

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. 2024-7

Passed May 6, 20 24

VILLAGE OF WESTON, WOOD COUNTY, OHIO ORDINANCE NO. 2024-7

ORDINANCE AMENDING THE VILLAGE MUNICIPAL CODE AS RELATES TO WEEDS, GRASS, TREES, BRUSH AND SHRUBS

WHEREAS, the Village of Weston is a statutory village located in Wood County, Ohio, and

WHEREAS, the Village of Weston has powers of local self-government pursuant to Ohio Constitution Article XVIII, Section 3, and

WHEREAS, the Council of the Village of Weston has adopted municipal code provisions related to the maintenance of weeds, grass, trees, brush and shrubs, and

WHEREAS, the Council desires to repeal and replace section 174.03 of the Village Municipal Code, and to repeal section 174.04 in its entirety.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Weston, Wood County, Ohio, that:

Section 1: Section 174.03 is hereby repealed and replaced as set forth in the attached exhibit.


Section 2: Section 174.04 is hereby repealed in its entirety.

Section 3. All provisions, policies, provisions, and conditions of the Weston Municipal Code not repealed, replaced or amended hereby shall remain unchanged.

Section 4: 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 this Council and that all deliberations of this Council and of any other committees that results in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of Ohio.

Vote on Passage: 5 Yeas 1 Nays 0 Abstentions

Passed this 6th day of May, 2024




President of Council



Mayor

ATTEST:



Fiscal Officer

CERTIFICATION

I HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF THE VILLAGE OF WESTON ORDINANCE NUMBER 2024-7, AND THAT THERE IS NO NEWSPAPER PUBLISHED IN THE VILLAGE OF WESTON, AND THAT PUBLICATION OF THIS ORDINANCE WAS MADE BY POSTING IT AT THE FIVE PUBLIC PLACES DESIGNATED BY ORDINANCE 2023-1 ON 5/7/2024.



CLERK, VILLAGE OF WESTON

§174.03 MAINTAINING WEEDS, GRASS, TREES, BRUSH AND SHRUBS.

SECTION 1. DEFINITIONS.

For the purposes of this ordinance, the following definitions shall apply:

1. "PROPERTY OWNER" shall include the owner of the real property on which the violation is alleged, and any tenant of such real property.
2. "COLLECTIVE PROPERTY" refers to the real property of the property owner, as well as the public rights-of-way abutting said real property.
3. "PUBLIC RIGHTS-OF-WAY" refer to the areas of land that are designated for public use, typically for transportation purposes such as roads, sidewalks, bike lanes, and other forms of public access.
4. "PUBLIC SIDEWALK" refers specifically to sidewalks that exist in any public rights-of-way.
5. "GRASS" is a common type of plant that is typically used for lawns, sports fields, and other outdoor areas.
6. "MANAGED NATURAL LANDSCAPE" means a planned, intentional, and maintained planting of native or non-native grasses, wildflowers, ferns, sedges, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants.
7. "NOXIOUS WEEDS" are plants that have been identified as being harmful to the local natural environment, as listed, but not limited to, Section 901:5-30 or 901:5-37 of the Ohio Administrative Code.
 - a. Noxious Weeds are defined by the Ohio Department of Agriculture and O.A.C. Chapter 901, as follows, but are not limited to: Apple of Peru, Buckhorn, Canada thistle, Columbus grass, Corncockle, Curly dock, Dodder, Field bindweed, Giant Hogweed, Hairy whitetop, Heart-podded hoary cress, Hedge bindweed, Horsenettle, Johnsongrass, Kochia, Leafy spurge, Musk thistle, Palmer Amarantha, Oxeye daisy, Perennial sowthistle, Poison-hemlock, Purple loosestrife, Quackgrass, Russian knapweed, Serrated tussock, Shattercane, Waterhemp, Wild garlic, Wild mustard, Wild onion.
8. "BRUSH" means branches, woody plants and other like vegetative material; leaves and grass do not constitute brush, brush means tree trunks, limbs, branches, and twigs.
9. "TREE" means any perennial plant with a single stem or trunk that reaches a height of at least ten (10) feet at maturity.
10. "DANGER TREE" also known as hazard tree is any tree or its parts that may fail because of damage, defect, or disease and could cause injury, death, or property damage.
11. "SHRUB" means any perennial plant with multiple stems or trunks that reaches a height of less than ten (10) feet at maturity.

SECTION 2. REGULATIONS.

1. It shall be the responsibility of the **property owners** to ensure that their **collective property** is kept free of **grass** and **noxious weeds** in excess of seven (7) inches, with the exception for areas that are intentionally marked by either sign or border as a **managed natural landscape**. **Managed natural landscapes must be at least 5' from neighboring property lines, and shall not include turf-grass lawns left unattended for the purpose of returning to a natural state without further management or action taken.**
2. **Property owners** must identify, and promptly prune or remove, any **danger trees** on real property that is adjacent to any **public sidewalk** or other **public rights-of-way**.

3. **Property owners** are required to maintain **trees** and **shrubs** on their real property adjacent to **public sidewalks**, ensuring unobstructed access and use by the public. In particular, branches of **trees** overhanging public sidewalks must be pruned to maintain a minimum clearance height of no less than 7 feet from the ground level, thereby ensuring safe pedestrian passage.
4. It shall be the obligation of **property owners** to gather and consolidate **brush** on their property. Once gathered, the **brush** must be organized in designated areas within the side or back yards of their respective properties, as defined by the zoning ordinance, ensuring that it is either disposed of by the means of the owner or by utilizing the **brush pickup** program offered by the village.
5. **Brush** may be placed in the public rights-of-way for means of removal by the **property owner** or contractor, or as part of the village brush pickup program. It is the responsibility of the property owner to ensure that the brush does not remain in these areas for more than 7 days, unless participating in the village brush pickup program in which case brush should not be left out for more than 12 days prior to the announced pickup date.

SECTION 3. BRUSH PICKUP PROGRAM

1. The Village Council mandates that the Village Administrator facilitate a biannual brush pickup program for property owners within the village, occurring in spring and fall. The dates for these pickups must be publicly announced at least 30 days in advance.
2. Property owners using this program must adhere to these brush pickup guidelines:
 - a. Brush must not be placed in alleys, and may not be placed in the public rights-of-way more than 12 days prior.
 - b. If brush is placed after the area has been serviced but within the announced dates, the property owner must contact the Village Administrator or Village Clerk.
 - c. Brush pickup may be utilized once per scheduled pickup event.
 - d. No stumps, yard waste, rose or thorny bushes, or leaves will be collected. Tree limbs must not exceed 4 inches in diameter.
 - e. Cut ends of trees and shrubs must be pointed in the same direction, and must not be tightly bundled.
3. The Village Administrator may, at their discretion, refuse to collect entire trees, shrubs, or bushes, and will not collect brush resulting from contractor tree removal if the size and volume exceed normal seasonal maintenance expectations.
4. In the event of significant storm damage affecting many properties throughout the village, the Village Administrator or Mayor may authorize a special storm pickup. These dates will be communicated through the Citizen Alert System or similar public posting.
5. Wood chips as a result of brush pickup are to be made available at no charge to the public for local delivery only. Residents are to make arrangements with the Village Administrator if this service is needed.

SECTION 4. ENFORCEMENT

1. **Danger Trees, Brush, Shrubs; Notice to Remove/Remedy, Notice of Violation, Abatement**
 - a. Upon inspection of danger trees that are in violation of SECTION 2 will be issued to the Property Owner by priority mail or by posting at such residence a written NOTICE TO REMOVE/REMEDY after no less than 7 days of the initial inspection by the Village Code Enforcement Officer or designated official. The violation must be removed/remedied in order to gain compliance within 7 days of the written notice, unless other arrangements have been made with the Village Code Enforcement Officer or designated official.

- b. If the violation persists beyond 14 days of the NOTICE TO REMOVE/REMEDY without arrangements, a NOTICE OF VIOLATION will be issued to the Property Owner at such residence, and also by certified and ordinary mail. Failure to comply within 14 days of this notice will result in declaration of public nuisance by Village Council.
- c. If the violator fails to comply or remedy the public nuisance within 7 days of such declaration, a civil action may be pursued seeking authority to the Village to abate the nuisance, and the Village may employ the necessary labor and equipment to perform the task(s). The property owner shall be charged the actual cost of abatement, plus a service fee of \$100. The cost to repair any Village equipment damaged while abating said nuisance condition shall be included with the aforementioned costs, and all costs shall be payable within 30 days of notice to the Property Owner.
- d. Upon failure to reimburse the Village the billed amount within 30 days of notice the Fiscal Officer shall submit official certification to the Wood County auditor that includes a copy of the notice to the owner, a detailed explanation of the amount paid for labor or any other fees, a description of the property (parcel number), and the request that such amount be entered upon the tax duplicate, be a lien upon such lands from the date of entry and be collected as other taxes and returned to the Village's General Fund according to law.

2. Noxious Weeds and Grasses; Notice of Violation, Abatement

- a. Upon inspection of noxious weeds and grasses of a height of seven (7) inches or more that are in violation of SECTION 2 will be issued to the Property Owner by priority mail or by posting at such residence a written NOTICE OF VIOLATION after no less than 5 days of the initial inspection by the Village Code Enforcement Officer or designated official. Failure to comply within 5 days of this notice will result in abatement by the Village Administrator of his/her designee, and may employ the necessary labor and equipment to perform the task(s). The cost to repair any Village equipment damaged while abating shall be included with the following costs, and shall be payable within 30 days of notice to the Property Owner:
 - i. \$150 for each residential property
 - ii. \$250 for each commercial property
 - iii. \$350 for each industrial property
- b. Upon failure to reimburse the Village the billed amount within 30 days of notice the Fiscal Officer shall submit official certification to the Wood County auditor that includes a copy of the notice to the owner, a detailed explanation of the amount paid for labor or any other fees, a description of the property (parcel number), and the request that such amount be entered upon the tax duplicate, be a lien upon such lands from the date of entry and be collected as other taxes and returned to the Village's General Fund according to law.