

ORDINANCE NO. 2022- 11

AN ORDINANCE DECLARING UNCONTROLLED GROWTH OF WEEDS, TREES, AND OTHER VEGETATION TO BE PUBLIC NUISANCE; PROVIDING FOR THE ABATEMENT THEREOF AND DECLARING AN EMERGENCY.

WHEREAS, the Council has previously adopted Chapter 661.01 et seq. of the Codified Ordinances of the Village of Castalia, Ohio relative to the declaring the uncontrolled growth of weeds, trees, and other vegetation to be a public nuisance and providing for the abatement thereof within the corporate limits of the Village; and

WHEREAS, Council has recently repealed its Codified Ordinances but has also determined that the prohibition as set forth in the above cited section should remain in effect; and

WHEREAS, the Council has further determined that the abatement of uncontrolled growth of weeds, trees, and other vegetation within the Village is directly related to the immediate preservation of the public health, safety, and general welfare of the Village, and as such, the Village Council finds that an emergency now exists regarding the aforesaid. Therefore, it is deemed advisable to declare this Ordinance to be an emergency measure to take effect immediately upon its adoption and due authentication by the Mayor and Village Fiscal Officer of the Village of Castalia, Ohio; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:

SECTION 1. DEFINITIONS

When used in this Ordinance, words and phrases shall have the meanings as set forth herein unless the context clearly indicates otherwise:

Health Department: The Erie County General Health District or any of its duly authorized representatives.

Mayor: The duly elected or appointed Mayor of the Village of Castalia or any of his or her duly authorized representatives.

Weeds: Any noxious weeds as set forth in section 901:5-37-01 of the Ohio Administrative Code and thistle, burdock, jimson weed, ragweed, milk weed, mullein, poison ivy or poison oak.

Owner: The owner or owners of real property located within the corporate limits of the Village of Castalia, or the part owner, lessee, occupant, tenant, or the agent of any of them, whether a person, persons, partnership, limited liability company, corporation, or association, whether for profit or nonprofit.

Premises: Any real property located within the corporate limits of the Village of Castalia, Ohio whether improved or unimproved.

NUISANCE.

Weeds, underbrush, and/or grass (wild or overgrown) six inches or more in height or length, constitutes an immediate danger to the public health and/or safety and are hereby declared to be a

public nuisance.

Trees, tree limbs, plants or shrubbery which encroach upon the public right-of-way; or overhang the public right-of-way at less than a clear height of eight feet above ground level, where a street, alley or sidewalk is maintained; trees, plants or shrubbery located on premises adjacent to public right-of-way that are dead, damaged, broken or decayed and which are more likely than not to fall into or blown upon such right-of-way; and trees, plants or shrubbery growing on premises adjacent to public rights-of-way, improved with streets, alleys or sidewalks and which do not permit a clear and unobstructed view in all directions to a person using or driving a motor vehicle in the public right-of-way, constitute an immediate danger to the public safety and are also declared to be a public nuisance.

DETERMINATION OF PUBLIC NUISANCE.

When the Mayor or his designee or the Board of Health determines that a nuisance as set forth in the preceding section exists on any premises in the Village of Castalia, a written notice to abate such nuisance within five (5) days of the receipt of the notice shall be served on the owner of the premises by certified mail if the owner is a resident of the Village or is a nonresident whose address is known, and by certified mail to lienholders of record. Alternatively, if the owner is a resident of the Village or is a nonresident whose address is known, the Mayor or Board of Health may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the Village. Notice to the owner shall be complete upon receipt of the certified mail receipt, service or posting, or publication. The notice shall set forth the location of the premises, describe the nuisance, order its abatement, and state that if the nuisance is not abated, it may be abated by the Village and the cost thereof placed upon the owner's tax duplicate to be collected as other taxes.

FAILURE TO ABATE NUISANCE

Should the owner fail or neglect to abate the nuisance within five (5) days of completion of the service of notice prescribed in the preceding section, it shall be the duty of the Mayor to cause the same to be performed by the Village of Castalia and cost thereof placed upon the owner's tax duplicate to be collected as other taxes.

ASSESSMENT OF COST TO ABATE NUISANCE

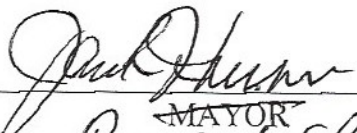
Upon the completion of the abatement of the nuisance by the Village of Castalia, the Mayor shall certify the cost of the work to the Village Fiscal Officer who shall bill the owner or owners of record of the premises for such cost with a penalty of One Hundred Dollars (\$100.00).

SECTION 2. That the Fiscal Officer is authorized and directed to provide a certified copy of the foregoing ordinance to the Erie County Sheriff, the Sandusky Municipal Court, and the Sandusky Bay Law Library.

SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were

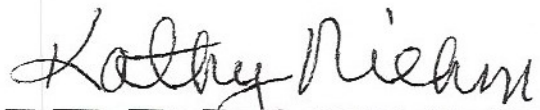
taken in meetings open to the public in full compliance with applicable legal requirements, including *section 121.22 of the Revised Code*.

SECTION 4. That for the reasons set forth in the preamble, this Ordinance shall be adopted as an emergency measure to take effect immediately upon its adoption by the Mayor and the Fiscal Officer, respectively.



MAYOR
President of Council

ATTEST:



VILLAGE FISCAL OFFICER

Adopted: June 28, 2022