

CITY OF OBERLIN, OHIO

ORDINANCE NO. 18-22 AC CMS

AN ORDINANCE AMENDING CHAPTER 551 OF THE OBERLIN CODIFIED ORDINANCES TO PROVIDE FOR THE REMOVAL OF DANGEROUS AND HAZARDOUS TREES ON PRIVATE PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF OBERLIN

WHEREAS, the physical condition of trees located on private property in the City of Oberlin have on occasion presented conditions that pose a threat to health, safety and welfare of inhabitants of adjoining property life or significant property damage; and

WHEREAS, after City's existing regulations presently address trees overhanging public streets and sidewalks and those that block the view for motorists at the intersections of public streets; and

WHEREAS, Council deems it to be in the interest of the citizens of the City of Oberlin that the removal of tree within the City be required where conditions poses a threat to the health, safety and welfare of persons or property under certain circumstances.

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

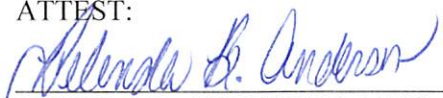
SECTION 1: That Chapter 551, Sections 551.01 and 551.04 of the Oberlin Codified Ordinances be and are hereby amended as is set forth on Exhibit A attached hereto.

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 date allowed by law.

PASSED: 1st Reading: April 2, 2018
 2nd Reading: April 16, 2018 (AMENDED)
 3rd Reading: May 7, 2018 (AMENDED)

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 05/07/2018

EFFECTIVE DATE: 06/06/2018

EXHIBIT A
(Ordinance No. 18-22 AC CMS)

551.01 TRIMMING OF TREES AND SHRUBBERY.

(a) The owner, occupant or any other person or entity 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 shall conform to the regulations herein provided; otherwise, the City Manager 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 in accordance with the provisions of Section 551.04 of this Chapter.

(1) The owner, occupant or any other person or entity 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 or entity 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 or entity 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.

(4) The owner, occupant or any other person or entity having the charge or management of any lot or parcel of land within the corporate limits of the Municipality shall remove any tree, plant or shrubbery, or any part thereof, when necessary to abate a dangerous or hazardous condition which poses a threat to the life, limb or property of others.

(Ord. 14-58 AC CMS. Passed 1-5-15.)

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 551.01 or 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 such owner's last known address, to pay the actual cost of such trimming or removal, plus an administrative fee in the amount of Seventy-Five Dollars (\$75.00) 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.

551.05 ASSESSMENT PAYABLE IN LUMP SUM OR INSTALLMENTS.

The assessment placed upon the tax duplicate by the City for the cost of the abatement of non-compliance as is provided in Section 551.04 of this Chapter shall be paid by the property owner in one lump sum or five equal annual installments, provided, however, that whenever the unpaid balance of an amount assessed is one hundred dollars (\$100.00) or less, it shall be fully due and payable upon the date of the next annual payment. Assessments paid in installments shall include an interest charge equal to the annual rate of interest as notified to the County Auditor by the tax commissioner pursuant to Section 5703.47 of the Ohio Revised Code of four percent per annum in effect as of the date of the original assessment amount. Upon proof satisfactory to the City that payment in five annual installments will create a serious economic hardship to the property owner, the City Treasurer may authorize a longer repayment period.