

CITY OF STRUTHERS, Ohio
Ordinance

NO. 21-057

**AN ORDINANCE AMENDING § 521.15 OF THE CODIFIED
ORDINANCES OF CITY OF STRUTHERS, OHIO
AND DECLARING AN EMERGENCY.**

WHEREAS, § 521.15 of the Codified Ordinances of the City of Struthers, Ohio currently states:

521.15 CUTTING HIGH GRASS.

(a) No owner, lessee, tenant and/or responsible local agent of any real property within the City, and/or any other person having charge of any real property within the City, shall allow the property's grass to grow in excess of six (6) inches in height.

(b) If the property's grass grows in excess of six (6) inches in violation of subsection (a) hereof, the Safety-Service Director shall cause such grass to be cut and/or removed and may employ the necessary labor to perform the task. A fee of one hundred dollars (\$100.00) will be assessed to the owner of the property for each individual lot whose size is 12,000 square feet or less. For those lots that exceed 12,000 square feet, the fee assessed to the owner will be one hundred fifty dollars (\$150.00) or the actual expense incurred by the City to remediate the violation, whichever is more. All expenses incurred shall, when approved by Council, be paid out of any money in the Treasury of the City.

(c) The Safety Service Director shall make a written return to the County Auditor of his/her action under subsection (b) hereof with a statement of the charges for services, the amount assessed for performing such labor, the fees of the officers who made the service of the notice and return and a property 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 entry, and shall be collected as other taxes and returned to the City with the General Fund.

(d) In order to protect the health, safety and welfare of the general public, the Safety Service Director is not required to notify the owner, lessee, tenant and/or responsible local agent of the property, and/or any other person having charge of the property, before causing the grass to be cut and/or removed pursuant to subsection (b) hereof; but the Safety Service Director, in his/her sole discretion, may post a warning notice on the property and/or otherwise issue a notice to the owner, lessee, tenant and/or responsible local agent of the property, and/or any other person having charge of the property, to cut and/or remove the grass before causing the grass to be cut and/or removed pursuant to subsection (b) hereof.

(e) Any owner, lessee, tenant and/or responsible local agent of any real property within the City, and/or any other person having charge of any real property within the City, who violates any provision of this section is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for the first offense. For each subsequent offense, the owner, lessee, tenant and/or responsible local agent of any real property within the City, and/or any other person having charge of any real property within the City, is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty (30) days or both.

WHEREAS, Council desires to make certain amendments to § 521.15 of the City's Codified Ordinances.

NOW, THEREFORE, BE IT ORDINANED by the Council for the City of Struthers, Ohio, $\frac{3}{4}$'s of all members elected thereto concurring, that:

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SECTION 1: § 521.15 of the City’s Codified Ordinances is hereby amended to read as follows:

(a) No owner of any real property within the City, and/or any other person having charge of any real property within the City, shall allow the property’s grass to grow in excess of six (6) inches in height.

(b) If the property’s grass grows in excess of six (6) inches in violation of subsection (a) hereof, the Safety Service Director or his/her designee shall serve the owner of the property with a written notice upon the first identified violation per calendar year. The notice shall state that the owner has three (3) days to cut any grass in excess of six (6) inches. The notice shall also conspicuously state that failure to comply will result in the City causing the work to be done and the costs possibly being assessed against the property and that any subsequent violations of this section concerning the same property during the same calendar year shall require no further notice. The notice shall be deemed properly served by (i) posting it on the front door or other conspicuous location of the subject property; (ii) handing the notice to the property owner; or (iii) leaving the notice at the property owner’s usual residence with a person or suitable age and discretion residing with the property owner.

(c) When it is deemed necessary for the City to cut grass in excess of six (6) inches, the Safety Service Director shall cause the grass to be cut and may employ the necessary labor to perform the task. A fee in an amount set, from time-to-time, by resolution of Council shall be assessed to the owner of the property if the Safety Service Director causes grass in excess of six (6) inches to be cut.

(d) To recover the fee for causing grass in excess of six (6) inches to be cut, the Safety Service Director may certify the amount of the fee to the County Auditor for collection as other taxes and assessments are collected or the City may seek the recovery of the fee by civil action against the property owner. If the Safety Service Director certifies the amount of the fee to the County Auditor, the fee shall be entered upon the tax duplicate and shall be a lien upon the property from the date of entry.

(e) Any owner of real property within the City, and/or any other person having charge of any real property within the City, who violates any provision of this section is guilty of a minor misdemeanor for the first offense. For each subsequent offense, the person is guilty of a misdemeanor of the fourth degree. Every day on which a violation of this section is found to exist shall constitute a separate offense.

SECTION 2: All ordinances, or parts thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 3: It is 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 of any of its committees that resulted in those formal actions were in meetings open in the public, in compliance with law.

SECTION 4: A delay in the effective date of this ordinance will result in detriment to the economic health, safety and welfare of the Struthers community at large. Accordingly, this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon its passage and approval by the Mayor

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PASSED IN COUNCIL THIS 13th DAY OF October, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

Michael S. Patrick
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 13th DAY OF October, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 13th DAY OF October, 2021.

Catherine Cercone Miller
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 10/21/2021-10/28/2021

Megan R. Shorthouse
CLERK OF COUNCIL