

## Chapter 731 WEED CONTROL

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Sec. 731-1. Definitions.

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(C.O. 737-13; a. Ord. No. 216-1969, eff. June 27, 1969; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 731-1, eff. Jan. 1, 1972)

Sec. 731-1-A. Noxious Weeds.

"Noxious weeds" shall mean and include any and all grass, weeds and wild plants exceeding 10 inches in height.

(C.O. 737-13; a. Ord. No. 216-1969, eff. June 27, 1969; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 731-1-A, eff. Jan. 1, 1972)

Sec. 731-3. Weed Control.

Russian, Canadian, or common thistle, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, iron weed, and all other noxious weeds growing or being upon any lot or lands within the city of Cincinnati are hereby declared a public nuisance. Every owner, occupant, or person in control of any lot or lands within the city of Cincinnati shall cause the lot or lands to be kept free from such noxious weeds by cutting them or by destroying them by spraying with a chemical compound approved by the commissioner of health, and then removing said cut or destroyed noxious weeds from such lot or lands forthwith. No owner, occupant, or person in control of any lot or lands within the city of Cincinnati shall fail to comply with any of the provisions of this section.

A separate and distinct offense shall be regarded as committed each day on which such person, firm or corporation shall continue such violation, and as to each separate plot of ground owned or controlled by such person, firm or corporation.

A separate record shall be kept of all fines collected for violation of this section.

(C.O. 737-13; a. Ord. No. 216-1969, eff. June 27, 1969; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 731-3, eff. Jan. 1, 1972; a. Ord. No. 159-1988, eff. May 11, 1988)

Cross references: Penalty, § 731-99.

Sec. 731-5. Notice to Owners and Persons in Control.

Notwithstanding the penalty contained in Section 731-5 and 714-99-A, when the city manager, the city manager's designee or the commissioner of health ascertains that noxious weeds are growing on any lot or land within the city of Cincinnati, a written notice in accordance with Section 1501-13 shall be served upon the owner and, if different, upon the person in control, such as lessee, agent or tenant having charge of such lot or land. In addition to the notice of civil offense and civil fine provided in Section 1501-13, the written notice shall state that noxious weeds are growing on the lot or land in violation of Section 731-3, and that they must be cut and removed or destroyed by spraying with a chemical compound approved by the commissioner of health and removed within seven days of the date of receipt of the notice.

(C.O. 737-14; renumbered to C.M.C. 731-5, eff. Jan. 1, 1972; a. Ord. No. 242-1999, eff. July 9, 1999; a. Ord. No. 211-2002, eff. June 19, 2002; a. Ord. No. 257-2002, eff. June 26, 2002)

Sec. 731-6. Answer to Notice to Owner and Persons in Control.

A person served with a written notice pursuant to Section 731-5 may answer the charge in accordance with Section 1501-15, including an offer of proof of correction in accordance with Section 1501-19, within seven days of receipt of the notice by the person being charged.

(Ordained by Ord. No. 211-2002, eff. June 19, 2002)

Sec. 731-7. Receipt of Notice by the Person Charged.

For purposes of Sections 731-5 and 731-6, receipt of notice by the person charged shall mean (1) the date on which the issuing officer personally served the person being charged, (2) the date on which the issuing officer posted a copy of the notice on the real property in accordance with Section 1501-13(d), or (3) three days after the issuing officer has mailed the notice in accordance with Section 1501-13(d) if the real property is vacant, and the issuing officer is unable to personally serve the notice to the person charged or post a copy on the real property.

(C.O. 737-15; renumbered to C.M.C. 731-15, eff. Jan. 1, 1972; repealed and reordained by Ord. No. 211-2002, eff. June 19, 2002)

Sec. 731-8. Procedures for Denial or Proof of Correction.

For purposes of denying a violation of Section 731-3 or offering proof of correction of a violation of Section 731-3, the procedures contained in Section 1501-13 to Section 1501-31 shall apply to the person being charged.

(Ordained by Ord. No. 211-2002, eff. June 19, 2002)

Sec. 731-9. Destruction by Public Officers.

If the owner of any lot or land mentioned in Section 731-5 fails to comply with such notice, the city manager shall cause such noxious weeds to be destroyed by one of the methods set forth in Section 731-3. The city manager shall report all expenses involved in the destruction of such weeds, including the cost of service of notice, to council.

(C.O. 737-16; renumbered to C.M.C. 731-9, eff. Jan. 1, 1972)

Sec. 731-11. Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control.

When noxious weeds have been cut or destroyed in accordance with Section 731-9, the cost thereof shall be a lien on such lot or land from the date such expenses are reported to council in accordance with Section 731-9. The clerk of council shall certify such cost to the county auditor to be placed upon the tax list and collected as other taxes are collected and returned to the city of Cincinnati in accordance with Section 731-54 of the Ohio Revised Code. The cost of removal may also be recovered by means of a judgment against the owner and, if different, against the person in control, such as lessee, agent or tenant having charge of the land.

(C.O. 737-17; renumbered to C.M.C. 731-11, eff. Jan. 1, 1972; a. Ord. No. 697-1979, eff. Jan. 27, 1980)

Sec. 731-99. Penalties.

A violation of any provision of this chapter is a minor misdemeanor if it is a first offense. A first offender is eligible to pay his fine out pursuant to a schedule posted with the clerk of the Hamilton County Municipal Court.

If the offender has been previously convicted of violating any section of this chapter, he is guilty of a misdemeanor of the fourth degree.

(C.O. 737-13; a. Ord. No. 216-1969, eff. June 27, 1969; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 731-99, eff. Jan. 1, 1972; a. Ord. No. 123-1986, eff. May 9, 1986; a. Ord. No. 13-1988, eff. Jan. 21, 1988)

Sec. 731-99-A. Waiver and Written Pleas.

Notwithstanding the penalty provisions of Section 731-99, any person who has violated any of the provisions of this chapter, upon executing before and filing with the clerk of the Hamilton County Municipal Court, Criminal Division, an instrument waiving the formal issuance of an affidavit and warrant, together with the reading of such affidavit, stating that such person understands the nature of the charges; and further waiving the right to be present personally at trial of such action; and further waiving the right to appeal and authorizing a plea of guilty to be entered. A person shall be fined for an amount as determined by the Hamilton County Municipal Court. Such fine shall be deposited with the clerk within 168 hours after citation. If any person fails to so deposit such amount with the clerk within 168 hours, the amount of the fine may be doubled. (Ordained by Ord. No. 123-1986, eff. May 9, 1986)