

ORDINANCE 19-121

AN ORDINANCE AMENDING EXISTING SECTION 557.02 OF THE CODIFIED ORDINANCES TO PROHIBIT THE DEPOSITING OF GRASS CLIPPINGS, LEAVES OR LAWN DEBRIS ON THE PUBLIC SIDEWALK OR STREET, AND DECLARING AN EMERGENCY

WHEREAS, the Streets, Sidewalks and Utilities Committee and the Planning Commission have recommended that the Codified Ordinances be amended to prohibit Village residents from depositing grass cuttings, leaves and other debris on Village sidewalks and streets; and

WHEREAS, the leaving of grass clippings and leaves on the public sidewalks has been determined to be a nuisance, dangerous to pedestrians using the sidewalks, especially when the sidewalks are wet due to rain.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Middlefield, County of Geauga, and State of Ohio, that:

SECTION 1. Existing Section 557.02 of the Codified Ordinances is hereby amended to read as follows:

SECTION 557.02 – DEPOSIT OF GRASS CLIPPINGS OR LEAVES ON PUBLIC SIDEWALK OR STREET; REMOVAL OF WEEDS AND CUTTING OF EXCESSIVE GROWTH BY OWNER OR OCCUPANT; NOTICE

(a) No person shall blow, dump or deposit grass clippings, leaves or other lawn debris onto any public sidewalk, street or alley; provided, however, that nothing in this division (a) shall prohibit the timely depositing of leaves onto a public street or alley as part of a specific Village-sponsored leaf pick-up program.

(a b) Certain weed seeds are determined to be noxious and offensive to the health of the residents of the Village and are declared a nuisance. Among these noxious seed weeds are included the following:

Canada thistle (*Cardus arvensis*), wild garlic (*Allium vineale*), quack grass (*Agropyron repens*), dodders (*Cuscuta* species), plantains (*Plantago* species), wild carrot (*Daucus carota*), oxeyedaisy (*Chrysanthemum Leucanthemum*), corn cockle (*Agrostemma grithago*), docks (*Rumex* species including *Rumex acetosella*), chicory (*Chichorium intybus*), briars, brush, ragweeds, and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particles, or which may conceal filthy deposits; and such other weeds as the officials of the State may have proclaimed or may proclaim noxious under Ohio R.C. 907.01 and thereafter as amended.

(b c) Noxious weeds, as defined in this chapter, common weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants which exceed a height of six inches are hereby declared to be a nuisance and no person shall permit the growth of such items:

- (1) Within 100 feet of a residential structure (including mobile homes) or within 500 feet of a commercial or industrial structure; or
- (2) Upon any tree lawn, swale or any other unpaved land within a public right-of-way that is immediately appurtenant to the person's property.

(e d) Upon receiving a signed, written complaint, or upon receipt and verification of a verbal or an unsigned written complaint that noxious weeds, as defined herein or as defined by Ohio R.C. 907.01, or common weeds, grass or plants of a height contrary to subsection (b c) hereof are growing in violation of this section, the Village Administrator shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land, or, in the case of growth on tree lawns, swales or other unpaved land located within the right-of-way, upon the owner, lessee, agent or tenant having charge of the land immediately appurtenant thereto, notifying that person that said growth must be cut and/or destroyed within five days after the date of the notice. Said notice shall include notice of the Abatement Fee to be charged pursuant to Section 557.03(d) and the Administrative Fee to be charged pursuant to Section 557.03(e).

(e e) Upon a finding by the Administrator or his designee that litter has been placed on lands in the Village, and has not been removed, and constitutes a detriment to public health, the Administrator shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent or tenant having charge of the littered land, notifying him that litter is on the land, and that it shall be collected and removed within fourteen days after the service of the notice.

(e f) As used in this section, "litter" includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature or anything else of an unsightly or unsanitary nature.

(f g) If the owner or other person having charge of the land or the appurtenant land is a resident of the Village, the notice may be posted or delivered to the property or to the owner's residence, or may be sent to the owner by email, if known, or by overnight courier. If the owner or other person having charge of the land or the appurtenant land is a nonresident of the Village whose address is known, the notice shall be sent by email, if known or to his or her address by overnight courier. If the address of the owner or other person having charge of the land or appurtenant land is unknown it is sufficient

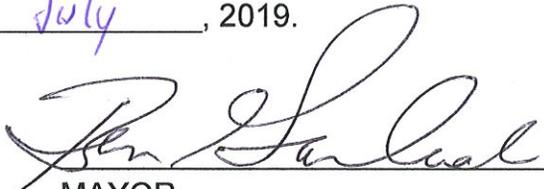
to publish the notice on the Village's website for the required five-day period. Any and all charges for courier delivery of notice shall be assessed pursuant to Section 557.03.

(g h) The Police Chief, police officer, Fiscal Officer or a deputy, may make service and return of the notice provided for in Section 557.02, and the fees therefor shall be the same as are allowed for service and return of summons in civil cases.

(h i) Any owner, lessee, agent or tenant maintaining property or such appurtenant land in violation of this section shall be fined not less than twenty-five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00), for failure to comply in the removal of grass clippings, leaves, lawn debris, noxious weeds, excessive growth or litter after notice required herein. Each day of noncompliance shall constitute a separate violation. Such penalty shall be in addition to any costs assessed or paid pursuant to Section 557.03.

SECTION 2. This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety, by reason of the immediate need to eliminate dangerous grass clippings left on Village sidewalks at the earliest date possible. Therefore, this Ordinance shall take effect immediately upon its passage.

PASSED this 11 day of July, 2019.



MAYOR

PRESIDENT PRO TEMPORE

ATTEST:


FISCAL OFFICER