

First Reading: June 13, 2011  
Second Reading: July 11, 2011  
Third Reading: August 8, 2011

PASSED: August 8, 2011  
BY: McIntosh

ORDINANCE NO. 2011-11

ORDINANCE AMENDING SECTIONS 95.40, 95.41, AND 150.79.4 OF THE  
VILLAGE CODE OF ORDINANCES PROVIDING FOR EXCEPTION TO GRASS  
AND WEED CUTTING FOR DESIGNATION OF MEADOWLANDS

**WHEREAS**, current Village ordinances require grass, noxious weeds, and other vegetation to be trimmed on a regular basis in order to protect the public health, safety, and welfare of residents by maintaining a desirable aesthetic appearance, avoiding rodent and insect infestation, reducing potential fire hazards, and increasing property values in the community;

**WHEREAS**, the Village the Council has determined that in certain areas of the Village, it is desirable to provide for an exception to the general rule in order to allow a variety of properly maintained landscapes by preserving, restoring, and maintaining diverse and biologically stable natural vegetation, such that the establishment of meadowlands is an acceptable and desirable goal;

**WHEREAS**, it is necessary to clarify the existing municipal regulations by imposing a consistent requirement that all non-meadowland areas must be kept to a maximum height of 10 inches;

**NOW, THEREFORE, BE IT ORDAINED BY THE** Council of Amberley Village, State of Ohio, six (6) members elected thereto concurring:

**SECTION 1:** That Section 95.40 of the Municipal Code of Ordinances is amended to read as follows:

**§95.40 KEEPING DOWN WEEDS.**

(A) Any person owning or having charge of land within the municipality, shall keep the property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

(B) Noxious weeds and rank vegetation shall include but not be limited to:

(1) Any weeds such as poison ivy, jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind;

(2) Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;

(3) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding ~~12 inches~~, 10 inches, except for those areas which have been designated as meadowlands by the Village Council.

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(4) Any weed or wild growth which, by reason of the pollen or seed spread by it, or the density of its growth, or its unsightliness, injuriously affects the public health, safety or welfare.

(C) All noxious weeds are declared nuisances.

**SECTION 2:** That Section 95.41 of the Municipal Code of Ordinances is amended to read as follows:

**§95.41 CUTTING AND REMOVING GRASSES AND NOXIOUS WEEDS;  
DISEASED OR DEAD ELM TREES TO BE REMOVED.**

(A) Any person owning or having charge of land within the village shall prevent grass on such land from exceeding a height of 10 inches, except for those areas which have been designated as meadowlands by the Village Council, and shall keep such land free and clear from all noxious weeds and rank vegetation and shall control all weeds and vegetation (except trees, shrubs, acceptable flowers and farm crops) from blooming or going to seed, or spreading pollen which may be harmful to human health. For the purposes of this section, the term *NOXIOUS* shall be deemed to mean harmful or offensive and the term *RANK* shall be deemed to mean luxuriant in growth.

(B) The owner of any property within the village upon which is located an elm tree or part thereof, which is infected with Dutch Elm Tree disease, shall cause such elm tree to be immediately cut down and all parts thereof to be destroyed or disposed of in such manner as to preclude the transmission of elm tree disease or the harboring, feeding or breeding of the elm tree beetle.

(C) Upon determining that grass, noxious weeds or rank vegetation are growing on lands in the village in violation of the provisions of division (A), or there is found to be a violation of division (B), the Village Manager shall cause written notice to be served on the owner or person having charge of such lands, that such grass must be cut, noxious weeds or rank vegetation cut or controlled within five days after service of such notice. If the owner or person having charge of such land is a nonresident whose address is known, such notice shall be sent to his or her address by certified mail; if unknown, it shall be sufficient to publish the notice once in a newspaper of general circulation in the village.

**SECTION 3:** That Section 150.79.4 of the Municipal Code of Ordinances is amended to read as follows:

**§150.79.4 Weeds.** Except for those areas which have been designated as meadowlands by the Village Council, all ~~At~~ premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers, decorative grasses and gardens.

Upon the failure of the owner or agent having control of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 150.54 herein and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, and duly authorized

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employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**SECTION 4:** That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 8<sup>th</sup> day of August, 2011.

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Mayor Merrie Stillpass

Attest:

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Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: McIntosh Second: Conway

Stillpass	<u>Aye</u>
Chaiken	<u>Aye</u>
Cohen	<u>Aye</u>
Conway	<u>Aye</u>
Hattenbach	<u>Absent</u>
Katz	<u>Aye</u>
McIntosh	<u>Aye</u>

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_ day of August, 2011, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

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Nicole Browder, Clerk of Council