

**WEEDS AND LITTER ON PRIVATE PROPERTY**

**§ 93.40 KEEPING DOWN WEEDS.**

(A) Any person owning or having charge of land within the municipality shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

(B) Noxious weeds and rank vegetation shall include but not be limited to:

(1) Any weeds such as the following:

*Noxious Weeds*

Apple of Peru	Marestail
Buckthorn	Mile-A-Minute Weed
Canada Thistle	Musk Thistle
Columbus Grass	Oxeye Daisy
Corncockle	Perennial Sowthistle
Cressleaf Groundsel	Poison Hemlock
Curly Dock	Purple Loosestrife
Dodder	Quackgrass
Field Bindweed	Russian Knapweed
French Weed	Russian Thistle
Giant Hogweed	Serrated Tussock
Hairy Whitetop (Ballcress)	Shatter Cane
Hedge Bindweed	Wild Carrot
Heart-Podded Hoary Cress	Wild Garlic
Horsenettle	Wild Mustard
Johnsongrass	Wild Onion
Leafy Spurge	Wild Parsnip

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;  
(O.A.C. §§ 901:5-27-06 and 901:5-37-01)

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

#### **§ 93.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.**

(A) Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the Legislative Authority shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.

(B) Upon a finding by the Legislative Authority that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Legislative Authority shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(C) As used in this section and § 93.43, **LITTER** includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(D) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(E) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, §§ 4737.05 to 4737.12, or R.C. Chapter 6111.  
(R.C. § 731.51)

#### **§ 93.42 FEES FOR SERVICE AND RETURN.**

The Police Chief, any police officer, or Clerk of the Legislative Authority may make service and return of the notice provided for in § 93.41 and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.

(R.C. § 731.52)

**§ 93.43 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.**

If the owner, lessee, agent, or tenant having charge of the lands mentioned in § 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. 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.

(R.C. § 731.53)

**§ 93.44 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 action under §§ 93.41, 93.42, and 93.43, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, 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 municipality with the general fund.

(R.C. § 731.54)

# RECORD OF ORDINANCES

Ordinance No. 22-1991

Passed June 11 1991

**ORDINANCE AMENDING ORDINANCE 5-1980 AND SECTION 93.40 OF CHAPTER 93 OF TITLE IX OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NEWTOWN**

WHEREAS, various committees of Council have discussed the problem with weeds on the various properties within the Village; and

WHEREAS, as a result of these conferences and discussions, the committee has recommended to Council that the present ordinance be amended to provide for better control of the weeds on private property.

NOW THEREFORE, Be It Ordained by the Council of the Village of Newtown, State of Ohio:

Section I. That Chapter 93, Section 93.40, Subsection A, presently reads as follows:

"Any person owning or having charge of land within the municipality, shall keep said property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation the lots owned or controlled by him at least twice in every year, once between June 1 and July 1, and once between August 1 and September 1."

be amended to read:

"Any person owning or having charge of land within the municipality, shall keep said property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by said person whenever such weeds and vegetation exceed the height of ten (10) inches. This height requirement shall be enforced beginning April 1 of each and every year until November 1 of the same year.

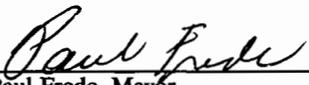
Section II. That Chapter 93, Section 93.40, Section B, Subsection 3, which presently reads:

"Any weeds, grass or plants other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding twelve (12) inches."

be amended to read:

"Any weeds, grass or plants other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding ten (10) inches."

Section III. That this ordinance be declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare, the reason for said emergency being the necessity to control weeds and rank vegetation on all property within the Village of Newtown, and said ordinance shall take effect and be in force from the date of its passage.

  
Paul Frede, Mayor

ATTEST:

  
Nancy A. Williams, Clerk-Treasurer

# RECORD OF ORDINANCES

National Graphics Corp., Cols., O.

Form No. 2808-A

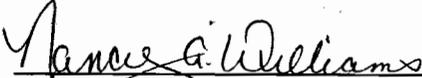
Ordinance No. 22-1991

Passed June 11 19 91

APPROVED AS TO FORM:

  
R. Douglas Miller, Solicitor

I hereby certify that the within Ordinance has been published by posting in five conspicuous places designated by the Newtown Village Council.

  
Nancy A. Williams, Clerk-Treasurer