



Introduced: 2/19/2019
Revised:
Adopted:
Effective:

CITY OF PATASKALA

ORDINANCE 2019-4332

AN ORDINANCE TO AMEND SECTION 521.11 OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA, AND REPEAL ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the proposed amendment will expand the properties subject to the provisions of Section 521.11, increase the time allowed to correct the violation and adjust the notification procedure for properties found to be in violation.

WHEREAS, the City Planning and Zoning Commission initiated the amendment pursuant to Section 1217.02, and

WHEREAS, a public hearing was held by the City Planning and Zoning Commission on January 2, 2019 pursuant to Section 1217.07, and

WHEREAS, the notice of a public hearing to be held by the City Planning and Zoning Commission was published in a newspaper of general circulation on December 20, 2018 pursuant to Section 1217.08, and

WHEREAS, upon hearing the application the City Planning and Zoning Commission recommended approval of the amendment on January 2, 2019 pursuant to Section 1217.10, and

WHEREAS, a public hearing was held by Council on February 19, 2019 pursuant to Section 1217.11, and

WHEREAS, the amendment was on file for public examination for a minimum of 30 days preceding the Council public hearing pursuant to Section 1217.12, and

WHEREAS, Council hereby determines that all applicable procedures required by Chapter 1217 of the Codified Ordinances have been followed, and that notice was given and a public hearing was held as required by Section 1217.11 of the Codified Ordinances, and Council hereby adopts the recommendation of the City Planning and Zoning Commission as provided for in Section 1217.13 of the Codified Ordinances;

WHEREAS, the Council of the City of Pataskala has determined that it is necessary to amend the Zoning Code of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: That Section 521.11 of the Zoning Code of the Codified Ordinances of the City of Pataskala be amended to read as found in Exhibit A.

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 Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 3: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk of Council

Michael W. Compton, Mayor

Approved as to form:

Brian M. Zets, Law Director

EXHIBIT A

521.11 WEEDS AND OTHER NUISANCES

- a) Any person and/or entity owning or having charge of any lot, parcel or land of one and one-half (1.5) acres or less and all commercially zoned lots, lots zoned R-M – Multi-Family Residential, lots zoned R-MH – Manufactured Home Residential, and lots located within a platted subdivision other than woodland areas, conservation and/or agricultural easements, CAUV and/or agricultural preservation districts as set forth in the Ohio Revised Code, subdivision reserves designated to remain in a natural state or for agricultural use, within the Municipality shall, in the absence of an exemption granted by the City Administrator upon written application and for good cause shown, shall be required to control all weeds, grasses and vegetation, except trees, shrubs, acceptable flowers and farms crops, by cutting or other effective legal means of control as is necessary to keep the growth of such weeds, grasses and vegetation under eight inches high.

- b) The Zoning Inspector is authorized to determine on what lots and lands in the Municipality, weeds, grasses and vegetation are being permitted to grow, spread, mature or seed and declare the same as constituting a nuisance or endangering public health. After determination has been made that such weeds, grasses and vegetation constitute a nuisance or endanger the public health, it shall be the duty of the Zoning Inspector to see that they are removed, or such nuisance abated.
 1. A separate offence shall be deemed committed each day during or on which the offense occurs or continues.
 2. Whoever fails to comply with the orders of the Zoning Inspector with respect to these provisions is guilty of a minor misdemeanor.

- c) The Zoning Inspector shall cause written notice to be served upon the owners or lessees or agents or tenants having charge of such lots and lands referred to in subsection (b) hereof, notifying them that weeds, grasses and vegetation growing eight inches or more in height are growing on such lots and lands and that they must be cut or destroyed within 10 days after the service of such notice.
 1. If the address of the owner or person having charge of such lands is known, the Zoning Inspector must send a copy of the notice to said address by regular U.S. mail giving 10 days to correct the violation. For purposes of this Ordinance, service of the notice is complete upon such mailing.
 2. If the address of the owner or person having charge of such lands is unknown, the Zoning Inspector must publish notice in a newspaper of general circulation or by electronic means. After completion of such notice, the Director of Planning and Zoning shall make due return thereon setting for the cost of service.

- d) Upon the failure of any owner, lessee, agent or tenant having charge of the lots and lands under the provisions of subsections (b) and (c) hereof to comply with the notice within the period of time stipulated under the provisions of subsection (c) hereof, the Zoning Inspector shall cause such weeds to be cut or destroyed by the direct employment of labor or authorize some person to cut the weeds on behalf of the Municipality.

- e) Upon the performance of the labor, under the provisions of subsection (d) hereof, the Zoning Inspector shall report to Council the costs thereof with respect to each lot or parcel of land, including the cost of investigation, handling of weed complaints and cost of service and notification. The total cost to be reported to Council shall be the actual cost incurred for the work performed (per incident) plus an additional administrative cost of either two hundred dollars (\$200.00) or twenty percent (20%) of the actual cost incurred for the work performed rounded up to the next whole dollar, whichever is greater.
- f) Upon receipt of the report, under the provisions of subsection (e) hereof, and approval thereof by Council the Clerk of Council shall make a return in writing to the Auditor of Licking County such charges which shall be entered upon the tax duplicate of Licking County, all in accordance with Ohio R.C. 731.54.
- g) In addition to the procedures set forth above in subsections (d), (e) and (f), whoever violates any provision of this Section or fails to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this Code or fails to comply with any of its requirements shall be guilty of a minor misdemeanor per violation. Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Pataskala from taking such other lawful action as necessary to prevent or remedy any violation.

EXHIBIT A

REDLINE

521.11 WEEDS AND OTHER NUISANCES

- h) Any person and/or entity owning or having charge of any lot, parcel or land of one and one-half (1.5) acres or less and all commercially zoned lots, , lots zoned R-M – Multi-Family Residential, lots zoned R-MH – Manufactured Home Residential, and lots located within a platted subdivision other than ~~designated~~ woodland areas, conservation and/or agricultural easements, CAUV and/or agricultural preservation districts as set forth in the Ohio Revised Code, ~~subdivision reserves designated to remain in a natural state or for agricultural use~~, within the Municipality shall, in the absence of an exemption granted by the City Administrator upon written application and for good cause shown, shall be required to control all weeds, grasses and vegetation, except trees, shrubs, acceptable flowers and farms crops, by cutting or other effective legal means of control as is necessary to keep the growth of such weeds, grasses and vegetation under eight inches high.
- i) The Zoning Inspector is authorized to determine on what lots and lands in the Municipality, weeds, grasses and vegetation are being permitted to grow, spread, mature or seed and declare the same as constituting a nuisance or endangering public health. After determination has been made that such weeds, grasses and vegetation constitute a nuisance or endanger the public health, it shall be the duty of the Zoning Inspector to see that they are removed, or such nuisance abated.
1. A separate offence shall be deemed committed each day during or on which the offense occurs or continues.
 2. Whoever fails to comply with the orders of the Zoning Inspector with respect to these provisions is guilty of a minor misdemeanor.
- j) The Zoning Inspector shall cause written notice to be served upon the owners or lessees or agents or tenants having charge of such lots and lands referred to in subsection (b) hereof, notifying them that weeds, grasses and vegetation growing eight inches or more in height are growing on such lots and lands and that they must be cut or destroyed within ~~seven, (7),~~ 10 days after the service of such notice.
1. ~~Notice shall be posted to the violating property giving seven (7) days to correct the violation.~~ If the address of the owner or person having charge of such lands is known, the Zoning Inspector must ~~also~~ send a copy of the ~~posted~~ notice to said address by regular U.S. mail giving ~~seven (7)~~ 10 days to correct the violation. For purposes of this Ordinance, service of the notice is complete upon such mailing.
 2. If the address of the owner or person having charge of such lands is unknown, the Zoning Inspector must publish notice in a newspaper of general circulation ~~and may also publish the notice or~~ by electronic means. After completion of such notice, the Director of Planning and Zoning shall make due return thereon setting for the cost of service.
- k) Upon the failure of any owner, lessee, agent or tenant having charge of the lots and lands under the provisions of subsections (b) and (c) hereof to comply with the notice within the period of time stipulated under the provisions of subsection (c) hereof, the Zoning Inspector shall cause such

weeds to be cut or destroyed by the direct employment of labor or authorize some person to cut the weeds on behalf of the Municipality.

- l) Upon the performance of the labor, under the provisions of subsection (d) hereof, the Zoning Inspector shall report to Council the costs thereof with respect to each lot or parcel of land, including the cost of investigation, handling of weed complaints and cost of service and notification. The total cost to be reported to Council shall be the actual cost incurred for the work performed (per incident) plus an additional administrative cost of either two hundred dollars (\$200.00) or twenty percent (20%) of the actual cost incurred for the work performed rounded up to the next whole dollar, whichever is greater.
- m) Upon receipt of the report, under the provisions of subsection (e) hereof, and approval thereof by Council the Clerk of Council shall make a return in writing to the Auditor of Licking County such charges which shall be entered upon the tax duplicate of Licking County, all in accordance with Ohio R.C. 731.54.
- n) In addition to the procedures set forth above in subsections (d), (e) and (f), whoever violates any provision of this Section or fails to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this Code or fails to comply with any of its requirements shall be guilty of a minor misdemeanor per violation. Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Pataskala from taking such other lawful action as necessary to prevent or remedy any violation.