required to be immediately effective in order to protect the citizens of this Village from the health and safety risks associated with litter and the unregulated growth of noxious weeds; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

President of Council

APPROVED: _____

Mayor

ATTEST: _____

Fiscal Officer

I, Kassandra Staley, Fiscal Officer of DeGraff, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance 2023-24 Passed by Council of said Village on the ____ day of _____, 2023.

Fiscal Officer