

## Ordinance 2021-20

### An Ordinance Lawns and Lawn Maintenance for the Village of West Liberty, Logan County, Ohio

#### XXX.01 DEFINITIONS.

(a) Lawn: An area of managed turfgrass cover and associated landscaping features forming a part of a residential or commercial parcel, typically surrounding any structures or pavement on the parcel.

(b) Turfgrass: Grasses and associated non-woody vegetation maintained at a generally low stand height, in continuous areas of coverage, with the intent of providing a porous land cover on residential or commercial parcels; typically dominated by cool-season grass species maintained by regular mowing during the growing season.

(c) Forbs: Species of herbaceous, non-grass, flowering plants. These plants may be perennial, with the above-ground portions senescing (dying off) each winter, followed by re-sprouting from a persistent root system the following spring. Other species are annuals, regenerating exclusively from seed in the spring. Forbs often form a part of non-intensively managed lawns and may be managed by mowing alongside turfgrass. These species are harmless unless legally defined as noxious weeds. Common examples include the dandelions (*Taraxacum*), plantains (*Plantago*), and violets (*Viola*).

(d) Woody Plants: Species of perennial plants forming woody above-ground stems. Growth occurs from above-ground buds formed along woody stems, branches, and twigs. While these plants may go dormant in winter months, the above-ground woody portions are persistent from year to year. These species may be deciduous (broadleaved) or evergreen (conifer), and include trees, shrubs, and vines.

(e) Noxious Weeds: Species of harmful agricultural weeds as legally defined by the State of Ohio in the Ohio Revised Code and Ohio Administrative Code (specifically OAC 901:5-37 Noxious Weeds); these species may not be planted, harbored, or allowed to produce seed.

#### XXX.02 MANAGEMENT OF LAWNS.

(a) The village encourages the establishment of lawn areas on parcels within the village. Lawns provide several benefits for all residents besides forming an aesthetically pleasing part of an individual residential or commercial property. Areas of lawn provide a porous surface that promotes infiltration of precipitation and attenuate stormflows. Lawns reduce air, noise, and water pollution and help to moderate temperatures within the village.

(b) It is not the intent of the village to dictate to residents any specific aesthetic ideal or management system when it comes to landscaping and lawn care. Rather, this section of the village code is intended to provide a regulatory framework that balances individual property rights with the needs of the broader community.

(c) This section of the village code should not be construed to require or prohibit any specific landscaping or lawn care management actions, to include but not limited to the following examples:

- Irrigation (watering) or xeriscaping
- Fertilization
- Herbicide, insecticide, or any pesticide use
- Removal or retention of grass clippings
- Composting or removal of lawn waste, grass clippings, or fallen leaves
- Specific mowing intervals or methods
- Prescribed or proscribed lawn or landscaping species (except prohibitions on noxious weeds)
- Any requirements or prohibitions that are a matter of aesthetics rather than public safety

(d) Recognizing that there are a variety of land management and environmental ethics and philosophies among the residents of the village, it is the intent of this section of the village code to permit any reasonable lawn and landscape practices within the village so long as they do not create demonstrable harm or annoyance to neighbors or the greater village.

### **XXX.03 LAWN MOWING.**

- (a) Regular mowing is a normal and accepted management activity for turfgrass lawns. It is not the intent of the village to prescribe or proscribe any specific mowing method or interval.
- (b) Grass clippings generated by mowing on parcels within the village shall be collected and disposed of through established curbside pickup processes per chapter 951 of the village code (Garbage and Refuse) or may be retained on the originating parcel through mulching, composting, or other acceptable means. Parcel owners may also remove or have removed grass clippings to any legally allowed location outside the village by their own means.
- (c) During mowing, grass clippings shall not be blown by the mowing equipment into the travelled way of any road or street within the village. This is intended to limit the accumulation of vegetative matter in the village storm drainage system and prevent potential safety hazards for motorists and pedestrians. Occasional and incidental wind-blown grass clippings in roadways should be avoided if possible, but are not a violation of this section.

### **XXX.04 ALLOWABLE MAXIMUM LAWN HEIGHT.**

- (a) The village promotes the establishment and maintenance of lawn areas as described above, as well as the creation of conservation areas as allowed in section 909.06 (Conservation Areas) of the village code. The benefits of such ground cover are demonstrable and recognized.
- (b) The village does not condone the presence of feral, unkempt parcels that have come into being through simple neglect and are not managed for any recognized beneficial purpose.
- (c) Therefore, a maximum lawn height of ten (10) inches is permitted on any parcel within the village. This includes all grasses and forbs but excludes woody plants.
- (d) This maximum height applies to areas of parcels that are clearly intended (or were formerly intended) to be turfgrass lawn but have been allowed to develop into a rank and decadent condition due to lack of mowing and other basic management actions.
- (e) The following areas are exempted from this provision:
- Recognized conservation areas established under section 909.06 of the village code (Conservation Areas)
  - Drainage swales as defined in section 1331.11 of the village code (Exterior Property Areas)
  - Areas within the recognized floodway of any perennial or intermittent stream as defined by the United States Geologic Survey (USGS) or Department of Agriculture (USDA)
  - Parcels in use for hay production or other allowable, bona fide agricultural purposes that are under active management. A lack of mowing, raking, cultivation and other legitimate management practices for a period of two years shall constitute abandonment of the land for agricultural purposes and require that the parcel meet the provisions of this section.
  - Parcels enrolled in conservation, environmental, agricultural, and other similar easement or financial assistance programs through an agency of the county, state, or federal government, or through a bona fide conservation non-profit organization such as a land trust.
  - Up to ten (10) percent of the total parcel area that is being managed as a bona fide conservation area, even if this area is informal and not otherwise covered by section 909.06 of the village code. This includes areas such as wildflower and pollinator gardens, rain gardens, and other similar areas acceptable to the mayor.
  - Any areas that are in active use for flower or vegetable gardens, household compost piles or bins, and any other legitimate and reasonable household or commercial purpose as determined by the Code Enforcement Officer.
- (f) The provisions of this section shall be enforced by the Code Enforcement Officer.

### **XXX.05 METHOD FOR DETERMINING LAWN HEIGHT.**

- (a) Measurement of lawn height shall be made perpendicular to the ground surface.

(b) Measurement of lawn height shall be made to the top of grass canopy as it stands in situ. The overall length of individual plants or plant parts is not measured. Grass and forbs shall not be straightened for measurement.

(c) All measurements shall be made using a ruler, yardstick, or other inflexible measuring device. Measurements shall not be made using a tape, string, chain or other flexible device.

(d) A bubble level or other device shall be used to ensure that height measurements are made perpendicular to the ground surface.

(e) The base of the measuring device shall be in firm contact with the soil surface but shall not be pressed or driven below the soil surface.

(f) All measurements shall be documented photographically, and in a permanent log maintained by the Zoning Enforcement Officer. The log shall contain the results of all measurements.

(h) Determination of height shall be made on a basis of the average results of multiple measurements. The number of measurements required is ten (10) per acre, pro-rated to the actual parcel size. In any case, a minimum of three measurements shall be used to make the determination.

(i) The height of scattered flowering and fruiting structures of forbs, such as the flower stalks of dandelions and plantains, shall not be considered in the measurements, so long as these structures do not form a continuous canopy.

(j) Should the average height as determined by this method exceed 10.0 inches the parcel shall be deemed to be in violation of the village code.

#### **XXX.08 PROHIBITION OF SPITE LAWNS.**

(a) For purposes of the village code, a spite lawn is defined as an area previously managed as a turfgrass lawn that has been converted to a non-porous or erosion-prone surface following a determination by the Zoning Enforcement Officer that the maximum allowable lawn height has been exceeded.

(b) Because of the importance of maximizing the amount of porous surface within the village for purposes of stormflow and sedimentation management, the establishment of spite lawns within the village is prohibited.

(c) In order to prevent excessive sedimentation in the village storm drainage system, areas of parcels formerly vegetated may not be entirely denuded of vegetative cover through herbicide use, scalping, or other means of conversion to an unpaved, unvegetated condition. The following areas are exempted:

- Areas that are part of active, bona fide construction or landscaping projects with proper sedimentation controls in place
- Areas that are part of a bona fide xeriscaping management system

(d) In order to prevent excessive runoff to the village storm drainage system, areas of parcels formerly vegetated may not be entirely covered in a non-porous surface such as asphalt, concrete, or similar materials. Areas that are being paved as part of a bona fide and permitted construction project are exempted.

#### **XXX.07 ENFORCEMENT.**

(a) Upon written notification by the Zoning Enforcement Officer of a violation of this Chapter, the owner shall have a period of ten (10) days to remedy such violation and bring the property into compliance with the provisions of this Chapter.

(b) The owner's failure to remedy such violation with ten (10) days of written notice shall constitute a minor misdemeanor.

All Ordinances or Resolutions or parts thereof which are in conflict with this Ordinance shall be and are hereby repealed.

That this Ordinance is hereby declared to be a measure made necessary to protect the health, safety, and welfare of the Village of West Liberty, Logan County and shall be in effect upon its passage and signing of the necessary signatures.

1<sup>st</sup> Reading: December 13, 2021

Vote: Yeas: 6 Nays: 0

2<sup>nd</sup> Reading: January 24, 2022

Vote: Yeas: 6 Nays: 0

3<sup>rd</sup> Reading: February 14, 2022

Vote: Yeas: 5 Nays: 0

PASSED: 2-14-2022

SIGNED: Jill C. McKelvey  
Mayor Jill C. McKelvey

ATTEST: Cindee M. Boyd  
Cindee M. Boyd  
Clerk/Treasurer

APPROVED: 2-14-2022

SIGNED: Jayne Boyer  
President of Council