

DELAWARE COUNTY COMMISSIONERS

ORDINANCE AMENDING WEED CUTTING ORDINANCE

WHEREAS, the current Weed Cutting Ordinance does not require owners or agents of lots or grounds to cut weeds until the month of July has concluded; and

WHEREAS, in order to provide the Building Commissioner and the Health Department the ability to require weeds to be cut when needed, the Commissioners have determined that it is necessary to amend the current Weed Cutting Ordinance to delete the necessity to wait until August; and

WHEREAS, in order to do so, the Commissioners have determined to delete from 3-5-3(B) the words "during the month of July each year" where such words appear twice in that section.

NOW, THEREFORE, BE IT ORDAINED that the Weed Cutting Ordinance at Title 3, Chapter 5 of the Delaware County Code shall be amended and shall now read as follows:

3-5-1. Purpose.

This ordinance provides for regulation of unsightly growth of weeds, grass or other vegetation within the jurisdiction of Delaware County.

3-5-2. Neglect of Litter and Waste.

All persons owning or controlling houses or premises or vacant lots abutting any public way and physically and financially able to do so shall maintain such premises in a reasonably clean and orderly manner and to a standard conforming generally to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard any such premises so as to permit the same to become unclean with an accumulation of litter or waste thereon.

3-5-3. Weed and Grass Control.

- A. No person owning or controlling premises in the county shall allow a rank growth of grass, weeds or other vegetation to remain thereon, or permit the same to become unsightly, unsanitary or obnoxious, or a blight to the vicinity, or offensive to the senses of users of the public way abutting same, or so continue thereon for a period longer than thirty days in any calendar year; or fail to comply with these requirements after a written order of any county or health authorities to remedy such conditions.

- B. Every owner or agent of the owner of any lot or ground within the county shall cut or allow to be cut all weeds and rank vegetation growing on such lot or ground and remove same after being cut from the lot or ground, and if the owner or agent of the owner shall fail to cut and remove the weeds or other rank vegetation growing on such lot or ground, the board of health shall at once proceed to cut and remove the weeds and rank vegetation and shall keep an accurate and itemized statement of the cost of the removal of such weeds and rank vegetation on each lot, tract or parcel of land and charge the cost thereof against the owner of the lot and ground, which cost shall be a lien thereon, and upon the completion of the work, the board of health shall thereupon certify the cost to the treasurer of the county. The treasurer shall keep a record in which he/she shall enter the name of the owner, the description of the lot, tract or parcel of land from which such weeds or rank vegetation was removed and the cost of removal as certified to him/her by the board of health.

3-5-4. Enforcement.

- A. Upon the entry of the cost in the record the same shall be a lien upon the lot, tract or parcel of land the same as taxes are a lien, and such sum shall be due and payable on or before the first Monday of the following November. In the event the same is not paid, a penalty of eight percent (8%) shall be added and the real estate shall be sold at the same time and in the same manner as the law provides for the sale of property for delinquent taxes, and the laws governing the sale of real estate, time of redemption, penalties, interest, deeds and all other laws concerning the sale of real estate for delinquent taxes shall apply and govern sales hereunder, as fully as if the same were incorporated herein.
- B. The description of the real estate and the name of the owner of the same appears on the transfer records in the office of the auditor of the county shall be a sufficient description of the real estate and of the owner in the record.
- C. Any person allowing trash or garbage to accumulate or remain on premises which he/she occupies or which he/she owns or for which he/she is legally responsible may be given two weeks' notice in writing by the county health department. If at the end of the notice period, corrective action has not been taken, the county health department shall have the duty of having workers gather and remove it, making accurate record of the expenses involved. If the responsible person does not reimburse the

county within sixty (60) days for such removal, the same shall be charge to the owner of such property on the next regular tax bill forwarded to such owner by the treasurer. The procedure for such charge shall be the same as that provided herein, providing for the same to be a lien on real estate collected by the treasurer of the county, and the description and names provided herein shall be followed and be binding upon said violator.

3-5-5. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3-5-6. Severability Clause.

In any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. (Ordinance, Commissioners' meeting, 7/10/72)

Dated this 7 day of July, 2008.

DELAWARE COUNTY COMMISSIONERS

By: John H. Brooke  
John Brooke, County Commissioner

By: Larry Bledsoe Jr.  
Larry Bledsoe, County Commissioner

By: Tom L. Bennington  
Tom L. Bennington, County Commissioner

ATTEST

Judy Rust  
Judy Rust, Delaware County Auditor