

ORDINANCE NO. 1-09.22

ORDINANCE NO. 1-09.22 amending Chapter 93 with regard to Ordinance No. 93.43, as adopted as part of the Ohio Basic Code, titled Procedure When Owner Fails to Comply with Notice, and Ordinance No. 93.44, titled Written Return to County Auditor; amount As a Lien Upon Property, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO:

Section 1. Findings and Determinations. The Village finds and determines the following matters:

- (a) Previous ordinances adopted by the Village provide for the removal of weeds and litter on private property, as adopted as part of Ohio's Basic Code, which is administered and enforced by the Village.
- (b) To properly address the costs and fees associated and expense to the Village as it relates to violation of the weeds and litter ordinances of the Village, the Legislative Authority believes it is in the best interest of the Village to provide for additional charges and assessments against property owners for violations of Ordinance 93.40 and 93.41 beyond those contained in Ordinance 93.43 and 93.44.
- (c) Accordingly, the Council, acting in the best interest of the Village hereby replace 93.43 and 93.44 of the Ohio Basic Code as stated below.
- (d) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2. PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE

If the owner, lessee, agent, or tenant having charges of the lands mentioned in Section 93.41 fails to comply with the notice required by such section, the Legislative Authority shall cause such noxious weeds to be cut and destroyed or such litter removed and may employ the necessary labor to perform the task at the expense of such owner, lessee, agent, or tenant or other person having charge thereof.

All expenses incurred shall, when approved by the Legislative Authority, be paid out of the money in the treasury of the municipality not otherwise appropriated.

In addition to the actual expenses described above, the owner of the premises must pay an administrative charge and/or fine. For the first and second times in a calendar year that the Village abates a nuisance under Section 93.41 et seq. the administrative charge each time will be two hundred dollars. Should the Village be required to abate additional nuisances or remove additional litter on those premises a third or subsequent time within that calendar year, in addition to the

expenses incurred and the administrative penalty described above, a fine of two hundred fifty dollars will be charged to the owner. The remedy provided for herein shall be in addition to the penalties provided in Section 93.99.

Section 3. WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT AS A LIEN UPON PROPERTY

The Legislative Authority shall make a written return to the County Auditor of their actions under Sections 93.41, 93.42, and Section 2 above, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, the administrative charges imposed, the fines imposed, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the Village with the general fund.

Section 4: Statement of Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and for the further reason that the immediate effectiveness of this Ordinance is necessary to timely address nuisances and litter on private property in the Village.

Section 5. Effective Date. Provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law.

DATED: October 20, 2009

MAYOR

ATTEST:

FISCAL OFFICER