

Sponsor: Council Member Phyllis Baber

First Reading: April 11, 2016  
Second Reading: Suspended, 2016  
Third Reading: Suspended, 2016  
Adopted: April 11, 2016

**VILLAGE OF LINCOLN HEIGHTS  
HAMILTON COUNTY, OHIO  
ORDINANCE NO. 2016-O-05**

**ORDINANCE AMENDING TITLE IX, CHAPTER 93 OF THE CODE OF ORDINANCES SO AS  
TO ALLOW THE BUILDING INSPECTOR, OR HIS DESIGNEE, TO ISSUE NOTICE  
PERTAINING TO WEEDS AND LITTER ON PRIVATE PROPERTY**

**WHEREAS,** Title IX, Chapter 93, Section 93.41 of the Code of Ordinances for the Village of Lincoln Heights provides that Village Council shall issue written notice to property owners to cut noxious weeds and remove litter ("Ordinance"); and

**WHEREAS,** Council for the Village of Lincoln Heights deems that it would be in the best interest of the Village to have the building inspector, or his designee, to issue said notice.

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Village of Lincoln Heights, Hamilton County, Ohio, that:

**SECTION I** A copy of Title IX, Chapter 93, Section 93.41 is attached hereto as Exhibit A. Subsections (A) and (B) thereof shall be amended to read as follows:

**§ 93.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.**

**(A) Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the Building Inspector, or his designee, shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.**

**(B) Upon a finding by the Building Inspector, or his designee, that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Building Inspector, or his designee, shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that**

**litter is on the land, and that It must be collected and removed within 15 days after the service of the notice.**

**SECTION II** Upon passage, the language contained in Section I shall be codified in Title IX, Chapter 93, Section 93.41 of the Code of Ordinances for the Village of Lincoln Heights. The Clerk of Council is hereby directed to forward this Ordinance upon passage to the codification service provider for the Village and to instruct said provider to codify this Ordinance in accordance with this Section II.

**SECTION III** This Resolution is hereby declared to be an emergency measure necessary for the health, safety and general welfare of the Village of Lincoln Heights. The reason for said emergency is the need to allow the Building Inspector, or his designee, to issue the requisite notice for noxious weeds and litter.

Passed this 11 day of April, 2016.

  
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Mayor, Village of Lincoln Heights

Attested:

  
\_\_\_\_\_  
Clerk of Council

**RECORD OF VOTES CAST**

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard Headen	<u>✓</u>	<u>   </u>	<u>   </u>	<u>   </u>
Vice-Mayor Jeannie Stinson	<u>✓</u>	<u>   </u>	<u>   </u>	<u>   </u>
Phyllis Baber	<u>✓</u>	<u>   </u>	<u>   </u>	<u>   </u>
Linda Childs-Jeter	<u>✓</u>	<u>   </u>	<u>   </u>	<u>   </u>
Kathy A. Goodwin-Williams	<u>✓</u>	<u>   </u>	<u>   </u>	<u>   </u>
Ruby Kinsey-Mumphrey	<u>✓</u>	<u>   </u>	<u>   </u>	<u>   </u>
Deborah Seay	<u>   </u>	<u>   </u>	<u>   </u>	<u>✓</u>

**CERTIFICATION OF PUBLICATION**

I hereby certify that I have published the foregoing legislation beginning on April 11, 2016 in accordance with Section 2.12 of the Charter for the Village of Lincoln Heights, Hamilton County, Ohio, by posting a complete copy of the legislation for at least 14 days after its adoption in 5 conspicuous places in the Village, to wit: 1) Healthcare Connection; 2) St. Simon's Church; 3) Friendship Plaza; 4) Centennial Apartments; 5) Oak Park; 6) Our Corner; and 7) Village Hall.

*Rita Watson*

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Clerk of Council

## EXHIBIT A

### § 93.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.

(A) Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the Village Council shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.

(B) Upon a finding by the Village Council that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Village Council shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(C) As used in this section and § 93.43, *LITTER* includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(D) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(E) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to Ohio R.C. Chapter 3734, Ohio R.C. §§ 4737.05 through 4737.12, or Ohio R.C. Chapter 6111.

(ORC § 731.51) (1995 Code, § 93.41)