

ORDINANCE NO. 21-064

AN ORDINANCE AMENDING PART FIVE (GENERAL OFFENSES CODE), CHAPTER 531 (NUISANCES GENERALLY), SECTIONS 531.09 (NOTICE TO CUT; DUTY OF HOUSING CODE COMPLIANCE OFFICER,) 531.10 (FAILURE TO COMPLY), 531.11 (PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE), AND 531.12 (PAYMENT OF COSTS; UNPAID COSTS A LIEN), OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, the proposed amendment to the Sandusky Codified Ordinances will update the provisions of Chapter 531 to provide written notice to all properties owners, clarify the timeline by which property owners must remediate noxious weed and grass, and update the internal references to other sections of the Codified Ordinances; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development and the Division of Building and Code, of the City of Sandusky, Ohio; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

Section 1. Part Five (General Offenses Code), Chapter 531 (Nuisances Generally), Sections 531.09 (Notice to Cut; Duty of Housing Code Compliance Officer,) 531.10 (Failure to Comply), 531.11 (Procedure When Owner Fails to Comply With Notice), and 531.12 (Payment of Costs; Unpaid Costs a Lien) of the Codified Ordinances of the City be amended as follows:

**CHAPTER 531
Nuisances Generally**

531.08 CUTTING OF NOXIOUS WEEDS AND GRASS.

(a) No person, whether as owner or occupant, or any other person, firm, or corporation, whether lessee, agent or tenant, having the charge or care of any lot or land within the City of Sandusky shall permit noxious weeds or grass that are about to spread or mature seeds to grow thereon to a height of 8 inches or more and shall cut down and remove from the lot or land all noxious weeds and grass of a height of 8 inches or more which constitute an immediate threat to the public health, safety, and welfare.

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(b) It is a prima-facie violation of this section if noxious weeds or grass 8 inches or more in height exist on any lot or land within the City of Sandusky at any time during any growing season defined as March 1 through October 31 of each calendar year.

(c) The City Manager shall cause an annual notice to be published in a newspaper of general circulation in the City of Sandusky notifying the residents of the requirements of this section.

(Ord. 03-072. Passed 3-10-03; Ord. 19-208. Passed 12-9-19.)

531.09 NOTICE TO CUT; DUTY OF HOUSING CODE COMPLIANCE OFFICER.

(a) The Housing Code Compliance Officer shall determine when any lots and lands in the City of Sandusky contain noxious weeds or grass, as described in Section 531.087(a) on any of the days set forth in Section 531.087(b).

(b) The Housing Code Compliance Officer shall ~~cause~~ **serve** a one-time written notice ~~to be served~~ upon the owner or occupant, or any other person, firm, or corporation whether lessee, agent, or tenant having charge or care of the lot or land ordering the cutting and removal of such noxious weeds or grass within five (5) days after service of such notice and thereafter during the growing season with sufficient frequency to prevent such noxious weeds or grass from exceeding 8 inches or maturing seeds thereon.

(c) Service of the notice, described in subsection (b) hereof, may be by certified **or ordinary** mail to the mailing address listed by the Erie County Auditor's tax lists; ~~by ordinary mail if the certified mail is refused or unclaimed;~~ **and/or** by personal service by posting at the subject lot or parcel of land. ; ~~or by publishing such notice once in a newspaper of general circulation in the City of Sandusky.~~

~~(d) Notice to owners of vacant parcels of land (land which contains no buildings) and/or owners of vacant properties (properties which contain buildings or structures, however the buildings or structures are unoccupied) shall be by the annual publication only, said owners shall not be given the additional one-time written notice as stated in subsection (b) hereof.~~

~~(ed) Only one notice per calendar year as described in subsections (b) and (c) hereof is required for a lot or parcel of land. If, after a notice has been served in accordance with this Section (531.098), the Housing Code Compliance Officer determines that a subsequent violation has occurred, the City of Sandusky may proceed with the remedy set forth in Section 531.110.~~

~~(Ord. 15-135. Passed 9-28-15; Ord. 19-208. Passed 12-9-19.)~~

531.10 FAILURE TO COMPLY.

No owner, occupant or any other person, firm, or corporation whether lessee, agent, or tenant, having the care of any real property or land within the City of Sandusky, shall fail to comply with the notice provided for in Section 531.098 within five (5) days from ~~the receipt thereof~~ **the date the written notice is placed on the property or the date of the mailing of the written notice.**

~~(Ord. 03-072. Passed 3-10-03; Ord. 19-208. Passed 12-9-19.)~~

531.11 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

If the owner, occupant or any other person, firm, or corporation whether lessee, agent, or tenant, having the care of any of the lands mentioned in Section 531.087(a), fails to comply with the notice provided for in Section 531.098 **within five (5) days**, the City of Sandusky shall cause such noxious weeds and grass to be cut and removed by the City's Division of Horticultural Services.

The property owner of record as indicated by the current tax list of the Erie County Auditor shall pay all costs associated with the cutting and removal of the noxious weeds and grass together with an administrative fee of one hundred dollars (\$100.00).

Upon completion of the cutting and removal of the noxious weeds and grass and receipt of an itemized statement from the Division of Horticultural Services, the Director of Finance shall determine the total cost including the administrative fee and shall cause a statement of the total cost to be mailed to the record owner of the lot or land.

~~(Ord. 03-072. Passed 3-10-03; Ord. 19-208. Passed 12-9-19.)~~

531.12 PAYMENT OF COSTS; UNPAID COSTS A LIEN.

The property owner of record may pay the total cost as charged in Section 531.110 to the City of Sandusky's Director of Finance within thirty (30) days after the statement of costs is issued without penalty. If the total costs are not paid within thirty (30) days after the statement has been mailed to the property owner of record, the City's Director of Finance shall certify the costs as provided in Sections ~~531.09 and 531.110~~ to the Erie County Auditor together with a proper description of the property.

Such amounts shall be entered upon the tax duplicate and shall be a lien upon the property from the date of entry and shall be collected as other taxes and returned to the City's General Fund as provided by O.R.C. Section 731.54.

The recovery of the costs by the City of Sandusky pursuant to this section is a remedy in addition to the penalty provided in Section 531.99.

~~(Ord. 03-072. Passed 3-10-03; Ord. 19-208. Passed 12-9-19.)~~

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of

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this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: May 10, 2021 (effective after 30 days)