

VILLAGE OF MORRISTOWN, OHIO

ORDINANCE NO. 13-3

AN ORDINANCE RELATING TO THE TRIMMING OF TREES, SHRUBBERY, WEEDS AND GRASS AND DECLARING AN EMERGENCY

WHEREAS, Village Council of the Village of Morristown, Belmont County, Ohio desires to repeal chapter 1301, Relating to the Trimming of Trees, Shrubbery, Weeds, and Grass; to clarify with this ordinance.

NOW THEREFORE BE IT ORDAINED, BY THE COUNCIL OF THE VILLAGE OF Morristown, Belmont County, Ohio

SECTION I: GRASS AND WEEDS.

1. Any person owning or having control of land within the Village shall keep the land clear of tall or noxious weeds and/or grass. The person shall be required to keep the weeds and/or grass less than six (6) inches tall as measured from ground level at anytime during the calendar year.

SECTION II: TREES, SHRUBBERY, AND PLANTS.

1. It shall be unlawful for any person to plant, grow, or maintain any tree, shrubbery, or plant which obstructs the proper distribution of light from street lights or which obstructs the view of traffic from any direction.
2. All trees and shrubbery shall be trimmed so as to have a clear height of ten (10) feet above the surface of the sidewalks and twelve (12) feet above the surface of the street or roadway.
3. The owner or person having control shall trim or remove, as the case may be require, every dead, decayed, or broken tree, plant, shrub or part thereof, so that the same shall not fall to the street or sidewalk.

SECTION III: RESPONSIBILITY OF ADJACENT OWNER.

1. The owner, occupant or custodian of each lot adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the centerline of the alley and the property line or the center line of an unimproved street and the property line. The owners shall maintain these areas by:
 - a. Keeping the grass cut to the same height requirements in Section I of this ordinance.
 - b. Keeping all plant growth to height not to exceed twelve (12) inches.
 - c. Keeping all trees and shrubs trimmed as prescribed by Section II of this ordinance.
 - d. Keeping any nuisance abated to protect the life, limb, and property of persons, drivers of vehicles, or pedestrians using any street or sidewalk.

SECTION IV: NOTICE TO OWNERS

1. Written notice of the violation of Sections I, II, or III of this ordinance shall be served upon the person owning or having control of such land notifying the person owning or having control of such land of the violation. The noxious weeds and/or grass notice shall inform the person owning or having control of such land that they are in violation of this ordinance and any noxious weeds and/or grass must be cut within seven (7) days after service of the notice.
2. The trees or shrubbery notice shall inform the person owning or having control of such land that they are in violation of this ordinance and the trees and shrubbery must be trimmed within ten (10) days after service of the notice.

3. If the owner, lessee, tenant, occupant or person or persons having care of or in control of such land is a nonresident of the village of Morristown who address is known, the notice shall be sent to such person's address by regular mail. Further, it is sufficient to post a notice in a conspicuous place on said premises or to publish such notice once in a newspaper of general circulation in the county.

SECTION V: PROPERTY MAY BE MOWED, TREES CUT, SHRUBBERY REMOVED AND ACCESS COST AGAINST OWNER

1. After, any person fails to comply with this Ordinance, the Village may cause such noxious weeds and grass, trees, or shrubbery to be cut and destroyed and may employ labor to perform the task. After such work is performed, the Village shall give five (5) days notice by regular mail to the person owning or having control of such land or premises, to pay the cost of such cutting or destroying of the noxious weeds, grasses, trees, or shrubbery which notice shall be accompanied by a statement of the amount of cost incurred and a 30% administrative fee based on the cost incurred for the sending of notices to non-compliant persons. If the same is not paid within thirty (30) days after the mailing of the notice, such amount may be certified to the Belmont County Auditor for collection as other taxes and assessments are collected in accordance with Ohio Revised Code 731.54.
2. Thereafter, if the owner, or other person or persons having care of or in control of such land or premises fails to maintain such land or premises in accordance with this ordinance, within the same calendar year, then the Village shall be permitted to abate the nuisance or to issue a subsequent complaint or citation to the offender, without the serving of a subsequent notice as set forth in this ordinance.
3. The person owning or having control of the lands of this section who fails to comply with this ordinance within the time provided in paragraph (1) of this section is guilty of a minor misdemeanor for each day of violation and may be fined up to \$150.00 for each day.

SECTION VI: CHAPTER 1301 OF THE CODIFIED ORDINANCES IS HEREBY REPEALED.

SECTION VII: THIS ORDINANCE IS HEREBY DECLARED AN EMERGENCY.

1. This Ordinance constitutes an emergency measure for the immediate preservation of the public peace, health, and safety of the Village of Morristown. Specifically, residences within the Village that have tall grass which require immediate attention to prevent annoyances and harms to neighboring properties; and upon at least two-thirds affirmative vote of the members of the council shall go into effect upon the signature of the Mayor. Otherwise, this Ordinance is to become effective at the earliest period allowed by law.

PASSED: _____

APPROVED:

Mayor Gordon Price

ATTESTED:

Clerk