

## VILLAGE OF CONTINENTAL

### ORDINANCE NO. 748-2022

#### AN ORDINANCE REPLACING 2001-469 AND-2015-651 ESTABLISHING REGULATIONS FOR THE MOWING AND MAINTENANCE OF PROPERTIES AND ADJOINING AREAS

WHEREAS, the Village of Continental has determined that the maintenance of yards and adjoining areas of the Village of Continental requires attention from all property owners

IT IS THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF CONTINENTAL, OHIO THAT:

SECTION 1. PURPOSE: The purpose of this chapter is to beautify and preserve the appearance of the Village by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street and alley right-of-way to prevent unsightly, offensive or nuisance conditions.

SECTION 2. DEFINITIONS: For use in this Ordinance, the following terms are:

- A. "Curb." "curb line," or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
- B. "Cut," or "mow" means to mechanically maintain the growth of grass, weeds, or brush at a uniform height.
- C. "Owner" means a person owning private property in the Village and any person occupying private property in the Village.
- D. "Parking" means that a part of a street in the Village not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

SECTION 3. CUTTING SPECIFICATIONS AND STANDARDS OR PRACTICE.

- A. Everyone shall cut, mow, maintain all grass, weeds, and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height defined in Section 4. In addition, property owners are responsible for trimming their trees and bushes protruding outwards into the sidewalk, alleys, rights-of-way or streets in order to maintain a clear right of way for pedestrians and vehicles.
- B. Every owner shall cut, mow, and maintain all grass, weeds, and brush adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds, or brush growing on the remainder of the owner's property. Grass clippings shall not be blown into or onto the sidewalk, road, alley or right-of-way. Any grass clippings inadvertently blown into said sidewalk, road, alley or right-of-way shall be swept and/or blown back into the offender's yard, so as to prevent any unwanted waste going into the Village storm sewer and/or causing plugging.

SECTION 4. UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds, or brush shall be cut, mowed, and maintained so as not to exceed the following height specifications:

- A. Developed Residential Areas – less than eight inches (8")
- B. Undeveloped Residential Areas – less than eight inches (8")
- C. Business and Industrial Areas – less than eight inches (8")
- D. Agriculture Areas – less than eight inches (8")

Grass, weeds, and brush, which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter. Any property within the Village of Continental, whether vacated or non-vacated, is required to conform to these specifications.

SECTION 5. PUBLICATION OF NOTICE. Annual spring publication of this ordinance in a Village newsletter and/or website shall serve as notice to property owners. The Village will be authorized to respond to violations without additional written notice being given. Provided, however, that the Village Administrator may, prior to the Village abating the nuisance pursuant to this notice, will attempt to provide notice to the property owner providing a final notification that the Village will take action within seven (7) days. Said

notice shall NOT be a prerequisite for Village action but is proposed as a courtesy to property owners.

SECTION 6. FAILURE TO COMPLY. If the property owner fails to comply with this Ordinance, the Council or its appointee shall cause the property to be mowed and/or yard clippings to be removed from said road and/or alley right-of-way.

SECTION 7. ABATEMENT BY VILLAGE

- A. If the property owner neglects or fails to abate as directed by Ordinance, the Village may perform the required action to abate. The Council finds that the costs for the Village to abate the nuisance herein are hereby set at \$125.00 per hour with a minimum charge of two hours per occurrence, plus time and materials utilized in satisfying the requirements of the Ordinance herein.
- B. In addition to any other assessment or costs recovered in this ordinance, any person causing or maintaining a nuisance as defined by this ordinance, who shall fail or refuse to abate or remove the same in violation of this Ordinance, shall be charged with a minor misdemeanor, and may be fined up to \$150.00 per each offense.

SECTION 8. COLLETION OF COSTS. The Village Fiscal Officer shall send a statement of the total expenses incurred to the property owner who has failed to abide by the publication notice. If the amount shown by the statement has not been paid within one (1) month, the Fiscal Officer provides notice to the Village council and thereafter, the Village Council shall certify the costs to the County Auditor and such costs shall then be collected with, and in the same manner as general property taxes provided by law.

SECTION 9. That is found and determined that all formal actions of this Council concerning or relation to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that result 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.

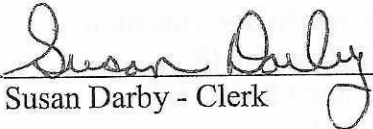
SECTION 10. This Ordinance shall take effect at the earliest time allowed by law.

WHEREUPON, Mr. Streicher moved that this resolution be passed by the council of the Village of Continental, seconded by Mr. Armey and duly put to vote, which as follows:

Roxie Knipp	Yes
Dan Sullivan:	Absent
Mike Varner	Yes
Thomas Armey:	Yes
Todd Bartley:	Yes
Jordan Streicher	Yes

Date passed: July 19, 2022

ATTEST:

  
Susan Darby - Clerk

  
Matt Miller - Mayor

THIS INSTRUMENT PREPARED BY:  
DRAKE, PHILLIPS, KUENZLI & CLARK  
BY: SCOTT E. WELCH, Attorney-at-Law