

ORDINANCE NO. 21, 2024

AMENDING SECTION 905.05 OF THE ST. BERNARD CODIFIED ORDINANCES REGARDING WEED AND LITTER REMOVAL

WHEREAS, the Council of the Village of St. Bernard has determined a need to amend certain portions of Section 905.05 of the Codified Ordinances to address concerns of Village residents regarding the charges assessed by the Village for violations of Section 905 of the Codified Ordinances;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO:

Section 1. That Section 905.05 of the St. Bernard Codified Ordinances shall read as follows:

905.05 ABATEMENT AND ASSESSMENT OF COST BY VILLAGE.

(a) Abatement and Assessment. If the public nuisance is not abated within the required time, the Director of Public Service and Safety or their designer may enter the property to abate the nuisance and enforce the provisions of this Section. After the public nuisance is abated, the Village shall give notice by certified mail to the owner or person in control at the last known address to pay the cost of such trimming or removal of weeds, grasses, or litter, which notice shall be accompanied by a statement of the amount of the cost of such trimming and removal, as well as a fifteen percent (15%), but not less than twenty-five dollars (\$25.00), processing charge. In the event the same is not paid within thirty days after the mailing of the notice, then the amount shall be assessed as provided in subsection (c) hereof.

(b) Appeal. Any owner or person in control may appeal the assessment of the cost of abating the nuisance and of the associated processing charge. In order to perfect such an appeal, the owner or person in control shall file, within fifteen days after the mailing date of the notice, an appeal to the Village Council. Council shall then review the matter and render a final determination after affording the owner or person in control an opportunity to be heard either in person or writing. Except to the extent otherwise appealable by law, Council's decision shall be final. The owner or person in control shall be given notice of Council's decision by certified mail at the last known address.

The filing of an appeal shall toll the thirty-day payment period provided for in subsection (a) hereof. In the event the owner or person in control loses their appeal in whole or in part, payment in full shall be made to the Village within ten days after the mailing of the notice of Council's decision. If payment is not received by the Village in the time provided, then the amount shall be assessed as provided in subsection (c) hereof.

(c) Lien Upon Property. The Village Auditor shall certify in written to the County Auditor the action taken under the preceding sections, with a statement of the charges for labor, material, and equipment incurred in the cutting and removing of the noxious weeds and litter, and the processing charge as specified above, along with a proper description of the premises. The amounts shall be entered upon the tax duplicate as a weed cutting, tree trimming and/or litter removal assessment and be a lien upon the land from and after the date of entry and be collected as other taxes and returned to the Village with the General Fund settlements.

If, after the Village abates the public nuisance, the owner or person in control continues to fail to comply with Section 905 and the Village incurs additional expenses abating such public nuisance, the Village may certify all such additional amounts to the County Auditor, to be placed upon the tax duplicate and collected and paid back to the Village.

(d) Collection. At its sole discretion, the Village may take such other action permitted by law to collect any outstanding amounts due to the Village for abatement of the public nuisance.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed this 22nd day of August, 2024.

Steve Asbach

President of Council

ATTEST:

Heidi Culbertson, pro-tem

Clerk of Council

Approved this 22nd day of August, 2024.

[Signature]

Mayor

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 21, 2024, was made by posting true copies of the same in the most public places designated by Council: the Village website; and the Village social media account, for a period of fifteen (15) days or more commencing Sept. 12, 2024.

ATTEST: Heidi Culbertson, pro-tem DATE 8.22.24
Clerk of Council

Approved as to form [Signature] Date 8.22.24
Director of Law