

BY: Mr. Eustace

**AN ORDINANCE MODIFYING
CODE SECTIONS 94.42, 94.60, AND 94.62
REGARDING NUISANCES**

WHEREAS, on September 19, 2022, the Tipp City Council approved Ordinance 24-22, which amended Chapter 94 – Nuisances, of the Tipp City, Ohio Code of Ordinances; and

WHEREAS, the City Council desires to modify the existing code in order to clarify the requirements of Chapter 94; and

NOW, THEREFORE, THE MUNICIPALITY OF TIPP CITY HEREBY ORDAINS THAT:

SECTION 1. The Code of Ordinances be amended as follows, with additions noted by underlining, and deletions struck through. Any section noted as "SAME" shall remain unchanged.

SECTION 2. CLEANING PREMISES

§94.40 SAME

§94.41 SAME

§94.42 Individual orders for abatement.

If, it is found that the published order has not been complied within § 94.40, the City shall ~~send~~ provide a written notice by either ~~certified~~ regular mail, served personal, or being posted on the property directing the owner, occupant or person in charge of the land to abate said nuisance within five (5) days and, setting forth the nature of the violation and the acts required to be done. The notice shall provide that, upon failure or refusal to comply with the order, the work required will be done by the municipality, with the amount expended thereof to be a valid claim against such owner or occupant and charged as a lien upon said land and recovered by the municipality by suit in a court of competent jurisdiction.

§94.43 SAME

§94.44 SAME

§94.45 SAME

§94.46 SAME

SECTION 3. CUTTING GRASS AND WEEDS

§94.60 Keeping down grass and weeds.

(A) No person, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the City, shall permit grass or noxious weeds to grow thereon or on the adjacent right of way to a height in excess of six (6) inches, or to mature seeds thereon, or fail to cut and destroy such

high grass or noxious weeds when notified by the City to do so, excepting cultivated ornamental grasses in garden areas, Managed Natural Landscaped Areas, and cultivated agricultural crops in farm fields. Grass and weeds in uncultivated gardens or fallow fields shall not be excepted.

- (B) SAME
- (C) SAME
- (D) SAME

§94.61 SAME

§94.62 Procedure when owner fails to comply with published notice; written notice.

When any person, being the owner, lessee, agent, or tenant having charge of or care of the lands mentioned in § 94.60, fails to comply with the notice set forth in the published notice, the City manager or designee shall cause a written notice of violation to be served upon any of the owners, lessees, tenants or other persons or entities having charge or care of land in the City, notifying them that grass of excessive length or noxious weeds are growing on land in their care and ordering that such grass or noxious weeds be cut within five (5) days after the service of the notice of violation. Written notice may be served by any of the following methods:

- (A) Handing the notice to some person of suitable age and discretion residing or employed therein; or
- (B) ~~(1) Mailing the notice by United States First Class mail to the owner of record of the lands at the address designated with the County Auditor for the purpose sending the owner tax bills, and to lessees, tenants or other persons or entities having charge or care of lands at the address designated for the lands; or and (2) posting the notice by affixing it to the front of the building in clear view from the street or affixing it to a free-standing post or stake in clear view from the street, service being effective upon posting; or (3) by personal service.~~
- (C) Posting the notice by affixing it to the front of the building in clear view from the street or affixing it to a free-standing post or stake in clear view from the street, service being effective upon posting. ~~(3) by personal service.~~
- (C) ~~Publishing the notice once in a local newspaper of general circulation. Only one written notice of violation per calendar year is required to be served by the City Manager or designee in order to abate a grass or noxious weed offense as provided in § 94.62(a). If, after one notice of violation has been served, the City Manager or designee determines that one or more subsequent violations have occurred on the subject lot or parcel of land during the calendar year, the City may proceed to immediately abate such violations as provided in § 94.63. A notice of violation for each offense is required to be served by the City Manager or designee prior to filing criminal charges under § 94.65.~~

§94.63 SAME

§94.64 SAME

§94.65 SAME

SECTION 4. This ordinance shall be in effect from and after the earliest date permitted by law.

PASSED: September 16, 24 [Signature]
President of Council

ATTEST: [Signature] APPROVED: [Signature]
Clerk of Council Director of Law