

ORDINANCE NO. 2019-3970

**AN ORDINANCE AMENDING CHAPTER 557 TREES, SHRUBS AND WEEDS CODE SECTION 557.23 NOTICE TO CUT NOXIOUS WEEDS OR GRASS FOR THE CITY OF FREMONT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, The City desires to amend Chapter 557 Trees, Shrubs and Weeds Code Section 557.23 Notice to Cut Noxious Weeds or Grass; and

**WHEREAS**, the amendment proposed is described herein:

Section 557.23 which currently reads as follows:

**557.23 NOTICE TO CUT NOXIOUS WEEDS OR GRASS.**

(a) Upon written information, or upon verbal notice verified personally or upon written verification by a member of the Police Department, City Administration or a supervisory employee of the Zoning Department, that noxious weeds or grass is growing on land within the City and is about to spread or mature seeds, the Safety Service Director shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land that such weeds or grass shall be cut to a maximum height of six inches and such weeds shall be destroyed within five days of service of such notice. Such notice may be made by certified mail, served personally, or left at the address of such person having charge of the land with any adult person at such address, or by physically attaching it to the main door of the structure on said property. If a party is served personally, or by other notice as above described, such fact shall be reported to the Safety Service Director. The notice shall, in addition to instructing the owner, lessee, agent or tenant having charge of such land to cause the immediate mowing of grass, and mowing and destruction of the noxious weeds, inform such person or persons that failure to respond shall permit the City to cause the mowing or removal of such weeds or grass after the lapse of five days, and cost of such work shall be charged to the owners, lessees, agents or persons having charge of such land.

(b) The charges thus made shall be based upon a schedule for such work prepared by the Safety Service Director and available for public inspection. The schedule shall be defined in Section 129.04.  
(Ord. 2003-3301. Passed 11-6-03.)

Section 557.23 shall hereby be amended to read as follows:

**557.23 NOTICE TO CUT NOXIOUS WEEDS OR GRASS.**

(a) Upon written information, or upon verbal notice verified personally or upon written verification by a member of the Police Department, City Administration or a supervisory employee of the Zoning Department, that noxious weeds or grass is growing on land within the City and is about to spread or mature seeds, the Safety Service Director shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land that such weeds or grass shall be cut to a maximum height of six inches and such weeds shall be destroyed within five days of service of such notice. Such notice may be made by certified mail, served personally, or left at the address of such person having charge of the land with any adult person at such address, or by physically attaching it to the main door of the structure on said property. If a party is served personally, or by other notice as above described, such fact shall be reported to the Safety Service Director. The notice shall, in addition to instructing the owner, lessee, agent or tenant having charge of such land to cause the immediate mowing of grass, and mowing and destruction of the noxious weeds, inform such person or persons that failure to respond shall permit the City to cause the mowing or removal of such weeds or grass after the lapse of five days, and cost of such work shall be charged to the owners, lessees, agents or persons having charge of such land.

(b) Only one notice pursuant to subsection (a) hereof per year shall be required for any lot or land found to be in violation of this section. In the event any lot or land is found to be in violation subsequent to the service of said notice, the City may proceed in accordance with Section 129.04.

(c) The charges thus made shall be based upon a schedule for such work prepared by the Safety Service Director and available for public inspection. The schedule shall be defined in Section 129.04.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** Chapter 557 Trees, Shrubs and Weeds is hereby amended to reflect the change to Section 557.23.

**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

**SECTION 3.** The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the immediate need to pass the amendment in an expeditious manner.


This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.


  
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Jamie Hafford  
President of Council

PASSED: 8-1-19


Effective date: 8-1-19

YEAS: 7 NAYS: 0

  
\_\_\_\_\_  
Stephanie L. Martin, City Council Clerk

  
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Daniel R. Sanchez, Mayor

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Approved as to form:  
  
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James F. Melle, Director of Law  
City of Fremont, Ohio