

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-15 Passed July 8, 2021

AN ORDINANCE DECLARING AND DEFINING NUISANCES

WHEREAS the Village of Sabina conducted a review of its nuisance related ordinances and wishes to revise them to provide for easier enforceability and understanding,

AND WHEREAS the Village of Sabina wishes to prevent and remedy situations which pose a threat to the health and safety of the Village and its residents,

NOW THEREFORE be it ordained with 2/3 of the Council of the Village of Sabina, Clinton County, Ohio concurring;

Section 1 – Junk

- A. No person shall store or keep junk in the open.
- B. Definitions

“Junk” means any refuse; rubbish; unusable building materials; any motor vehicles, machinery, appliances, products, or merchandise with parts missing; inoperative vehicles; vehicle parts; used or abandoned bicycles or parts; abandoned or scrap metal; except if an item is in a completely enclosed building.

“Used or abandoned bicycles or parts” means and includes used and discarded bicycles in an inoperative condition which have remained in such a condition for more than 15 consecutive days.

- C. If the lot or premises is not cleared or remedied within 15 days of notice of a violation, the same can be done by the Village or the Village’s designee. The costs and expenses thereof shall be taxed against the premises. The total cost of the work done shall be certified to the County Auditor, to be assessed against the premises upon which the labor was performed and collected as other taxes are collected.

Section 2 – Recreational Equipment

- A. No owner, occupant, and/or lessee shall openly place personal recreational equipment within any public or Village right-of-way, unless permission is provided by majority Council vote during a scheduled meeting of Village Council.
- B. In instances of public and community events, any area defined as a right-of-way must be cleared within 12 hours after the event ends.
- C. Definitions

“Personal recreation equipment” includes any relaxation, sport, or fitness items and equipment as well as other items used for relaxation and enjoyment by the property owner, occupant, or lessee.

“Village and public right-of-way areas” include sidewalks, roadways, utility access points, and public parking areas.

- D. Notice shall be given to any owner, occupant, and/or lessee to permanently remove said equipment from the right-of-way within 12 hours.

Section 3 – Refuse Containers

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A. All refuse containers shall be covered with appropriate covers and securely closed at all times so that the covers may not be blown off during windy conditions. If the container is too full to secure the cover, it must be emptied immediately.

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 B. Containers may not be placed directly on roadways and must be removed from roadside areas within 24 hours of being emptied.

Section 4 – Trees, Shrubs, and Weeds

A. No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the Municipality, shall permit noxious weeds or other undesirable vegetation, grasses, etc., to grow thereon to a height in excess of twelve inches, or to mature their seeds thereon.

B. No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the Municipality, shall:

- i. Permit any tree, shrub or bush to grow in a manner as to obstruct the free flow of vehicular traffic using any highway, street or alley;
- ii. Permit the lowest branches of a tree to be at a height lower than thirteen and one-half feet over the right of way of any State Highway, or eight and one-half feet over any Municipal street, alley or sidewalk; or
- iii. Fail to trim a said tree, or part thereof, which is located so as to be a potential hazard to any highway, street, alley or sidewalk.

C. It shall be unlawful for any person to knowingly cause grass clippings, leaves, or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads within the Village of Sabina.

D. The definition of noxious weeds is hereby incorporated from the Ohio Basic Code in effect at the time of enforcement. Undesirable vegetation under this section does not include a USDA native plant for areas east of the Mississippi River.

E. If the undesirable vegetation, weeds, tree, etc. is not cut, destroyed or remedied within 10 days of notice, the same can be done by the Village or the Village's designee. The costs and expenses thereof shall be taxed against the premises. The minimum fee to be charged shall be one hundred dollars (\$100) for the first hour and each additional hour. The total cost of the work done shall be certified to the County Auditor, to be assessed against the premises upon which the labor was performed and collected as other taxes are collected.

Section 5 – Service of Notice

Notice of a violation of this ordinance shall be given to the owner, occupant, lessee and/or person having charge of the premises by the Sabina Chief of Police or a Sabina Police Officer. Such notice shall be in writing and served by certified mail, personal service, or residential service.

Section 6 – Penalty

Whoever violates any section of this Ordinance shall be deemed to have permitted a nuisance and shall be charged with a minor misdemeanor and fined not more than \$150. Each day that a violation is permitted to exist shall constitute a separate punishable offense.

If, within one year of the offense, the person previously has been convicted of or pleaded guilty to two or more violations of this ordinance, they shall be charged with a misdemeanor of the fourth degree and subject to not more than 30 days in jail and a \$250 fine.

Section 7

Ordinances No. 2019-10, enacted April 25, 2019, and No. 2017-17, enacted October 26, 2017, are hereby repealed.

1st Read June 10, 2021

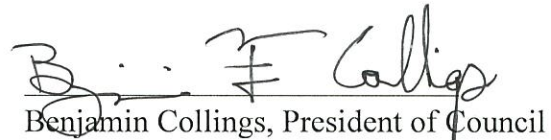
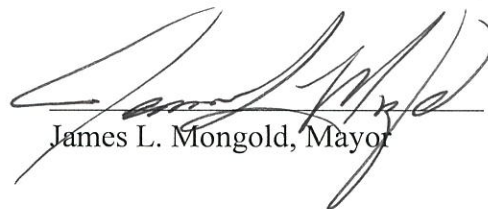
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Ordinance No. 2021-15Passed July 8, 20 20212nd Read June 24, 20213rd Read July 08, 2021Passed this 8th day of July, 2021.

Attest:

Approved By:


Nancy L. Cornell, Fiscal Officer
Benjamin Collings, President of Council
James L. Mongold, Mayor

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