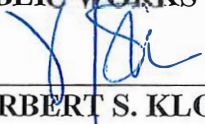


**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**

POLICY NO. 30
SUBJECT: YARD DEBRIS IN THE STREET
DATE: JANUARY 4, 2023

RECOMMENDED BY: 
**JENNIFER S. WILDER, DIRECTOR OF PERSONNEL &
PROPERTIES**

CONCURRED BY: 
**K. DOUGLAS SPITTLER, DIRECTOR OF ENGINEERING &
PUBLIC WORKS**

APPROVED BY: 
NORBERT S. KLOPSCH, CITY MANAGER

POLICY: This policy establishes a protocol for the removal of nuisance yard debris obstructions from the street, consistent with a stormwater rule promulgated by the City Manager under authority granted by Oakwood Codified Ordinance 913.07.

PURPOSE: This policy is intended to establish a uniform procedure for city involvement in the removal of nuisance yard debris obstructions that have been placed in the street throughout the city.

RESPONSIBILITIES: Consistent with the provisions below, the Building Commissioner shall be responsible for implementation of this policy, subject to the oversight and approval of the City Manager.

GENERAL PROVISIONS:

City Council has determined that yard obstructions in the street pose health, safety and welfare concerns, negatively impact community ambience, and cause delays in the community-wide yard debris collection program. Debris in the street disrupts the stormwater collection system, can be dangerous to vehicles, pedestrians, joggers, and bicyclists, and interferes with on-street parking.

Section 913.07 of the Streets & Public Services Code authorizes the City Manager to make and enforce rules related to the management and protection of the city's stormwater system. Effective this date, a "Yard Debris in the Street Policy" is hereby established to provide policy guidance and procedures to City of Oakwood employees and officials who are involved with the removal of nuisance yard debris obstructions throughout the city. Specifically, this policy addresses (1) applicability of 913.07 (2) owner notification, (3) enforcement procedure, and (4) billing.

1. APPLICABILITY OF 913.07

a. Improper debris placement

1. General rule: No yard debris is to be placed in the street. It must be out of the street, behind the curb.
2. Exception: During the months of the city's fall leaf collection program, leaves, and ONLY leaves, may be placed in the street.
3. Special provisions:
 - i. For piles that are partly in and partly out of the street, if the obstruction protrudes more than 24 inches into the street, it will be deemed a nuisance and treated as such.
4. Placards will be posted, and fees will be charged, based on the property location where pick-up is made. The city will not be responsible for determining whether one or more neighbors may have contributed to a particular pile.

2. OWNER NOTIFICATION

Placarding: When an obstruction of yard debris is observed in the street, a placard will be posted at the abutting property by the Building Commissioner or the Code Enforcement Officer. The placard will typically be hung on the door, or may be taped on the building or otherwise posted on the property in a conspicuous, visible manner.

3. ENFORCEMENT PROCEDURE

a. Initial identification of violations.

1. Improperly placed debris piles may be observed directly by the Code Enforcement Officer, who shall incorporate nuisance obstruction inspections as part of his or her regular duties. Citizen complaints will be forwarded to the Code Enforcement Officer. Violations may also be reported to the Code Enforcement Officer by any city personnel, and they are encouraged to do so. However, responsibility for determining violations and undertaking subsequent enforcement will rest with the Code Enforcement Officer, subject to oversight by the Building Commissioner.
2. When the Code Enforcement Officer determines that yard debris has been improperly placed in the street, a placard will be posted as described in this policy. The Code Enforcement Officer will maintain a list of placarded properties for subsequent follow up inspection.
3. The Code Enforcement Officer will take a photo of the nuisance yard debris obstruction that includes identifiable property references and the photo will be stored in the city's zoning software.
4. Follow up inspections.

- a. Timing: There is a notification period of 2 business days. To encourage prompt remediation by the property owner, the day of placarding will be counted as day 1 and this method of counting will be explained on the placard. The Code Enforcement Officer will conduct follow up inspections of placarded properties after the 2 business day notification period has lapsed. Because properties will be placarded on an ongoing basis, it may not be practical to schedule follow up inspections to fall precisely on the 3rd business day. However, the Code Enforcement Officer will ensure that follow up inspections are conducted no later than at least weekly.
- b. Method: Follow up inspections will generally be done on a drive-by basis to determine if the property owner/occupant has remedied the violation.
- c. Upon follow up inspection, properties that have been brought into compliance will be removed from the Code Enforcement Officer's list and no further action will be taken.

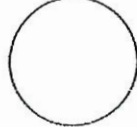
5. Yard debris removal.

- a. If a property remains out of compliance upon follow up inspection, the Building Commissioner will report the property address to the Public Works Director for further enforcement. This notification will be made via email or through the city's zoning management program.
- b. Upon notification from the Building Commissioner of a noncompliant property, the Public Works Director is responsible for assigning a work crew to remove the yard debris from the right-of-way. The work should be done within 2 business days, weather permitting. The Public Works Director will maintain a list of properties that have been so serviced, and will transmit that list to the Utility Clerk on a monthly or other convenient basis.

4. **BILLING**

- a. Service charges: There will be no service charge imposed if improperly placed yard debris is remediated by the property owner. A service charge will be incurred when, and if, the Public Works Department picks up and removes improperly placed yard debris pursuant to this policy. As of the date of adopting this policy, the service charge is \$150. The City Manager may update this service charge from time to time as needed to reasonably recover the costs associated with diverting Public Works resources from regular work to address unscheduled yard debris pick-ups throughout the city.
- b. Job-tracking: The Public Works Director will record the properties that have been serviced, and will transmit that information to the Utility Clerk on a convenient basis, but no less than monthly.

- c. Invoicing: Based upon the list provided by the Public Works Director, the Utility Clerk will generate an invoice for each job performed and will mail the invoice to the then-current property tax mailing address of record for the property.
- d. Collection: Invoices that remain unpaid for at least 45 days (or sooner, as provided by ordinance) will be certified by the Utility Clerk to the Montgomery County Auditor for collection with the real estate tax bill for a particular property, following the standard procedure for assessing unpaid city utility charges, as follows:
 1. The Montgomery County Auditor requires certification to be received no later than the 2nd Tuesday in September. The Utility Clerk, with oversight from the Finance Director, will prepare an annual assessment Resolution for approval by Council at their regular September meeting (or August meeting, if the scheduled date in September would be too late to meet the Auditor's filing requirement.)
 2. Depending on the date of the Council meeting, the Utility Clerk will establish a cut-off date each year for including unpaid invoices on the assessment Resolution. Invoices coming due for assessment after the cut-off date will be held for the following year's assessment.
 3. The Resolution will contain a listing of all affected addresses and parcel ID numbers, along with the unpaid balance for each property.
 4. Upon adoption by Council, the Utility Clerk will obtain a certified copy of the assessment Resolution from the Clerk of Council and will forward it to the Montgomery County Auditor for inclusion on the real estate tax duplicates for each affected property. The Utility Clerk will also provide the data in spreadsheet format at that time, as required by the Auditor.
 5. Consistent with practices of the Montgomery County Auditor's office, the Utility Clerk may accept payments on unpaid invoices at any time prior to forwarding the electronic spreadsheet to the Auditor. Any such property should be removed from the spreadsheet prior to sending if no balance remains due.



CITY OF OAKWOOD

INSPECTORIAL SERVICES DEPARTMENT
(937) 297-2920
zoning@oakwoodohio.gov

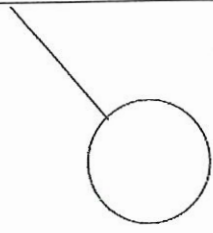
PUBLIC WORKS DEPARTMENT
(937) 298-0777
service-department@oakwoodohio.gov

ADDRESS: _____ DATE: _____

The tap was left by: _____

The following violation(s) of local ordinances have been noted and must be corrected within the specified time period. Your prompt attention in correcting the noted violation(s) is appreciated. Failure to comply may result in a citation. To view the referenced codes, please visit www.oakwoodohio.gov/city-ordinances/.

- 1. **TREE TRIMMING - City Ordinance 521.17**
 - Trees/bushes overhanging the sidewalk must be at least 6 feet above the sidewalk.
 - Trees/bushes overhanging the roadway or alley must be at least 14 feet above the pavement.
 - Compliance is required by _____, or the City will perform the work and assess the costs against the property.
- 2. **LANDSCAPE MANAGEMENT - City Ordinance 551**
The property, or portion thereof, has grass, weeds, and/or vegetation that is not managed or maintained as required. Please cut by _____ or the City will perform the work and assess the cost against the property.
- 3. **VEHICLE (i.e. boat, car, trailer) PARKED ON AN UNAPPROVED SURFACE (e.g., grass, gravel, or dirt) Oakwood Zoning Code, Section 1101.3**
This vehicle must be moved immediately.
- 4. **OVERSIZED VEHICLE - Oakwood Zoning Code 901.5.1**
A trailer, motor home, boat, camper, self-propelled vehicle or any combination of such objects which exceeds 7 feet in height, 7 feet in width or 20 feet in length. Please remove oversized vehicle from property immediately.
- 5. **ILLEGAL TEMPORARY SIGN - Oakwood Zoning Code 1201.04**
 - Placement - No signs permitted in right-of-way (outlet or tree lawn).
 - Size - Visible sign faces exceed maximum allowable permitted total surface area of 12 square feet.
 - Size - Sign(s) exceed(s) 6 square feet in area or 4 feet in height.
 - No advertising sign of any kind is permitted in a residential district.
- 6. **PERMITS - Oakwood Zoning Code Section 1009; City Ordinance 1302**
A permit may be required for the construction currently in progress at your property. Please contact the Inspectorial Services Office immediately at (937) 297-2920.
- 7. **PLACEMENT OF AN OBSTRUCTION IN THE STREET- City Ordinance 913.07**
The only item that should ever be placed in the street is leaves from October through December. Please remove the material from the street by _____ or the City will remove the obstruction at a cost of \$150.00 (See Reverse Side).
- 8. **OTHER:** _____



Subject: Yard Debris Disposal

Yard debris obstructions in the street pose health, safety and welfare concerns, negatively impact community ambiance, and cause delays in the community-wide yard debris collection program. Debris in the street disrupts the stormwater collection system, can be dangerous to vehicles, pedestrians, joggers, and bicyclists, and interferes with on-street parking. Additionally, the debris is unsightly, negatively impacting the appearance of Oakwood neighborhoods.

The City collects yard debris (typically brush and tree branch material) from property frontages on a monthly basis from January through September, and bi-weekly from October through December, but the debris must be placed behind the curb, and off of the roadway. Ideally, the debris should be placed for pick-up just a day or two before the scheduled collection day, as published in the bi-monthly Oakwood Scene newsletter.

Under no circumstance, except for leaves during the fall leaf collection season, should anything be placed in the roadways.

When a violation is found, the City will leave a placard directing the property owner to remove the debris obstructing the roadway within 2 business days. If the debris is not removed, the Public Works Department will remove the debris and charge the property owner a \$150 fee.

Yard Debris Disposal

There are several options for disposing of yard waste:

Do It Yourself:

- Drop it off at the Foell Public Works Center, 210 Shafor Blvd, on the first Saturday of the month between 8 a.m. and 12 noon; or
- Drop it in the yard debris area at the Recycling and Yard Waste Drop-Off Facility located at the entrance to the Foell Public Works Center, 210 Shafor Blvd. This area is accessible 24-7; or
- Call for a dumpster delivery to your property (298-0777), and load it up. This is free of charge if the dumpster is used exclusively for yard debris (green waste).

Monthly Collection by the City:

- Place piles of yard debris (brush and branches) into the tree lawn area just behind the curb, ideally just a day or two before your scheduled pick-up. Branches should be no longer than 6 feet and all material should be placed in manageable piles for efficient pick-up. Do not place piles around trees, fire hydrants, cable TV boxes, posts/poles, etc., or in the street, gutter or center medians on boulevards.

Special Pickup by the City:

- Each property owner is entitled to two free Special Pickups per year. Thereafter, additional Special Pickups can be scheduled for \$100.00 each.
- Special Pickups cannot be scheduled for items/debris in the street. Items must be placed off the roadway or will incur a \$150.00 improper placement fee.
- Special Pickups can be scheduled by contacting the Public Works Department or via the City's website.

For additional information, contact the Public Works Department at (937) 298-0777 or service-department@oakwoodohio.gov, or visit www.oakwoodohio.gov.

APPENDIX 2

RETURN OF SERVICE

On _____, the undersigned Code Enforcement Officer made
(DATE)

residential service of a Notice of Assessment for nuisance removal of a yard debris obstruction, by conspicuously posting the same upon the following premises in the City of Oakwood, Ohio:

(STREET ADDRESS)

Location of posted notice: _____

Ethan Kroger, Code Enforcement Officer