

City of Oberlin, Ohio

ORDINANCE No. 14-58 AC CMS

AN ORDINANCE AMENDING CHAPTER 551 OF THE CITY OF OBERLIN CODIFIED ORDINANCES TO REVISE THE PROCEDURES FOR GIVING NOTICE OF VIOLATIONS OF SECTION 551.01

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of members elected thereto concurring:

SECTION 1. That Sections 551.01 through 551.04 of Chapter 551 of the City of Oberlin's Codified Ordinances are hereby amended to read as set forth on **Exhibit A** attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest possible date allowed by law.

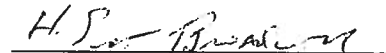
PASSED: 1st Reading: October 6, 2014

2nd Reading: October 20, 2014 (P), November 3, 2014 (P), December 15, 2014

3rd Reading: January 5, 2015 (Effective in 30 days)

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


H. SCOTT BROADWELL
PRESIDENT OF COUNCIL

POSTED: 01/06/2015

EFFECTIVE DATE: 02/04/2015

EXHIBIT A

551.01 TRIMMING OF TREES AND SHRUBBERY.

(a) The owner, occupant or person having the charge or management of any lot or parcel of land within the corporate limits of the Municipality 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 Municipality shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land.

(1) The owner, occupant or any other person, firm, or corporation having the charge or management of any lot or parcel of land within the corporate limits of the Municipality shall trim or cause to be trimmed such tree, plant or shrubbery 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, occupant or any other person, firm, or corporation having the charge or management of any lot or parcel of land within the corporate limits of the Municipality shall trim or remove, as the case may require, every dead, decayed diseased or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.

(3) The owner, occupant or any other person, firm, or corporation having the charge or management of any lot or parcel of land within the corporate limits of the Municipality 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 in order to protect the life, limb or property of persons, drivers of vehicles or pedestrians using the street or sidewalk.

551.02 NOTICE TO CUT NOXIOUS WEEDS.

(a) Where the City Manager or his designee determines that any owner, occupant or any other person, firm, or corporation having the charge or management of any lot or parcel of land within the corporate limits of the municipality is not in compliance with the requirements of section 551.01 of this Chapter, he or she shall

forthwith serve written notice by regular and U.S. Certified Mail, return receipt requested, upon the owner at the owner's last known address and by regular mail upon such other occupant, person, firm or corporation, identifying the non-compliance and ordering its abatement .

(b) If the address of any owner, or any other person, firm or corporation subject to the provisions of this Chapter above is unknown, it shall be sufficient to publish the notice once in a newspaper of general circulation within the County.

(c) Only one notice per calendar year under subsections (a) or (b) hereof is required for a lot or parcel. If after notice has been served in accordance with this section, the City Manager or his designee determines that a subsequent violation of the provisions of this Chapter has occurred, the Municipality may proceed with the remedies set forth in section 551.03 without further notice.

(d) There is hereby excluded from the operation of this Chapter any crops or flower gardens under cultivation. Naturalized vegetation maintained free of noxious plants as a managed landscape with a setback of no less than 8' from the public rights-of-way and 5' from side and rear property lines, and site buildings shall also be excluded from the operation of subsection (a) hereof. The City Manager shall be authorized to promulgate such administrative rules and regulations necessary to manage said crops, flower gardens and/or naturalized vegetation in the public interest.

551.03 REMOVAL BY CITY AUTHORITY.

In the event any owner, occupant or any other person, firm, or corporation that is subject to the provisions of this Chapter fails to comply with the requirements of the notice provided in section 551.02 above, then the City Manager shall have the authority to cause the abatement of the noncompliance and to assess the cost thereof against the real estate.

551.04 ASSESSMENT OF COSTS BY MUNICIPALITY.

In the event the City Manager shall have caused the abatement of any noncompliance as provided in Section 551.03 of this chapter, then, after completion of such work, the Municipality shall give fifteen days' notice, by regular mail and by U.S. certified Mail, return receipt requested, to the owner of such lot or parcel of land, at his/her last known address, to pay the actual cost of such trimming or removal, plus an administrative fee of an additional fifty per cent (50%) of that cost,

Exhibit A

which notice shall be accompanied by a statement of the amount of said costs incurred and fee added. In the event the same is not paid within forty-five (45) days after the mailing of the notice, such amount shall be certified to the County Auditor by the Law Director or his/her designee for collection the same as other taxes and assessments are collected, together with a penalty of twenty-five percent (25%) of the costs and administrative fee.