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EDWARD FITZGERALD
MAYOR

July 20, 2009

Lakewood City Council
Lakewood, Ohio

Re: Abatement of Tall weeds and Grass

Dear Members of Council:

I am submitting legislation for your approval that will allow the Administration to shorten the time between giving a property owner notice of a violation involving tall weeds and grass and abating such nuisance conditions. One of the tools in this proposed section will allow the City to abate such conditions as many times as necessary while only requiring one notice to be sent in any calendar year.

Please consider suspending the rules and adopting this legislation this evening as we are in the middle of the growing season.

Very truly yours,

Edward FitzGerald

ORDINANCE NO. 59-09

BY:

AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to amend Chapter 1775, WEEDS of the Lakewood Codified Ordinance to allow the City of Lakewood to abate tall grass and nuisance vegetation conditions more quickly and efficiently.

WHEREAS, currently the time between a property owner is put on notice of a violation of Chapter 1775 of the Lakewood Codified Ordinances and the time that the City is able to abate the condition under the current ordinance can exceed five (5) business days; and

WHEREAS, during that lapse of time, the nuisance conditions continue to negatively effect the neighborhood and the City of Lakewood as a whole; and

WHEREAS, in order to abate these conditions more quickly to protect the public property, health and safety, amendments are necessary to the existing ordinance; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this amendment is necessary to immediately provide for abatement of nuisance vegetation and tall grass as we are in the middle of the growing season. Now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. That Chapter 1775, WEEDS, of the Lakewood Codified Ordinances currently reading as follows:

1775.01 WEED, TALL GRASS, NUISANCE VEGETATION OR GROWTHS OVER SIDEWALKS REMOVAL.

(a) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, within forty-eight hours written notice to do so, shall cut or destroy, or cause to be cut or destroyed, any noxious or poisonous weeds, including but not limited to Russian, Canadian or common thistle, all wild lettuce, wild mustard, wild parsley, ragweed, milkweed, chickweed, wild garlic, quack grass, dodders, wild carrot, common cockle, docks, chicory or tall grasses growing upon such lot or parcel of land, and prevent the same from blooming or going to seed, or

exceeding a height of six inches, or spreading pollen which may be harmful to human health.

(b) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, within forty-eight hours written notice to do so, shall cut or destroy, or cause to be cut or destroyed, any limbs of trees, branches, bushes, shrubs, briars, or vines that project over any sidewalk so as to interfere with or deprive pedestrians of the tree and full use of such sidewalk.

(c) If the owner, occupant or person having the charge or management of any lot or parcel of land does not cut or destroy, or cause to be cut or destroyed, noxious weeds, grasses, limbs, branches, bushes, shrubs, briars or vines as provided herein, the Mayor or Director of Public Safety is authorized to cause to be cut or destroyed such noxious weeds or grasses.

(c) When any such noxious weeds, grasses, limbs, branches, bushes, shrubs, briars or vines are cut or destroyed by the City, as provided herein, then after such work is performed, the City shall give five days' notice by regular mail to the owner, occupant or person having the charge or management of such lot or parcel of land, at his known address, to pay the cost of such cutting or destroying of noxious weeds or grasses, which notice shall be accompanied by a statement of the amount of cost incurred. If the same is not paid within thirty days after the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected in accordance with Ohio R.C. 731.54, or the City may seek recovery of such costs by civil action against the property owner involved.

(d) When it is deemed necessary to cut and destroy weeds or grasses on private property, in accordance with the provisions of this section, the owner shall be charged at the rate of one hundred dollars (\$100.00) per hour or portion thereof, or the actual cost of such work, whichever is the larger. The minimum charge for each required cutting or destruction of weeds or grasses within any 12 month period shall be as follows:

First Offense	\$100.00
Second Offense	200.00
Third or Subsequent Offense	300.00

1775.99 For Failure to Comply with a Notice or Neglect of Maintenance.

a) Whoever refuses, neglects or fails to comply with an order to cut or destroy weeds or grasses or to remove nuisance vegetation or growths over sidewalks shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five-hundred dollars (\$500.00). Each day such violation occurs or continues shall constitute a separate offense.

Shall be and is hereby amended to read as follows:

1775.01 WEED, TALL GRASS, NUISANCE VEGETATION OR GROWTHS OVER SIDEWALKS REMOVAL.

(a) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, within forty-eight hours of mailing of a written notice to do so, shall cut or destroy, or cause to be cut or destroyed, any noxious or poisonous weeds, including but not limited to Russian, Canadian or common thistle, all wild lettuce, wild mustard, wild parsley, ragweed, milkweed, chickweed, wild garlic, quack grass, dodders, wild carrot, common cockle, docks, chicory, tall grasses or other undesirable vegetation, growing upon such lot or parcel of land, and prevent the same from blooming or going to seed, or exceeding a height of six inches, or spreading pollen which may be harmful to human health, or creating a fire hazard or refuge and breeding place for rodents and other vermin.

(b) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, within forty-eight hours of mailing of a written notice to do so, shall cut or destroy, or cause to be cut or destroyed, any limbs of trees, branches, bushes, shrubs, briars, or vines that project over any sidewalk so as to interfere with or deprive pedestrians of the tree and full use of such sidewalk.

(c) If the owner, occupant or person having the charge or management of any lot or parcel of land does not cut or destroy, or cause to be cut or destroyed, noxious weeds, grasses, limbs, branches, bushes, shrubs, briars or vines as provided herein, the Mayor, Director of Public Safety, or his or her designee is authorized to cause to be cut or destroyed such noxious weeds or grasses.

(d) When any such noxious weeds, grasses, limbs, branches, bushes, shrubs, briars or vines are cut or destroyed by the City, as provided herein, then after such work is performed, the City shall give five days' notice by regular mail to the owner, occupant or person having the charge or management of such lot or parcel of land, at his known address, to pay the cost of such cutting or destroying of noxious weeds or grasses, which notice shall be accompanied by a statement of the amount of cost incurred. If the same is not paid within thirty days after the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected in accordance with Ohio R.C. 731.54, or the City may seek recovery of such costs by civil action against the property owner involved.

(e) If the violation of this section consists of uncut and growing grass and weeds, only one (1) notice to the property owner or other responsible party shall be necessary in any one calendar year and the Director of Public Safety may cause such nuisance to be abated or removed more than once in any calendar year as conditions may require.

(f) When it is deemed necessary to cut and destroy weeds or grasses on private property, in accordance with the provisions of this section, the owner shall be charged at the rate of one hundred dollars (\$100.00) per man hour or portion thereof, or the actual cost of such work, whichever is the larger. Actual costs shall include administration and supervision, transportation of equipment, equipment use, equipment operator, incidental labor, contractor charges, and any other costs and charges associated with mailing and/or publishing notices. The minimum charge for each

required cutting or destruction of weeds or grasses within any 12 month period shall be as follows:

First Offense	\$100.00
Second Offense	200.00
Third or Subsequent Offense	300.00

1775.99 For Failure to Comply with a Notice or Neglect of Maintenance.

a) Whoever refuses, neglects or fails to comply with an order to cut or destroy weeds or grasses or to remove nuisance vegetation or growths over sidewalks shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five-hundred dollars (\$500.00). Each day such violation occurs or continues shall constitute a separate offense.

(b) Organizations shall be held criminally liable pursuant to Lakewood Codified Ordinance section 501.11 and be subject to the penalties outlined in Lakewood Codified Ordinance section 501.99(b).

Section 2. It is 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 such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk