

Bob Mollette

3rd Ward Councilman

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Correspondence#: 07-003

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Jim Kalb, Mayor
728 Second Street
Portsmouth, Ohio 45662

Re: **Reported Nuisance at 1225 Albert Street Residence**

I received various concerns expressed by your constituents living in the 3rd Ward concerning the above residence. I visited the site to collect information for resolution and enclosed dated photographs for your review.

As noted in the photographs, the exterior wooden walls of the above residence have unsightly vines completely covering the west wall of the residence including the windows, wall mounted air conditioning unit, and what appears to be a central air conditioner - exterior compressor. The north and east walls have similar concerns. The anxiety expressed, by the reported nuisance, is the blighted conditions it creates in the community and the possibility of harboring rodents, reptiles, and insects within the vegetation.

I reviewed the Codified Ordinances to assist in the resolution to these concerns. I have enclosed Section **941.20 Weeds, Grass, Vines, Brush and Shrubbery; Maintenance** for your review and actions. Note the statement "*Furthermore, no owner, occupant, lessee, tenant or agent shall allow the growth of any unkempt vines, brush or shrubbery whose presence creates a nuisance or a health or safety concern.*"

In the past, these concerns have been expressed to various departments with no action taken. Evaluate these concerns for accuracy and involve the appropriate departments to resolve these issues. Communication is *key* to understanding and solving our community problems. I recommend all complaints receive a written response and provide information to justify actions or inactions taken. This would provide accountability and avoid misinterpretations.

As always, I welcome your thoughts on these and any matters discussed here. Contact me should you have any comments or questions.

Respectfully,



Bob Mollette, 3rd Ward Council

rwm

cc: w/enclosure

3rd Ward Constituents
Christopher Murphy, Public Service Director
Donald Walden, Health Department
Bill Beaumont, City Engineer
David Kuhn, Solicitor
Council (5)
Jo Ann Aeh, Clerk (Record)



(d) Whoever violates this provision shall be fined not more than twenty-five dollars (\$25.00) late fee, and fifty dollars (\$50.00) for each subsequent offense. Each day's continued license violation shall constitute a separate offense.

(e) The servicing commercial sanitation firm must license each commercial container, rolloff container, stationary compactor, stationary compactor container and/or industrial waste container each year. Each application shall have attached a list showing the type, size and location of each commercial container, rolloff container, stationary compactors, stationary compactor containers and/or industrial waste materials container to be serviced by the applicant. The license fee for the stationary compactor is \$25.00 per year per unit. The license fees for the commercial containers, rolloffs, compactor containers and the industrial waste material containers are \$1.00 per cubic yard, any portion will be rounded up to the next greatest cubic yard, i.e., 1.5 cubic yard, the fee will be \$2.00, 90 gallon tipper containers will be \$1.00 per container. (Ord. 2002-106. Passed 9-23-02.)

941.17 DECALS ON TRUCKS.

Each truck used by a commercial sanitation firm licensed per Section 941.16 shall display a decal issued by the Public Service Department. The issuance and placement of the decal must be accomplished at the City Garage. (Ord. 2002-106. Passed 9-23-02.)

941.18 DECALS; IDENTIFICATION ON COMPACTORS AND CONTAINERS.

Each stationary compactor, rolloff and industrial waste container shall carry in a conspicuous spot a decal issued by the City which shows it has been properly permitted/licensed to operate in the City. In addition each commercial container, stationary compactor, stationary compactor container, rolloff, or industrial waste container shall carry in a conspicuous spot the name, telephone number and address of the firm permitted to service said equipment. (Ord. 2002-106. Passed 9-23-02.)

941.19 INSTALLATION OF STATIONARY COMPACTOR UNIT; PRIOR APPROVAL OF PLANS.

The City prior to the installation shall approve plans and specifications for installing a stationary compactor unit. All stationary compactor shredders and stationary compactor containers shall be installed on Class A. three thousand (3,000) psi concrete pads of not less than six (6) inches thickness. All installations shall comply with the requirements of the City Building Code, Fire Code and health regulations. (Ord. 2002-106. Passed 9-23-02.)

941.20 WEEDS, GRASS, VINES, BRUSH AND SHRUBBERY; MAINTENANCE.

(a) No person being the owner, occupant, lessee, tenant or agent of any property located within the City shall allow noxious or unsightly weeds or grass to grow to a height of ten inches or more on any of the following dates: May 1, May 15, June 1, June 15, July 1, July 15, August 1, August 15, September 1, September 15 or October 1. Furthermore, no owner, occupant, lessee, tenant or agent shall allow the growth of any unkempt vines, brush or shrubbery whose presence creates a nuisance or a health or safety concern. As used in this section, "property" also includes that portion of land extending to the pavement surface of a contiguous street or alley.

The Mayor shall cause an annual notice to be published in a newspaper of general circulation within the City notifying the residents of the requirement of this chapter.

(b) When the Mayor and/or Director of Public Service determines that such weeds or grass, as described in subsection (a) hereof, exists on one of the days set forth in subsection (a) hereof, he shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the cutting and removal of such weeds and noxious grasses.

If the owner or agent of a piece of property is in violation of subsection (a) hereof, they may be summoned into Municipal Court or the Mayor and/or Director of Public Service or his authorized representative shall order the owner or agent via certified mail to resolve the conditions within ten (10) days. If such order is not complied with within the prescribed time frame, the Mayor and/or Director of Public Service or his authorized representative, shall cause such noxious or unsightly high grass or weeds or unkempt vines, brush or shrubbery to be cut or destroyed by employing the necessary labor and equipment.

After notice, any subsequent violation and/or violations shall cause the Mayor and/or the Director of Public Service or his authorized representative, to abate the conditions without further notice.

(c) All expenses incurred for such abatement shall be paid out of moneys appropriated by Council to the Public Service Department. The amount so paid is per occurrence and per the schedule below:

Standard City Lot @ 35 ft. x 120 ft.	\$100.00
Other City Lots	175.00
Disposal and Hauling Fee	75.00
Administrative Fees	100.00

Each charge under or pursuant to this section, as assessed against the property to which the service is rendered, is hereby made a lien upon the corresponding lot, parcel of land, or premises and is to be certified to the Auditor of Scioto County, Ohio, by the Auditor of the City of Portsmouth, Scioto County, Ohio, at which time the lien shall vest; the certified amount shall be placed on the Scioto County real property tax list and duplicate for the property serviced and shall be collected as other taxes and liens.

(d) If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the City.

Only one notice per calendar year under subsections (a) or (b) hereof is required for a lot or parcel. If, after a notice has been served in accordance with this section, the Mayor and/or Director of Public Service, or his designated agent, determines that a subsequent violation has occurred, the City may proceed with the remedy set forth in subsection (b) hereof without further notice. (Ord. 2003-58. Passed 6-9-03.)

941.99 PENALTY.

(a) Whoever violates any provision of Sections 941.01 through 941.19, for which no other penalty is provided, shall be fined not more than twenty-five dollars (\$25.00) for the first offense, and fifty dollars (\$50.00) for each subsequent offense. Each day's continued violation shall constitute a separate offense. (Ord. 1982-14. Passed 3-9-82; Ord. 2003-58. Passed 6-9-03.)

(b) Whoever violates Section 941.20 shall be guilty of a minor misdemeanor on the first offense, and a fourth degree misdemeanor on each subsequent offense. Each day's continued violation shall constitute a separate offense. (Ord. 2003-58. Passed 6-9-03.)