

P/C Service 2/14/14  
CA 3/4/14 as amended  
1st R 3/18/14  
2nd R 4/1/14  
3rd R 4-15-14  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 9899-2014

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE  
ENACTING CHAPTER 1365 OF THE  
BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'WEEDS OR TALL GRASS REMOVAL,'  
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

**SECTION 1:** The Brook Park Codified Ordinances shall be supplemented by enacting a new Chapter 1365, entitled "Weeds or Tall Grass Removal" is hereby enacted to read as follows:

**1365.01 WEEDS OR TALL GRASS REMOVAL.**

(a) The owner, occupant or person having the charge, management of any lot or parcel of land situated within the City of Brook Park, Ohio, improved or unimproved, occupied or vacant, shall within seventy-two (72) hours of being notified, by the Building Commissioner or the individual designated by the Commissioner, in writing to do so, cut or destroy, or cause to be cut or destroyed any and all high, obstructive, offensive, unsightly, noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs or briars, except ornamental grasses and plants, growing upon any such lot or parcel of land. Weeds and grasses shall not be permitted to exceed a height of six (6) inches. The written notice may be served upon the owner, occupant or person having the charge or management of any lot or parcel by hand delivery, regular U.S. Express Mail or posting the notice at the property.

(b) After an owner, occupant or person charged with the management of any lot or parcel fails to abate and conditions or in violation of section (a) herein fails to abate the conditions cited in the time allowed, then having been notified by the Building Commissioner, or the individual designated by the Commissioner, of a property in violation of subsection (a) the Director of Public Service or an individual designated by the Director is hereby authorized to cause to be cut or destroyed any

such noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs or briars, which are in violation of subsection (a). The Director may either contract with a contractor or may utilize City personnel to cut or destroy any such noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs or briars in violation of Chapter 1365.

(c) When the Building Commissioner, or the individual designated by the Commissioner, determines that it is necessary to cut or destroy noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs, or briars on any lot or parcel in the City, the owner will be charged at a rate established by the Director of Public Service. The minimum shall be three hundred dollars (\$300.00) for each occurrence. Once the City establishes cutting it will continue to be cut and charged until written notification from the owner has been received from the Building Commissioner that arrangements have been made for proper maintenance.

(d) In the event that a notice issued pursuant to subsection (a) hereof is not complied with and the City must cut or destroy any such noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs, or briars the City shall charge the owner, occupant or person in the charge or management of any lot or parcel within the City the cost of cutting or destroying such noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs or briars. The Director of Finance shall notify by regular U.S. Certified Mail the owner, occupant or person in charge or management of any lot or parcel to pay the cost of cutting the noxious or poisonous weeds or grasses, vines, limbs, branches, bushes, shrubs, or briars said payment to be due and payable to the City within seven (7) days of the mailing of the notice. If the same is not paid within thirty (30) days of the mailing of the notice, the amount due may be certified to the County Fiscal Officer for collection as other taxes and assessments are collected in accordance with Ohio R.C. 731.54. Alternatively the Director of Law is hereby authorized to seek the recovery of such costs by civil action in a court of competent jurisdiction against the property owner.

#### **1365.99 PENALTY**

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances.

**SECTION 2:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this 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, including Section 121.22 of the Ohio Revised Code.

**SECTION 3** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to enact Chapter 1365 of the Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: April 15, 2014

Dennis P. Patton  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
Clerk of Council

APPROVED: [Signature]  
MAYOR

4/15/2014  
DATE

**I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS**

[Signature]  
DIRECTOR OF LAW

**CERTIFICATE**

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 9899-2014

passed on the 15th day of April 20 14 by said council.

Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at the following public places in said municipality as determined by Ordinance No. 1215: location City Hall 677 East Road, Brook Park, OH 44111 Holland Road, #1 Fire Station 2500 Brook Road #2 Fire Station 22530 Maple Parkway #3 Fire Station 1701 Weston Road, Brook Park Library 6165 Engle Road, for a period of fifteen days

commencing April 14, 2014  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council