

CHAPTER 93: PUBLIC NUISANCES

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GRASS AND NOXIOUS WEEDS

93.01 CUTTING OF GRASS AND WEEDS.

(A) No person occupying any premises, and no person owning any unoccupied premises shall permit or maintain on any premises any growth of weeds, grass or other rank vegetation to a greater height than 12 inches on the average, or any accumulation of dead weeds, grass or brush.

(B) No occupant or owner shall cause suffer or allow poison ivy, ragweed or other noxious plants, or plant detrimental to health, to grow on any premises in a manner that any part of the ivy, ragweed or other noxious or harmful weed shall extend upon, overhang or border any public place, or allow seed, pollen or other particles or emanations therefrom to be carried through the air into any public place.

(Ord. 108, passed 4-10-1978) Penalty, see ' 93.99

' 93.02 DUTY OF OCCUPANT OR OWNER.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the village, to cut and remove or destroy by lawful means, all the weeds, grass or rank, noxious or harmful vegetation as often as may be necessary to comply with the provisions of ' 93.01 above; provided that the cutting, removing or destroying of the weeds, grass and vegetation at least once in every three weeks between May 15 and September 15 of each year, shall be deemed in compliance with the requirements of this subchapter.

(Ord. 108, passed 4-10-1978) Penalty, see ' 93.99

' 93.03 WHEN VILLAGE TO DO WORK.

(A) If the provisions of ' ' 93.01 and 93.02 above are not complied with, the Village President, or his or her duly authorized representative, shall notify the occupant, or owner of the unoccupied premises, to comply with the provisions of the sections within a time to be specified in the notice which notice shall be given in accordance with this code.

(B) The notice shall require compliance with ' ' 93.01 and 93.02 above within five days after service of the notice, and if the notice is not complied with within the time limit, the Village President shall cause the weeds, grass and other vegetation to be removed or destroyed and the actual cost of the cutting, removal or destruction plus 15% for inspection and other additional costs in connection therewith, shall be collected as a special assessment against the premises as provided in the Charter of the village.

(C) Levying or collection of the special assessment shall not relieve any person offending against this subchapter from the penalty prescribed for violation of the code.

(Ord. 108, passed 4-10-1978)

' 93.04 EXEMPTIONS.

Exempted from the provisions of ' ' 93.01 through 93.03, are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under the terms of this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to the exempt categories.

(Ord. 108, passed 4-10-1978)

STORAGE OF VEHICLES AND THE LIKE

' **93.15 UNLAWFUL ACTS.**

(A) No person, firm or corporation shall park, store or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the township, any motor vehicle, house trailer or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the township, county or state, except for the following:

(1) Duly licensed with current license plate and a current insurance policy for operation on the roadway and operable vehicles or trailers with substantially all main component parts attached;

(2) Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon the private property for not to exceed 14 days; and

(3) Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any vehicle be parked in the front or side street yard area of any residential premises.

(B) (1) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provision of the Parma Township Ordinance.

(2) Any work within the 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only the occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

(C) In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspector, peace officer or agents of the township are hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

(Ord. passed 7-8-2002) Penalty, see ' 93.99

‘ **93.16 NUISANCE.**

Any parking, storage, placement or operation in violation of the provisions of this subchapter are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

(Ord. passed 7-8-2002)

‘ **93.17 CONSTRUCTION.**

This subchapter shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Parma Township Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash or junk control and regulations.

(Ord. passed 7-8-2002)

‘ **93.18 EFFECTIVE DATE.**

This subchapter shall be published in the manner provided by law and shall take effect 30 days after publication.

(Ord. passed 7-8-2002)

ATTRACTIVE NUISANCE

‘ **93.30 GENERALLY.**

No person shall permit any physical condition or use of property or its appurtenances which constitutes an attractive danger to children, including but not limited to open wells, swimming pools, wading pools, shafts, basements, excavations or pits, or unsafe fences or structures, or discarded refrigerators or freezers with doors attached.

(Ord. 100A, passed 6-13-2005) Penalty, see ‘ 93.99

' 93.31 SWIMMING POOLS.

No owner, occupant or possessor of land shall permit an aboveground pool with sidewalls exceeding two and one-half feet or any in-ground pool that fails to:

(A) Be enclosed in the following manner:

(1) In-ground pools shall be completely enclosed by a brick or masonry wall, a wooden fence of redwood or suitably treated wood or a chain-link fence, not less than four feet in height and set at a distance of not less than four feet nor more than 15 feet from the outside perimeter of the pool. Any openings in the fence shall be equipped with a self-closing, self-latching gate, which shall be securely locked with a tamper-proof lock when the pool is not in use;

(2) Above-ground pools without a surrounding deck shall have fencing of not less than four feet in height surrounding all steps leading into the pool. The fence shall be equipped with a self-closing, self-latching gate, which shall be securely locked with a tamper-proof lock when the pool is not in use; and

(3) Above-ground pools with a surrounding deck, shall have decking of not less than four feet above the underlying ground. The deck shall have an approved railing surrounding the deck and all stairs leading from the deck. It is also required that all entrances to the deck and pool shall be equipped with a self-closing, self-latching gate, which shall be securely locked with a tamper-proof lock when the pool is not in use.

(B) Be equipped with a fully operational water circulating system powered by a motor-driven pump to completely circulate the water within the pool every 24 hours. The filtering system shall effectively filter all pool and spill water. The water supply to the pool shall be installed through a vacuum breaker to eliminate back siphonage of contaminated water from the swimming pool into the public water system; or

(C) Sterilize pool water with appropriate disinfecting agents in the recommended concentration strength. The standards set by the State Department of Public Health and the County Department of Health pertinent to swimming pools are hereby adopted and made a part of this chapter.

(Ord. 100A, passed 6-13-2005) Penalty, see ' 93.99

' 93.32 TEMPORARY STRUCTURES.

No owner, occupant or possessor of land shall permit a temporary structure such as a tent, awning or other structure to be erected on the premises for a period of more than 14 consecutive days. The same temporary structures shall not be used for storage of personal property.

(Ord. 100A, passed 6-13-2005) Penalty, see ' 93.99

' 93.33 DECLARATION OF NUISANCE.

Any violation of ' ' 93.30, 93.31 or 93.32, or any subpart thereof, is hereby declared to be a nuisance, and the village may institute appropriate court proceedings to enjoin, abate and remove the nuisance.

(Ord. 100A, passed 6-13-2005) Penalty, see ' 93.99

' 93.34 EFFECTIVE DATE.

This subchapter shall be published in the manner provided by law and shall take effect and be in force from and after the earliest date allowed by law. The subchapter shall become effective 20 days after publication.

(Ord. 100A, passed 6-13-2005)

' 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation who violates any of the provisions of ' ' 93.15 through 93.18 shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500, or by imprisonment in the county jail for not to exceed 90 days, or by both the fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

(C) Any person who violates any of the provisions of ' ' 93.30 through 93.34 is responsible for a Class C municipal civil infraction and shall be subject to the civil fines provided in Chapter 11. Each day that a violation continues to exist shall constitute a separate offense.

(Ord. passed 7-8-2002; Ord. 100A, passed 6-13-2005)