RESOLUTION NO. 26 , 2015

A RESOLUTION AUTHORIZING AN ASSESSMENT FOR THE CUTTING OF NOXIOUS WEEDS AND REMOVAL OF DEBRIS/TRASH

WHEREAS, the City of Montgomery, in Chapter 93 of the Code of Ordinances has provided a prohibition against noxious weeds and removal of debris/trash within the City, a method for notifying non-complying property owners to cut said weeds and to remove debris/trash, and a procedure by which the City may cut and remove the weeds and litter if the owner fails to take action within the time allowed; and

WHEREAS, Ohio Revised Code allows the City to place a lien against real property for the charges for the services in cutting noxious weeds and removal of debris/trash and the fees incurred administratively to provide notice to the non-complying property owner; and

WHEREAS, the City has followed its Code of Ordinances in notifying the owner of the real property at 8318 Turtlecreek Lane, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0147-00 on three separate occasions as set forth in the attached copies of Affidavits; and

WHEREAS, the owner has failed or refused to take action within the time allowed pursuant to such notices; and

WHEREAS, the City, after submitting such notices, has entered upon the real property to cut and remove the weeds at a cost of $100.00; and

WHEREAS, the City now desires to assess a lien upon said real property for the cost incurred by the City to cut and remove such weeds and an additional administrative fee of $25.00 as allowable by law.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Montgomery, Ohio:

SECTION 1. Pursuant to the Ohio Revised Code and the Ordinances of the City of Montgomery, Council hereby makes this written return to the Auditor of Hamilton County, Ohio, and requests that the Auditor place a lien against the real property located at 8318 Turtlecreek Lane, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0147-00, in the amount of $125.00, which includes the administrative fee. The Auditor is requested to place said special assessment against the real property upon the tax duplicate as is authorized by Ohio law to collect the same according to law and to return such collections to the City.

SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED September 2, 2015

ATTEST _____
Connie M. Gaylor, Clerk of Council

_____
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM

_____
Terrence M. Donnellon, Law Director

April 15, 2015

Edward D. Sheets
8318 Turtlecreek Lane
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Sheets;

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,

Melissa Hays, AICP
Construction and Compliance Inspector

cc: Brian Riblet, Public Works Director
Tracy Roblero, Community Development Director
file

June 4, 2015

John D. Clunk
4500 Courthouse Blvd.
Stow, Ohio 44224

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Clunk,

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code."

Notification of violations have been mailed to the property address on:

April 15, 2015
May 13, 2015
May 29, 2015 (POSTED ON DOOR)

In addition, I have spoken with Ali from your office regarding the tall grass matter on June 2, 2015 and as of today, June 4, 2015, the grass has not been cut. The city will be sending out a **lawn service company to cut the grass/weeds next week and the cost of the service and an administration fee will be billed to you.** Failure to pay these costs will result in the fees being placed upon your tax duplicate for the property located at 8318 Turtlecreek Drive. You do have the right of an appeal by written notice. This per the Montgomery Property Maintenance Code Section 111.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday. You have the right to appeal this notice.

Sincerely,

Melissa Hays, AICP
Zoning and Code Compliance Officer

May 15, 2015

Edward D. Sheets
8318 Turtlecreek Lane
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Sheets;

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

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Sincerely,

Melissa Hays, AICP
Zoning and Code Compliance Officer

May 29, 2015

Edward D. Sheets
8318 Turtlecreek Lane
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Sheets;

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within **5 days after service of a Notice of Violation**. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code."

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Sincerely,

Melissa Hays, AICP
Zoning and Code Compliance Officer