

RECORD OF ORDINANCES

ORDINANCE # 24-2008

MAY 6, 2008

Ordinance No. ....

Passed ..... YEAR

Purpose/Title: To establish a minimum standard, and enforcement penalty, in association with, the height of grass and weeds located on private and public property located within the City of Waverly, and to repeal and or abolish City Ordinance 7-89 and City Ordinance 15-92.

Whereas, the City finds it necessary to control the height of weeds and grasses on private and public property in order to promote the peace, health and public safety of the Citizens of Waverly, OH; and

Whereas, City Ordinances 7-89 and 15-92 have proved insufficient in accomplishing such cause;

Therefore, be it resolved by the City Council of Waverly, OH that: all private and public property within the corporation limits of Waverly, OH shall maintain the grass and weeds located on such property at a height not to exceed 8 inches and;

That any officer of the City of Waverly Police Department is hereby authorized to enforce such maximum height of grass and weeds upon the visual observation that any such property's grasses or weeds have exceeded the maximum height requirement; and;

That upon the visual observation by a Waverly Police Officer of such grasses or weeds in excess of the minimum standard set by this ordinance; such officer shall provide a written warning to the owner of such property; and;

That after 24 hours of the occurrence of such warning by a Waverly Police Officer to the property owner, such property shall be mowed or trimmed in order to alleviate such excessive height set by this ordinance; and;

That if after 24 hours of the occurrence of such warning by a Waverly Police Officer, the property owner has not caused such grasses or weeds to be trimmed or mowed within compliance of the minimum standard set by this ordinance, such property shall be in violation of this ordinance and the property owner shall be guilty of a minor misdemeanor for a first offense; and the owner of such property shall be summoned to appear in the City of Waverly Municipal Court and if found guilty shall be penalized accordingly but not less than a \$50.00 fine. If the subject property is not in compliance with this ordinance for a second time following the first offense, the alleged offender may be cited again; however, for a second offense, the penalty increases to a Misdemeanor 4; a third offense, the penalty increases to a Misdemeanor 3; a fourth offense, the penalty increases to a Misdemeanor 2; and a fifth offense shall be penalized as a Misdemeanor 1 which carries up to six months in jail and a \$1,000.00 fine. Any offenses beyond the fifth offense shall be penalized as a Misdemeanor 1; and;

That during any such time period that a property is considered in violation of this ordinance, the City Police Department may cause such property to be mowed or trimmed, and shall recover any such cost incurred by such action from the property owner, in the City of Waverly Municipal Court, in addition to, and not as a replacement of, a fine warranted by this ordinance; and;

That any private or public property that is categorized as one of the following is exempt from this ordinance:

- Properties located within a natural creek, river, wetland or riparian corridor area;
- Properties whose principal use is determined to be for Agricultural use;
- Abandoned railroad beds; or railroad rights of way;
- Any property that is located on an embankment or hillside containing a grade or slope ratio of 2:1 or more; and;

That City Ordinance 7-89 and City Ordinance 15-92 are hereby abolished.

(Check only one of the following:)

\_\_\_\_\_ The second and third readings of this ordinance are hereby dispensed with, at least five members of Council concurring. (Art. III, Sec. 13 B.)

\_\_\_\_\_ This ordinance read by title only, a majority of Council concurring. (Art. III, Sec. 13 B.)

X  This ordinance is an emergency for the immediate preservation of the public peace, health and safety of the citizens of Waverly, at least five members of Council concurring. (Art. III, Sec. 15 A.)

This ordinance to go into effect the earliest date authorized by law. (Art. III, Sec. 15)

Reading 1: \_\_\_\_\_ (Date)      Reading 2: \_\_\_\_\_ (Date)      Reading 3: \_\_\_\_\_ (Date)

Greg Kempton 8-19-08  
President of Council (Greg Kempton), Date, (Art. IV, Sec. 6)

Attest:

Ellen Blakeman 8/18/08  
Council Clerk, Date (Art. IV, Sec. 6)

Date Submitted to Mayor: \_\_\_\_\_  
(Art. IV, Sec. 6)

Approved/Disapproved by Mayor  
Dale Reed 9/3/09  
Mayor (Dale Reed)      Date