

SPONSOR: Stewart Reed

ORDINANCE NO. 173-06

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE CHAPTER 557, RELATING TO WEED CONTROL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Jackson Codified Ordinance Chapter 557 is hereby amended as set forth in Exhibit "A".

Section Two. The Clerk of Council shall assure that this Ordinance is posted in all the City's Ordinance books.

Section Three. This Ordinance shall take effect at the earliest time permitted by law.

Section Four. 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 that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: Aug 28, 2006

James Huppel
PRESIDENT OF COUNCIL

Dea B King
CLERK OF COUNCIL

Date: 3/29/06

Approved: [Signature]
MAYOR

EXHIBIT A

CHAPTER 557 Weed Control

557.01	Required Cutting.	557.04	City may take action.
557.02	Notice to cut.	557.05	Costs a lien.
557.03	Fees for service and return	557.00	Penalty

557.01 REQUIRED CUTTING.

(a) Each person owning, leasing, or having charge of land within the City shall keep the property free and clear of all high grass, high weeds and rank vegetation and shall cut all such high grass, high weeds and rank vegetation on the lots owned, leased, or controlled by such person at least four times in every year, once between May 1 and May 10, once between June 1 and June 10, once between August 1 and August 10, and once between September 1 and September 10. Property which is zoned in an agricultural district is exempt from these regulations.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense, and shall be fined up to One Hundred Fifty Dollars (\$150.00) and community service. For each subsequent violation within one year from a previous conviction, the person shall be guilty of a fourth degree misdemeanor, punishable by up to 30 days in jail, a Two Hundred Fifty Dollar (\$250.00) fine, and community service.

557.02 NOTICE TO CUT.

(a) Upon information that noxious weeds, high grass, high weeds and rank vegetation are growing on lands in the City, the Mayor or designated representative shall cause written notice to be served on the owner, lessee, or person having charge of the land that such noxious weeds, high grass, high weeds and rank vegetation are growing on such lands and the such noxious weeds, high grass, high weeds and rank vegetation must be mowed, cut and destroyed within five days of service of the notice. Service of the notice may be by personal service, residence service (leaving notice at the residence), or by certified mail. If the owner, lessee, or person having charge of the land is a nonresident whose address is known, the notice may be sent to the person's address by registered mail. If the address of the owner, lessee, or person having charge of the land is unknown, it shall be sufficient to leave the notice on the property in a conspicuous place.

(b) In the event the owner, lessee, or person having charge of the land has, within the preceding year received a notice to comply and has previously failed to mow, cut or destroy noxious weeds, high grass, high weeds and rank vegetation, then the City may will immediately proceed to mow, cut and destroy the noxious weeds, high grass, high weeds and rank vegetation. The City shall notify the owner, lessee, or person in charge of the land, in the manner set forth above, that the City has or will be mowing, cutting and destroying the noxious weeds, high grass, high weeds and rank vegetation, and that the City will take steps in accordance with this Chapter

to recover its costs in mowing, cutting and destroying noxious weeds, high grass, high weeds and rank vegetation.

557.03 FEES FOR SERVICE AND RETURN.

A police officer or the Clerk of Council, or any other person authorized by law, may make service and return of the notice provided for in Section 557.02. The person serving the notice shall be allowed the same fee as provided for service and return of summons in civil cases.

557.04 CITY MAY TAKE ACTION.

If the owner, lessee, or person having charge of the land fails to comply with the notice provided for in Section 557.02, the Mayor, or his designated representative, shall cause noxious weeds, high grass, high weeds and rank vegetation to be mowed, cut and destroyed. In the event the City takes action it may employ the necessary labor to perform the task. All expenses and labor costs incurred shall be paid out of City funds not otherwise appropriated. The charge for the City mowing, cutting, or destroying the noxious weeds, high grass, high weeds and rank vegetation shall be no less than One Hundred Fifty Dollars (\$150.00).

557.05 COSTS A LIEN.

The Mayor, or his designated representative, shall make a written return to the County Auditor of its action under Sections 557.02 to 557.04, with a statement of the charges for its services, the amount paid for labor, the fee of the person serving the notice, 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 entry and be collected as other taxes and returned to the City with the General Fund.

557.99 PENALTY.

Whoever violates this section is guilty of a minor misdemeanor for a first offense, and shall be fined up to One Hundred Fifty Dollars (\$150.00) and community service. For each subsequent violation within one year from a previous conviction, the person shall be guilty of a fourth degree misdemeanor, punishable by up to 30 days in jail, a Two Hundred Fifty Dollar (\$250.00) fine, and community service.

