

**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**

POLICY NO. 22

SUBJECT: NUISANCE WEED AND GRASS POLICY

DATE: MARCH 20, 2014

REVISED: FEBRUARY 24, 2023

RECOMMENDED BY:



ROBERT F. JACQUES, LAW DIRECTOR

APPROVED BY:



NORBERT S. KLOPSCH, CITY MANAGER

POLICY: This policy establishes a protocol for the administration of Chapter 551 “*Landscape Management*” of the General Offenses Code.

PURPOSE: This policy is intended to establish a uniform procedure for city involvement in the removal of nuisance vegetation from private properties throughout the city.

RESPONSIBILITIES: Consistent with the provisions below, the Building Commissioner shall be responsible for implementation of this policy, subject to the oversight and approval of the City Manager.

GENERAL PROVISIONS:

City Council has determined that weeds or turf-grass growing at a height of eight (8) inches or higher upon any property in the city are a public nuisance, and has adopted Chapter 551 of the General Offenses Code to address this issue. Effective this date, a “Nuisance Weed and Grass Policy” is hereby established to provide policy guidance and procedures to City of Oakwood employees and officials who are involved with the implementation of Chapter 551 throughout the city. Specifically, this policy addresses (1) applicability of Chapter 551, (2) owner notification, (3) enforcement procedure, and (4) billing.

1. APPLICABILITY OF CHAPTER 551

a. Plant material

1. Chapter 551 applies to all vegetation that is not managed or maintained, as defined by ordinance. "Managed or maintained" means regularly cultivated, weeded, pruned, trimmed, tied, and/or managed so as to avoid the appearance of neglect, overgrowth, untidiness, or disease/decay, and in a manner that is not inconsistent with customary and prevailing levels of yard maintenance within the subject property's property maintenance district (as defined in Section 108 of the Oakwood Property Maintenance Code.)

2. The 8" height requirement does not apply to plant material that is properly managed or maintained, but such plant material is still subject to removal if it constitutes a "noxious weed" (as defined in Chapter 551) or otherwise constitutes a threat to public health, safety, comfort or welfare.
3. Any questions as to whether particular plant material falls within the ordinance should be directed to the Building Commissioner and resolved before taking any enforcement action. If the Building Commissioner is uncertain, he or she should consult with the Law Director, involving the City Horticulturist if needed. This is especially important because enforcement often involves the entry of city employees upon private property.

b. Properties and responsible parties

1. Chapter 551 applies to all parcels within the city. It makes no difference whether the lot is improved, unimproved, vacant, or occupied. The only exceptions are "managed natural landscape areas" and areas designated by the City Manager as "natural areas" according to the provisions of Chapter 551.
2. Chapter 551 imposes joint responsibility on the owner, occupant, and anyone else that has "charge or care" of property.

2. OWNER NOTIFICATION

- a. Annual notice: The Building Commissioner will publish an annual notice in the Oakwood Register on the publication date closest to April 1st. With approval of the City Manager, the notice may be published sooner or later as warranted by growing conditions. (See Appendix 1 for annual notice format.) Only one annual notice will be published.
- b. Placarding: When a violation of Chapter 551 is observed, a door placard will be hung on the front door by the Building Commissioner or the Zoning Inspector. If there is no door, the placard may be taped on the building or otherwise posted on the property in a conspicuous, visible manner. The Building Commissioner is responsible for ensuring that placards include the information required by Sec. 551.03(b). (See Appendix 2 for correct placard format.)

3. ENFORCEMENT PROCEDURE

- a. Initial identification of violations.
 1. Violations of Chapter 551 may be observed directly by the Zoning Inspector, who shall incorporate nuisance vegetation inspections as part of his or her regular duties. Citizen weed or grass complaints will be forwarded to the Zoning Inspector. Violations may also be reported to the Zoning Inspector by any city personnel, and they are encouraged to do so. However, responsibility for determining violations of Chapter 551 and undertaking subsequent enforcement will rest with the Zoning Inspector, subject to oversight by the Building Commissioner.
 2. When the Zoning Inspector determines that a property is in violation of Chapter 551, a placard will be posted as described in this policy. The Zoning Inspector will maintain a list of placarded properties for subsequent follow up inspection.

b. Follow up inspections.

1. Timing: The Zoning Inspector will conduct follow up inspections of placarded properties after the 5 day notification period has lapsed. Because properties will be placarded on an ongoing basis, it may not be practical to schedule follow up inspections to fall precisely on the 6th day. However, the Zoning Inspector will ensure that follow up inspections are conducted at least weekly.
2. Method: Follow up inspections will generally be done on a drive-by basis to determine if the property owner/occupant has remedied the violation. For rear yard or other issues that may not be visible from the street, the Zoning Inspector will follow existing property inspection protocols to conduct a follow up inspection of the area in question.
3. Upon follow up inspection, properties that have been brought into compliance will be removed from the Zoning Inspector's list and no further action will be taken.

c. Mowing or other removal.

1. If a property remains out of compliance upon follow up inspection, the Building Commissioner will report the property address to the Public Works Director for further enforcement. This notification will be made via email. The Building Commissioner will place a copy of these notifications in the appropriate house file to document this step of the enforcement process.
2. Upon notification from the Building Commissioner of a noncompliant property, the Public Works Director is responsible for assigning a work crew to mow or otherwise remove the nuisance vegetation from that property. The work should be done within 2 business days, weather permitting. The Public Works Director will maintain a list of properties that have been mowed or serviced, and will transmit that list to the Utility Clerk on a monthly or other convenient basis.

4. BILLING

- a. Cost-tracking: The Public Works Director will develop and keep up to date a schedule of charges for services provided by the Public Works Department under this policy, including equipment, fuel, personnel rates, and other expenses as applicable. The Public Works Director will track the number of employees, time spent, equipment used, and any other expenses on each job.
- b. Job-tracking: The Public Works Director will record the properties that have been mowed or serviced, and will transmit that information to the Utility Clerk on a convenient basis, but no less than monthly.
- c. Invoicing:
 1. When the Public Works Director provides information to the Utility Clerk that a property has been mowed or serviced, the Utility Clerk will generate an invoice for each job performed and will mail the invoice to the then-current property tax mailing address of record for the property.

- i. Note: For vacant properties or similar situations where it appears that a property will require mowing or service on a successive basis over the growing season, invoices need not be generated or mailed separately for each job. The ordinance allows for multiple jobs at a particular property to be combined on a single invoice, as long as each job is separately itemized. The Utility Clerk may hold these jobs for combined invoicing.
 2. If the invoice is returned as undeliverable, a copy will be provided to the Zoning Inspector to be posted upon the premises. The Zoning Inspector will make a return of this action. (*See Appendix 3 for correct return format.*)
 3. The invoice is the "Notice of Assessment" referenced in Sec. 551.05(a). It must include language approved by the Law Director to notify the recipient that charges not paid by a specific date will be certified to the Montgomery County Auditor for inclusion on the real estate tax duplicate. If the language does not appear on the invoice, a separate Notice of Assessment must be sent.
- d. Collection: Invoices that remain unpaid for at least 10 days will be certified by the Utility Clerk to the Montgomery County Auditor for collection with the real estate tax bill for a particular property. The 10 days will be calculated from the date when the invoice was mailed plus a 3 day allowance for mailing time, or if posted, the date when it was posted upon the premises.
1. The Montgomery County Auditor requires certification to be received no later than the 2nd Tuesday in September. The Utility Clerk, with oversight from the Law Director, will prepare an assessment Resolution for approval by Council at their regular September meeting (or August meeting, if the scheduled date in September would be too late to meet the Auditor's filing requirement.)
 2. Depending on the date of the Council meeting, the Utility Clerk will establish a cut-off date each year for including unpaid invoices on the assessment Resolution. Invoices coming due for assessment after the cut-off date will be held for the following year's assessment.
 3. The Resolution will contain a listing of all affected addresses and parcel ID numbers, along with the unpaid balance for each property.
 4. Upon adoption by Council, the Utility Clerk will obtain a certified copy of the assessment Resolution from the Clerk of Council and will forward it to the Montgomery County Auditor for inclusion on the real estate tax duplicates for each affected property. The Utility Clerk will also provide the data in spreadsheet format at that time, as required by the Auditor.
 5. Consistent with practices of the Montgomery County Auditor's office, the Utility Clerk may accept payments on unpaid invoices at any time prior to forwarding the electronic spreadsheet to the Auditor. Any such property should be removed from the spreadsheet prior to sending if no balance remains due.

LEGAL NOTICE

ANNUAL NOTICE TO CUT WEEDS AND GRASS: In accordance with Chapter 551 of the Codified Ordinances of the City of Oakwood, notice is hereby given to ALL OWNERS OF REAL PROPERTY WITHIN THE CITY OF OAKWOOD as follows:

All properties within the City of Oakwood must be maintained in accordance with Section 551.01 of the Codified Ordinances of the City of Oakwood, which prohibits grass or weed growth in excess of eight (8) inches. Should the owner of any real property fail to comply with Section 551.01, the City of Oakwood will cause the weeds or grass to be cut at the owner's expense. The City will invoice the owner for all costs thereof, including administrative costs, and if unpaid, will place a lien on the property for the amount owed, in accordance with law.

(Building Commissioner's Name)
(Building Commissioner's Title)
City of Oakwood
30 Park Avenue
Oakwood, Ohio 45419
(937) 297-2920

City of Oakwood

INSPECTIONAL SERVICES DEPARTMENT
297-2920

PUBLIC WORKS DEPARTMENT
298-0777

ADDRESS: 123 Sample St. DATE: (Write date)

This tag left by: (Inspector's name and/or title)

The following violation(s) of local ordinances have been noted and must be corrected within the specified time period. Your prompt attention in correcting the noted violation(s) is appreciated. Failure to comply may result in a citation.

- 1. **COMMUNITY MAINTENANCE - Ordinance 521.17**
 - Trees/bushes overhanging the sidewalk must be 8' above the sidewalk.
 - Trees/bushes overhanging the roadway or alleyway must be 14' above the ground level.
 - Compliance is requested immediately.
- 2. **OVERGROWN WEEDS, GRASS AND/OR VEGETATION - Ordinance 551**
 - Lot or portion thereof is overgrown with grass, weeds and/or vegetation.
 - Please cut within 5 DAYS of the date of this notice. (*) See below
- 3. **VEHICLE (i.e. boat, car, trailer) PARKED ON AN UNAPPROVED SURFACE (i.e. grass) - Ordinance 1101.3**
 - Please be advised that this vehicle must be moved immediately.
- 4. **OVERSIZED VEHICLE - Ordinance 901.5**
 - An oversized vehicle includes a trailer, motor home, boat, camper, self-propelled vehicle or any combination of such objects which exceeds 7' in width and/or 20' in length.
 - Please remove vehicle from property immediately.
- 5. **ILLEGAL SIGN - Ordinance 1204**
 - Placement - No signs permitted in right-of-way.
 - Size - Sign exceeds allowable dimensions.
 - Number - Only one sign permitted per residential lot.
 - Advertising - No advertising sign of any kind is permitted.
 - Compliance is requested immediately.
- 6. **PERMITS**
 - A permit may be required for the construction currently in progress at your property. Please contact our office within _____ of the date of this notice.
- 7. **PLACEMENT OF AN OBSTRUCTION IN THE STREET - Ordinance 311.01**
 - The only items that should ever be placed in the streets are leaves between October and early December. Please place material on the house side of the curb in the future.
- 8. **OTHER:** _____

Per ordinance: if not cut within 5 days, the city will cut at owner's expense and place a lien on the property per Ohio R.C. 731.54. Removal of this tag before compliance is a minor misdemeanor.

RETURN OF SERVICE

On _____, the undersigned Zoning Inspector made residential
(DATE)

service of a Notice of Assessment for mowing and/or the removal of offensive or noxious weeds, vines, grasses, and vegetation, by conspicuously posting the same upon the following premises in the City of Oakwood, Ohio:

(STREET ADDRESS)

Location of posted notice: _____

Ethan Kroger
Planning & Zoning Manager