

VILLAGE OF OTISVILLE
WEED ORDINANCE
Ordinance No. 172

AN ORDINANCE TO CONTROL AND ERADICATE THE GROWTH OF NOXIOUS WEEDS AND RANK VEGETATION; TO CONTROL THE GROWTH OF GRASSES IN THE VILLAGE OF OTISVILLE; TO IMPOSE RESPONSIBILITY UPON THE OWNERS, AGENTS, OR OCCUPANTS OF PROPERTY WITH RESPECT TO SAID CONTROL AND ERADICATION; TO DEFINE TERMS; TO IMPLEMENT A NOTIFICATION PROCEDURE; TO DESIGNATED RESPONSIBILLITY FOR COMPLIANCE; TO IMPLEMENT THE ENFORCEMENT OF SUCH RESPONSIBILITY AND OBLIGATIONS BY LIEN ON PROPERTIES INVOLVED; AND TO REPEAL ORDINANCES INCONSISTENT HEREWITH.

THE VILLAGE OF OTISVILLE ORDAINS THAT:

SECTION 1. Purpose

The purpose of this ordinance is to preserve and promote the health, safety, and general welfare of residents, motorists and pedestrians alike through the regulation of growth of noxious weeds, rank vegetation, and grasses within the Village which are deemed to detract from the appearances and character of the neighborhoods, negatively affect the value and marketability of surrounding property, constitute traffic hazards and fire hazards, and cause additional health problems for persons with respiratory ailments.

SECTION 2. Definitons

A. Noxious Weeds

For the purpose of this Ordinance, "Noxious Weeds" shall include Canada thistle (circium arvense), dodders, (any species of Custa), mustards, (charlock, black mustard and Indian mustard, species of Brassica or sinapis), wild carrot (caucus carata), bindweed (convolvulus arvenis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior) and Poison ivy (rhus toxicodendron), poison sumac (toxicondendron vermis), oxeyes daisies, ragweed, goldenrod, or other plants which are recognized as deleterious to health safety, or public welfare and recognized as common nuisance.

B. Eradicate:

To get rid of, to wipe out, to destroy entirely, working of natural processes or

methodical plan.

C. Rank Vegetation:

Profuse or unmanageable of communities of plant in a region.

D. Grass:

Any plant of the family Gramineae (or Poaceae) characterized by jointed stems, sheathing leaves, flower spikelets, and fruit consisting of a seed like grain or caryopsis.

E. Improved Property:

Any real property that is or has been put to residential, commercial, office, warehouse, institutional, or industrial uses. In addition, any such lot in any subdivision or block where buildings have been erected on fifty (50%) percent or more of the lots of such subdivision or block shall be defined as improved property.

F. Unimproved property:

All vacant real property abutting public or private streets.

G. Nature Area:

A tract of real property on which the owner has been granted, by the Zoning Board of Appeals, an exemption from the vegetation growth limits.

SECTION 3. Growth of Grasses and Weeds Prohibited

The presence of such noxious weeds, rank vegetation or tall grass upon improved and or unimproved property is hereby deemed to be detrimental to the public health, safety, and welfare and shall constitute a public nuisance

A. Improved property:

No person owning any improved property whether or not occupied, and any person occupying any property (pursuant to any land contract, rental or leasehold agreement), shall permit or maintain on any such property any growth of weeds, grasses or rank vegetation to a height greater than eight (8") inches or permit or maintain any accumulation of dead weeds defined in this Ordinance or other poisonous plants, or plants detrimental to health, to grow on any improved property.

B. Unimproved Property:

No person owning or having possession of any unimproved property (in fee or pursuant to any land contract, rental or leasehold agreement), shall permit or

maintain on any such property any growth of weeds, rank vegetation, or grass to a height great than sixteen (16”) inches or any accumulation of dead weeds, grasses or brush, for a depth of one hundred twenty feet (120’) or the depth of the property, whichever is lesser measured from the street right-of-way.

C. Nature Area:

Any person, firm or corporation possessing lands within the Village of Otisville may maintain an area of natural plant growth on which plants may exceed the designated growth limitations if they first obtain a Natural Area Permit from the Zoning Board of Appeals. Application for such permit shall be submitted to the Superintendent of public works and be accompanied by a plot plan for the parcel or parcels which the application affects, drawn to scale not less than 20 feet to the inch, showing the proposed nature area, buildings, and adjacent alleys, streets or highways. The Superintendent of Public Works shall send notice of the application, along with a copy of the same and its accompanying plot plan and a description of the time and place of the Zoning Board of Appeals, to the owner or occupants of all parcels adjacent to the proposed nature area, by certified mail, no less than ten days before the Zoning Board of Appeals will consider the application. Charges for plan review and postage shall be charged to the applicant at a rate equal to the actual cost to the Village, plus Ten (10%) percent. No action shall be taken on the application until all fees and expenses have been paid in full.

SECTION 4. Duty of the Occupant or Owner

It shall be the duty of the occupant or owner of every Premise or property within the Village, whether improved or unimproved, to cut and remove or destroy by lawful means, all weeds, grass or rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this Ordinance between April 15th and November 15th of each year.

A. Notification:

A published notice of the provisions of the Gras and Noxious Weed Ordinance shall be provided by advertising the following notice or a substantially similar notice in a paper of general circulation within the Village during the month of March.

PUBLIC NOTICE

To all property owners, agents, and occupants, Notice is hereby given to all persons owning or occupying any property within the Village of Otisville that pursuant to Ordinance No 172 of the Village of Otisville, it shall be the duty of such owners or occupants to keep all grasses cut below a height of eight (8") inches on improved properties and all grass, rank vegetation, and noxious weeds below sixteen (16") on unimproved property, for a depth of one hundred twenty (120') feet, or the depth of the property which ever is lesser, between April 15th and November 15th unless such property has been designated a Natural Area by the Zoning Board of Appeals. If the provisions of this ordinance are not complied with, the Village shall cause such grass and weeds to be cut or destroyed and the actual costs of such cutting or destruction plus twenty-five (25%) percent for inspection and/or other additional costs in connection therewith shall be charged to the property owner, and if necessary, collected as a tax lien as provided by law against the property.

B. Action Authorized:

If the provisions of this ordinance are not complied with after the legal notices have been published, then any officer, inspector or other agent authorized by the Village of Otisville after April 15th, may enter upon such properties as many times as necessary and cause such grass, weeds, and other vegetation to be cut and/or destroyed, and all expenses incurred in such destruction shall be paid by the owner or owners of such properties. The Village shall have liens upon such lands for such expenses, and such liens may be enforced in the manner prescribed by the general laws of the State providing for tax liens.

C. Means to be Utilized:

In the discretion of the officer, inspector, or other agent authorized by the Village of Otisville hand or mechanical means may be used, and all due care shall be taken to avoid unnecessary damages to the property.

D. Owner Liability:

1. **Lien Upon Property:** From the time of commencement of the cutting or destruction of such grasses, rank vegetation and noxious weeds, the Village shall have a lien upon the property.

2. **Costs:** The owners of property shall be liable for all costs incurred by the Village in connection with the cutting, and destruction. A minimum cost is to be determined by the Otisville Village Council by resolution from time to time for cutting and destruction of such grasses, rank Vegetation and noxious weeds. In addition, an administrative fee in the amount of twenty-five (25%) percent of the actual cost of the cutting or destruction, will be included in the

total costs.

E. Collection of Costs:

1. Billing: For purposes of determining the ownership of the property it shall be presumed in evidence that the person to whom the property is assessed on the Village's most recent tax roll is the owner of the property. Billing of costs will be mailed to the owners of the property. Billing of costs will be mailed to the owners by regular mail to the address shown on the Village tax roll. In the event the charges involved are not paid by the owner within thirty (30) days from the date of billing, payment shall be deemed delinquent.

2. Delinquent Charges/Tax Lien: In the event of delinquent charges, the Village shall be a lien upon such property for such charges and lien enforceable as a tax lien in the manner prescribed by the general laws of the State against the property, and collected as in the case of general property tax.

SECTION 5. Severability

This ordinance is deemed severable and if any part shall be declared invalid by any court, such judgment or decree shall affect only that part directly involved in the controversy.

SECTION 6. Penalty

Any person or persons violating any provision of this Ordinance shall be guilty of a misdemeanor punishable by fine of up to \$100.00 or imprisonment for up to ninety days, or both. Enforcement of this Ordinance is authorized by an enforcement officer duly appointed by the Village of Otisville. Each violation of this Ordinance shall be deemed a separate offense for the purpose of this Section.

SECTION 7. Repeal of Previous Ordinances

This Ordinance shall replace Ordinances No. 132, No. 143, and No. 166.

SECTION 8. Date of Effect

This Ordinance shall take effect ten (10) days after publication as set forth below.

SECTION 9. Approval and Publication

This Ordinance was approved by a vote of the Village Council, a quorum being present on the 3rd day of June, 2002 and ordered published in three places in the Village of Otisville.

(Signed) Tom Bess, Jr, Village President
Andrea Barden, Village Clerk