

RECORD OF ORDINANCES

Ordinance No. 2005-03 Passed MARCH 1, 2005

AN ORDINANCE AMENDING SECTION 503.01-503.04 FOR THE CONTROL OF WEEDS AND VEGETATION IN THE CITY OF BROOKVILLE.

WHEREAS, Section 503.01 of the Code of Ordinances requires property owners in the City of Brookville to periodically remove weeds and other vegetation from their property; and

WHEREAS, Council desires to amend the procedures for notification to property owners for grass and weed violations to provide for more timely and effective enforcement against these violations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION 1: The Council hereby adopts the following amended Sections 503.01-503.04 of the Code of Ordinances:

503.01: PERIODIC CUTTING REQUIRED

The owner or occupant, or any other person, firm or corporation, having care of any lot or land within the City shall cut down and remove therefrom all offensive and noxious weeds, vines, and grass of a height of eight (8) inches or more and any and all weeds, vines, grass, or other vegetation constituting a threat to the public health, safety, comfort or welfare.

503.02: NOTICE TO CUT

When the Property Maintenance Officer determines that such weeds, vines, grass or other vegetation, as described in Section 503.01 exists, he shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the cutting and removal of such weeds, vines, grass and/or other vegetation.

Notice shall be deemed sufficient if delivered personally to the owner or occupant, or if sent by certified United States mail, postage prepaid, to the last known address of the owner of the property. In the event that 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 in general circulation in the City.

Only one notice per calendar year under 503.02 is required for a lot or parcel. If, after a notice has been served in accordance with this section, the Property Maintenance Officer determines that a subsequent violation has occurred, the City may proceed with the remedy in 503.03 without further notice.

503.03: PROCEDURE UPON FAILURE TO COMPLY WITH NOTICE

No owner, occupant, or any other person, firm or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in 503.02 within five days from the receipt thereof.

If the owner, occupant or any other person, firm or corporation, having the care of the lands mentioned in 503.01 fails to comply with the notice provided for in Section 503.02, the City shall cause such weeds, vines, grass or other vegetation to be cut and removed. Such cutting and removing shall be at the owner's expense, and the costs shall be assessed against the lot or land, plus a two percent (2%) administrative fee.

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

503.04: CERTIFICATION OF ASSESSMENT

Notice of such assessment shall be given to the owner of the lot or land charged therewith, or his agent, either in person or sent by regular United States mail, postage prepaid, and all assessments not paid within thirty (30) days after giving of such notice shall, after approval by Council, be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.


SECTION 2: This Ordinance shall repeal all Ordinances, parts of Ordinances, Resolutions, and parts of Resolutions in conflict therewith.

SECTION 3: This Ordinance shall take effect thirty (30) days after passage of this Ordinance as provided by the Charter of the City of Brookville.

PASSED this 1st day of March, 2005


ATTEST:


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2005-03 passed by the Council of the City of Brookville, Ohio, on the 1st day of March, 2005.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2005-03 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 2nd day of March, 2005 to the 2nd day of April, 2005, both days inclusive.


Sonja M. Keaton, Clerk