

NOTICE

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CHAPTER 668
Trees, Weeds and Grass

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| 668.01 | Trimming of trees, shrubbery. | 668.03 | Removal of trees, weeds, grasses by City. |
| 668.02 | Removal of weeds by owner or occupant; five days notice. | 668.04 | Assessment of costs by City. |

CROSS REFERENCES

Power to abate nuisances – see Ohio R.C. 715.44
Municipal weed control procedure – see Ohio R.C. 731.51 et seq.
Destruction of weeds – see Ohio R.C. 971.33 et seq.
Injuring vines, bushes, trees or crops – see GEN OFF. 642.06
Tree planting program – see S.U. & P.S. Ch. 907

SECTION 668.01 TRIMMING OF TREES, SHRUBBERY.

(a) The owner of every lot or parcel of land within the corporate limits upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations herein provided; otherwise, the City shall cause such trees to be trimmed or cut down and removed in accordance with these regulations and assess the cost thereof against the owner of such lot or parcel of land.

- (1) The owner shall trim or cause the tree, plant or shrubbery to be trimmed so that a clear height of eight feet between the lowest branches of the same and the street or sidewalk is maintained.
- (2) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.
- (3) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, or pedestrians using the street or sidewalk. (Ord. 617-58. Passed 10-25-58.)

(b) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

SECTION 668.02 REMOVAL OF WEEDS BY OWNER OR OCCUPANT; TEN DAYS NOTICE.

(a) The owner of any lot or parcel of land situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, within ten (10) days written notice to do so, shall cut weeds, grass or deleterious growths upon such lot or parcel or upon any street, public place or tree lawn abutting such lot or parcel. (Ord. 3810-99. Passed 6-8-99.)

(b) Whoever violates or fails to comply with this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(c) Notice to cut such weeds, grass or deleterious growths shall be in writing and shall be served upon the owner of the lot or parcel of land by personal service or by certified U.S. mail. If service of such notice is not perfected after ten (10) days of the date of the initial notice, then a second notice shall be made by posting a copy of the second notice in a conspicuous place upon the lot or parcel of land and by one (1) publication in a newspaper of general circulation within the City. (Ord. 3810-99. Passed 6-8-99.)

SECTION 668.03 REMOVAL OF TREES, WEEDS, GRASSES BY CITY.

In the event the owner does not comply with the provisions of this chapter, then the City Manager is authorized to enforce the provisions of this chapter, and to cause to be trimmed or removed such tree, plant or shrubbery, or part thereof, and cut and remove all grass and weeds.

SECTION 668.04 ASSESSMENT OF COSTS BY CITY.

(a) Whenever any tree, plant or shrubbery or part thereof, or weeds or grass growing in any street, public place or tree lawn or upon private property is trimmed or removed by the City pursuant to this chapter, then the City shall provide notice to the owner of such lot or parcel of land, in the same manner as in Subsection (c) of Section 668.02 of this Chapter, to pay the cost of such trimming or removal, which notice shall be accompanied by a statement of the amount of cost incurred including such administrative costs established by schedule of the City Manager. In the event the same is not paid

within thirty (30) days after the date of such notice, such amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected. Such remedy shall be in addition to the penalties provided in Sections 668.01(b) and 668.02(b). (Ord. 3810-99. Passed 6-8-99.)

(b) In addition to all other penalties and remedies contained in this chapter, if the owner fails to comply with the provisions of this chapter, the City may, by private contract, enforce the provisions of this chapter and cause to be trimmed or removed such tree, plant or shrubbery, or part thereof, and cut and remove all grass and weeds. All costs for contractual services and ordinance enforcement incurred by the City shall be recovered in the following manner: (Ord. 3810-99. Passed 6-8-99.)

(1) The owners shall be billed directly by regular U.S. mail or one (1) publication in a newspaper of general circulation within the City for the cost of such contractual services and ordinance enforcement. The bill for the cost thereof shall be paid within thirty (30) days after the mailing or publication of the bill.

(2) If the costs are not so recovered, the City may collect the cost by either of the following methods:

(a) The City may cause the costs to be levied as an assessment and recovered in accordance with § 715.261 of the Ohio Revised Code. (Ord. 3810-99. Passed 6-8-99.)

(b) The City may commence a civil suit to recover the total costs, including attorney fees, from the owners as provided in § 715.261 of the Ohio Revised Code." (Ord. 3337-88. Passed 6-28-88.)

Legislative History: Ord. 617-58; passed 10-25-58. Ord. 3337-88; passed 6-28-88. Ord. 3810-99; passed 6-8-99