

ORDINANCE NO. 2008-73

**AMENDING SECTION 521.11 OF THE CODE OF ORDINANCES OF
THE CITY OF MASON, OHIO REGARDING WEED CUTTING
REQUIRED**

WHEREAS, Section 521.11 of the Mason Code of Ordinances provides for the regulation of weed cutting on public and private property; and

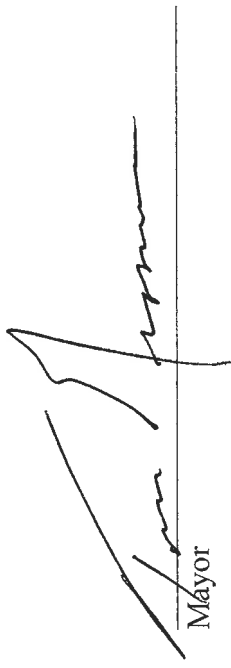
WHEREAS, Council has determined that certain amendments are necessary to achieve the purpose of Section 521.11.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, five members elected thereto concurring:

Section 1. That Section 521.11 of the Code of Ordinances of the City of Mason, Ohio is hereby amended as set forth on Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2. That this Ordinance is and shall be effective from and after the earliest period allowed by law.

Passed this 9th day of June, 2008.

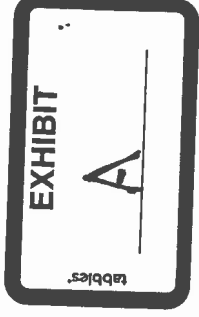


Mayor

Attest:



Clerk of Council



521.11 WEED CUTTING REQUIRED.

(a) Definition.

- (1) “Lake” means body of standing water, including ponds and reservoirs that may have natural or artificial water level control.
- (2) “Mean Water Level” means the normal summer (June 1-September 15) water level, measured in feet above sea level, of lakes as determined by an average of water level readings available over time.
- (3) “Noxious” means hurtful or offensive.
- (4) “Natural Area” means an area planted in approved native plants of Ohio.
- (5) “Riparian Buffer” means the width of land measured horizontally from the mean water level for lakes and from the top of bank or top of slope for streams, to the edge of other land uses.
- (6) “Rank” means luxuriant in growth.
- (7) “Stream” means the full length and width, including the bed and banks, of any watercourse, including rivers, creeks, brooks, and branches and intermittent watercourses that have a defined channel and evidence of water and sediment transport, even if such watercourses do not have surface water flow throughout the year or throughout the channel.
- (8) “Top of Bank” means the point along a stream bank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.
- (9) “Top of Slope” means a break in slope adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.
- (10) “Weed” means undesirable, unattractive vegetation.

(ab) Prohibitions.—Keeping Down Weeds.—

- (1) Any person owning or having charge of land within the City which falls within the limits provided by subsection (b2) hereof shall keep such land free and clear

from all noxious weeds and rank vegetation and shall also be required to control all weeds, grasses and vegetation, except trees, shrubs, acceptable flowers and farm crops, by cutting or other effective legal means of control, at least twice in every year, once between the first of June and the first of July, and once between the first of August and the first of September, and at any other time as is necessary to keep the growth of such weeds, grasses and vegetation under eight inches high. ~~For the purposes of this section, the term "noxious" shall be deemed to mean hurtful or offensive and the term "rank" shall be deemed to mean luxuriant in growth.~~

~~(b2) — Property to be Cleared.~~ The control of weeds and vegetation required by subsection (ab) hereof shall be accomplished on all lands within the City except: all land adjacent to the top of slope or top of bank for all blue line streams; any designated natural area on a non single family residential lot greater than five acres; or where the property has applied for and been granted a permit to maintain an area of riparian buffer and/or natural area.

~~—(c) — Notice.~~

~~to Owner to Cut Noxious Weeds; Service.~~

(1) Upon information that noxious or rank vegetation as defined in subsection (ab) hereof are growing on lands in the City and are about to spread or mature seeds, the City Manager shall cause written notice to be served upon the owner, lessee, agent or tenant having charge of such land, notifying him that noxious weeds are growing on such land and that they must be cut and destroyed within five days after the service of such notice. If the owner or other person having charge of the land is a nonresident whose address is known, the notice shall be sent to his address by certified mail. If the address of such owner is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the county.

~~—(d) —(2) Fees for Service and Return.~~ The Chief of Police, any police officer or Clerk of Council may make service and return of the notice in subsection (c) hereof and shall be allowed the same fee as that provided for service and return of summons in civil cases before a magistrate.

~~—(e) —(3) Procedure When Owner Fails to Comply With Notice.~~ If the owner, lessee, agent or tenant having charge of such lands fails to comply with the notice, Council shall cause the noxious weeds to be cut and destroyed and may employ the necessary labor to perform such task. All expenses incurred shall, when approved by Council, be paid out of the City funds not otherwise appropriated.

~~—(f) —(4) Written Return to County Auditor; Amount of Lien Upon Property.~~ The Clerk shall make a written return to the County Auditor of the action taken under subsections (a) through (e) hereof, with a statement of the charges for its services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return, and a proper description of the premises. Such amounts,

when allowed, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the City with the general fund.

(gd)--- Violations. Whoever violates or fails to comply with any provision of this section is guilty of a minor misdemeanor.

(Ord. ~~89-90~~2008- . Passed ~~7-24-89~~6- -08.)

521.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)