

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 20-40 AC CMS

AN ORDINANCE ENACTING NEW CHAPTER 553 OF THE OBERLIN CODIFIED ORDINANCES TO PROVIDE FOR THE REGULATION OF MANAGED NATURAL LANDSCAPES AND AMENDING SECTIONS 551.01 and 551.02 OF THE OBERLIN CODIFIED ORDINANCES.

WHEREAS, the ability of Oberlin residents to plant natural managed landscapes satisfies multiple goals of the Oberlin Climate Action Plan by providing valuable ecological benefits such as enhancement of pollinator support habitat, stormwater management, carbon sequestration, and preservation of biodiversity; and

WHEREAS, Chapter 553 seeks to eliminate confusion about the meaning of “naturalized vegetation” in Chapter 551 and to reduce the difficulty of enforcement by City officials; and

WHEREAS, the elimination of a permit process eases the planting process for residents and promotes the installation of managed natural landscapes; and

WHEREAS, to accommodate the provisions of Chapter 553 as enacted hereunder, it is necessary to exclude Managed Natural Landscapes from the prohibitions contained in Sections 551.01 and 551.02 of the Oberlin Codified Ordinances.

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

SECTION 1: That new Chapter 553 of the Oberlin Codified Ordinances be and is hereby adopted to read as is set forth in **Exhibit A** attached hereto.

SECTION 2: That Sections 551.01 and 551.02 of Chapter 551 of the Oberlin Codified Ordinances be and are hereby amended to read as is set forth in **Exhibit B** attached hereto.

SECTION 3: 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 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 4: That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: September 21, 2020

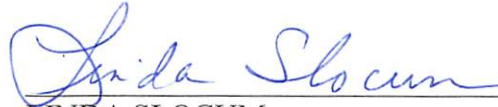
2<sup>nd</sup> Reading: October 5, 2020

3<sup>rd</sup> Reading: October 19, 2020

ATTEST:

A handwritten signature in blue ink, reading "Belinda B. Anderson", written over a horizontal line.

BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

A handwritten signature in blue ink, reading "Linda Slocum", written over a horizontal line.

LINDA SLOCUM  
PRESIDENT OF COUNCIL

POSTED: 10/20/2020

EFFECTIVE DATE: 11/18/2020

**EXHIBIT A**  
**CHAPTER 553**  
**Managed Natural Landscapes**

**553.01 PURPOSE AND DEFINITIONS**

The purpose of this chapter is to encourage the use of vegetation throughout the City to maximize ecological and aesthetic benefits while respecting existing community values regarding landscaping to include well-maintained yards, preservation of sight lines, compatibility with existing structures, and public safety. Ecological benefits of “managed natural landscapes” include enhancement of pollinator support habitat, stormwater management, carbon sequestration, and preservation of biodiversity.

- a) “Managed natural landscape” means a planned, intentional, and maintained planting of native or non-native grasses, wildflowers, ferns, sedges, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants.
- b) “Rain garden” means planting designed not only to aesthetically improve an area, but also to reduce the amount of stormwater and accompanying pollutants from entering the watershed.
- c) “Meadow vegetation” means herbaceous (non-woody) vegetation of grasses and flowering broad-leaf plants that are commonly found in meadow and prairie plant communities, excluding noxious weeds.
- d) “Noxious weed” means any plant that has been identified as being harmful to the local natural environment and included in the list promulgated by the City Manager or his or her designee; or as listed in Sections 901:5-30 or 901:5-37 of the Ohio Administrative Code, same being incorporated herein by reference.
- e) “Ornamental plant” means grasses, perennials, annuals, and groundcovers purposefully planted for aesthetic reasons.
- f) “Turf-grass lawn” means a lawn comprised mostly of grasses commonly used in regularly cut lawns, intended to be maintained at a height of no more than five inches.

**553.02 RIGHT TO INSTALL AND MAINTAIN A MANAGED NATURAL LANDSCAPE**

- a) An owner, authorized agent, or authorized occupant of any privately owned lands may, consistent with this subsection and all other applicable laws, statutes, rules, and ordinances, install and maintain a managed natural landscape.
- b) Managed natural landscapes that are free of noxious weeds with a setback of no less than 5’ from the public right-of-way and 5’ from side and rear property lines and site buildings shall be excluded from the operation of subsection (a) of Chapter 551.02.

- c) The 5' of setback from the public right-of-way and side and rear property lines are to be comprised of turfgrass lawn or low groundcover vegetation not exceeding five inches in height.
- d) Managed natural landscapes shall not include exclusively turf-grass lawns left unattended for the purpose of returning to a natural state without further management action.

### **553.03 NOTICE TO CUT NOXIOUS WEEDS**

No owner, occupant, or person having the charge or management of any lot or parcel of land situated within the corporate limits of the City, whether improved or unimproved, vacant or occupied, within five days of a written notice served upon such person and the owner by the Municipality, shall fail to cut or mechanically or chemically destroy or cause to be cut or mechanically or chemically destroyed, any noxious plants on the list promulgated by the City Manager or designee upon any such parcel of land to a height not exceeding twelve inches, in order to prevent the same from blooming or going to seed.

### **553.04 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 553.03, then the City Manager shall have the authority to have the offending vegetation trimmed or mechanically or chemically destroyed or removed and assess the cost thereof against the real estate.

### **553.05 ASSESSMENT OF COSTS BY MUNICIPALITY**

In the event the City Manager shall have caused the abatement of any noncompliance as provided in Section 553.03 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 chemical 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.

### **553.99 PENALTY**

See Section 501.99 for penalties applicable to any misdemeanor classification.

## EXHIBIT B

### CHAPTER 551 TREES, WEEDS AND SHRUBBERY

#### 551.01 TRIMMING TREES, GRASS, WEEDS 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, grass, weeds and/or vegetation stands shall conform to the regulations herein provided; otherwise, the City Manager or designee, shall cause such trees, plants, shrubbery, grass, weeds and/or vegetation to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against 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.

(5) Except as is provided in Section [551.02](#)(d) of this Chapter, the owner, occupant or any other person, 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, and shall maintain any grass, weeds or other vegetation not to exceed twelve inches (12") in height. For purposes of this Section, the term "weed" shall be defined as all grasses, annual plants and vegetation other than trees or shrubs; however, this term shall not include cultivated flowers and gardens or Managed Natural Landscapes as defined in Chapter 553.

#### 551.02 NOTICE TO CUT TREES, GRASS, WEEDS AND SHRUBBERY.

(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 or Managed Natural Landscapes as defined in Chapter 553.