

ORDINANCE NO: 15-07

ADOPTED: October 26, 2015

copy
Nov. 26, 2015

AN ORDINANCE CREATING AND ADOPTING REGULATIONS GOVERNING THE TRIMMING OF TREES AND SHRUBBERY AND DECLARING AN EMERGENCY

WHEREAS, contemporaneous with this Ordinance, Council for the Village of Thornville is amending Ordinance 11-15, which governs the maintenance of weeds, grasses, and other undesirable vegetation. In doing so, Council for the Village of Thornville is removing language related to trimming trees and shrubbery near sidewalks, intersections, street lights, traffic control devices, etc.; and

WHEREAS, Council for the Village of Thornville now wants to create new and separate regulations governing the trimming of trees and shrubbery.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby creates, establishes, and adopts the following regulations:

(a) Trees and Shrubby

No person, whether as owner, lessee, agent, tenant, or any other person having charge or care of land in the Village, to shall plant, grow, or maintain any tree or shrubbery which obstructs the proper distribution of light from a street lamp, obstructs the view of traffic approaching an intersection by operators of vehicles approaching said intersection from another direction, or obstructs any sidewalk, street, alley, roadway, or traffic control device.

All trees and shrubbery shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and twelve feet above the surface of the street, alley, or roadway, and the branches of all trees and shrubbery in front of and along lots or lands shall be trimmed so as not to obstruct the free passage of pedestrian traffic, motor vehicle traffic, or light from street lights to the street or sidewalk, or the reasonable view of a traffic control device.

(b) Notice of Violation and Order to Trim or Remove Trees and Shrubby

The Zoning Inspector, or his/her designee, shall cause a written notice of violation to be served upon the owner, lessee, agent, tenant, or any other person having charge or care of the land. This notice shall be served by certified mail and shall contain an order to trim or remove the trees and/or shrubbery, so that the trees and/or shrubbery conform to the provisions established herein, within five (5) calendar days of service of the notice. If service via certified mail is unclaimed, refused, or returned for any other reason, the written notice of violation may be served personally or by ordinary/regular United States Mail or by posting the notice conspicuously at the property. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice of written violation once in a newspaper of general circulation in the county.

(c) Failure to Comply with Order

In addition to the penalties set forth in subsection (f) below, in the event the owner, lessee, agent, tenant, or person having charge or care of the land does not comply with the order to trim or remove the trees and/or shrubbery within the time limit specified in subsection (b) hereof, after the notice of violation has been served, the Village Administrator, or his/her designee, may cause such trees or shrubbery to be trimmed or removed, or may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council.

(d) Fees and Liens

When trees or shrubbery are trimmed and/or removed, pursuant to Subsection (c) hereof, a statement of cost thereof shall be mailed to the owner of such land by ordinary/regular United States Mail. Such statement shall include the following costs to the Village:

- (1) The Village's total cost to trim or remove the trees and/or shrubbery; or
- (2) The Village's total cost to employ the necessary labor and equipment to trim or remove the trees and/or shrubbery, and
- (3) A \$100 administrative processing fee.

The owner, lessee, agent, tenant, or any other person having charge or care of land, shall pay such costs and fees as are charged in accordance with this subsection to the Village within thirty (30) days after the statement is issued. Any payment so received shall be restored to the appropriation from which the costs and fees were paid. If the statement is not paid when due, the Fiscal Officer shall certify to the County Auditor the proceedings taken under this Chapter, together with a statement of the charges for services listed in subsection (d) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village. All money received under this subsection, whether by direct payment or lien satisfaction, may be used to pay for, or help pay for: trimming, cutting, or removing trees, shrubbery, litter, grasses, weeds, noxious weeds or other undesirable vegetation on any property within the Village; purchasing landscape plantings (trees, bushes, vegetation, etc.), landscape materials, and other site elements; purchasing equipment and supplies necessary to install landscape plantings, landscape materials, and site elements; and/or paying for the labor needed to install landscape plantings, landscape materials, and site elements.

(e) Service Fees

The Police Chief, Village Administrator, Zoning Inspector, or any Village of Thornville Police Officer may make service and return of the notices provided for in Chapter, and shall be allowed the same fees as that provided for service and return of summons in civil cases before a court or magistrate.

(f) Criminal Penalties

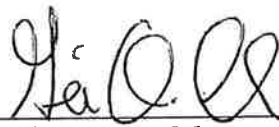
Whoever violates this Ordinance and/or any of its subsections is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 4: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the Village needs to amend these regulations immediately. Wherefore, provided this Ordinance receives the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage by Council.

Passed in Council this 26th day of Oct. 26, 2015.


Gavin Renner, Mayor

ATTEST


Sharon Brussee, Clerk of Council

APPROVED:

Approved as to form this 26th day of August 2015:



Brian M. Zets, Esq.
Village Solicitor