

Ordinance No. 53-07

Passed May 29, 20 07

5/8/07-gmk
(Ordinance, Rules & Claims)

Ordinance No. 53-07

Ordinance No. 53-07 amending CHAPTER 553 **Weeds, Trees and Grass** of the Codified Ordinances of the City of North Canton, and repealing any and all legislation inconsistent herewith.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That CHAPTER 553 **Weeds, Trees and Grass** of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

Section 2. "Shrubbery and Other Obstructions Prohibited on Lawn Strips:

No person shall plant or transplant and trees, flowers, shrubbery, or other similar obstructions within the limits of any dedicated streets of the City, or upon the portion of any of such streets known as the lawn strips, between the sidewalk and roadway.

Section 3. Declaration of Nuisance:

The City has hereby determined that the following are public nuisances subject to abatement by the Superintendent of Permits and Inspections as set forth herein: the presence of weeds, noxious weeds and rank vegetation on any property within the City after the first day of April.

Section 4. Definitions:

A. "Weeds", include Bittersweet (Nightshade), Buckhorn, Thistles, Curley Dock, Corn Cockle, Golden Rod, Iron Weed, Horse Nettle, Johnsongrass, Milkweed, Oxeye Daisy, Poison Hemlock, Poison Ivy, Poison Oak, Quackgrass, Queen Anne's Lace, Ragweed, Wild Onion, Wild Mustard, Wild Parships, Prickly Lettuce, Stinging Nettle, and other plants capable of causing skin reactions upon contact or producing severe allergic respiratory reactions;

B. "Noxious weeds" means those plants defined as "Prohibited Noxious Weeds" in Section 901:5-37-01 of the Ohio Administrative Code and any of the following Golden Rod, Poison Hemlock, Poison Ivy, Poison Oak, Ragweed, Stinging Nettle, and other plants capable of causing skin reactions upon contact or producing severe respiratory reactions;

C. "Rank vegetation" is any growth of weeds or grass reaching a height of eight inches or more on improved property or twelve inches or more upon unimproved property.

D. "Hazardous trees, shrubs and plants" mean any such growth upon, overhanging or infringing upon a height of eight feet vertical necessary for pedestrians on public sidewalks and fourteen feet vertical clearance for vehicular traffic upon public roadways or which endangers pedestrians or vehicles due to damaged, decayed or broken portions of such growth; or obstructs the view at intersections of vehicular traffic.

RECORD OF ORDINANCES

0067

53-07

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 53-07 Passed May 29, 20 07

E. "Improved property" means any property that has constructed upon it, or in proximity to it, any building or similar structure used or intended to be used as the residence or domicile of persons or as a place of business where persons are present during working hours or any property in a residential subdivision to which is extended any improvement required by the Subdivision Regulations.

F. "Public nuisance" means vegetation which creates or promotes human health problems or constitutes a hazard to public safety due to obstructed paths of pedestrian and vehicular travel, obstructed views or falling portions of said vegetation.

Section 5. Annual Notice by Publication:

The Director of Administration shall publish in one (1) newspaper of local circulation on or about the first day of April each year notice of the City's determination that noxious weeds and rank vegetation are public nuisances. The notice shall further demand that all owners of improved property within the City remove all noxious weeds and regularly cut rank vegetation to a height of less than eight inches on improved property and twelve inches on unimproved property.

Section 6. Notice of Violation:

After the publication of the foregoing notice, no person, whether the owner or person having control of the real estate, shall permit any noxious weeds or rank vegetation on any improved property in the City. The Superintendent of Permits and Inspection shall cause a written Notice of Violation to be served by any method set forth in Section 7, Manner of Notice below upon the owner or person having control of the real estate notifying them that noxious weeds and/or rank vegetation are growing on the property and that the noxious weeds must be removed and the rank vegetation must be cut and removed within seven (7) calendar days of service of such notice. One notification per calendar year shall be deemed notice for all subsequent violations during the same calendar year. The Superintendent of Permits and Inspections may summarily abate any subsequent public nuisance hereunder after the first notice is given.

Section 7. Manner of Notice:

The Superintendent of Permits and Inspections shall serve a copy of the Notice of Violation upon the owner or person having control of the real estate by any of the following methods: 1) delivered personally; 2) certified mail return receipt requested; 3) leaving it at their usual place of business or residence; 4) mailing by regular first class mail if not returned; or, if it can not be served in any of the other ways above, 5) posting it in a conspicuous place on the real estate involved; or 6) publishing it once in a newspaper of general circulation within the City

Section 8. Failure to Comply:

If the owner or person in control of the property fails to comply with the foregoing notice, the Superintendent of Permits and Inspections may pursue any remedy on behalf of the City and shall cause all weeds or noxious weeds to be removed and rank vegetation to be cut or removed at the expense of the owner. In addition, the owner is liable for the penalties provided herein.

Section 9. Assessment of Costs:

Whenever any public nuisance is abated by the City pursuant to the provisions of this chapter, the City shall assess the costs of such abatement to the owner of the real estate upon which the nuisance was abated whether such abatement is performed by the City or an independent contractor. A notice of such assessment shall be sent by regular mail to the owner or person having control of the real estate at his last known address to pay the costs of such

Ordinance No. 53-07

Passed May 29, 2007

abatement. If payment of such costs is not received by the City within thirty (30) days after the mailing of such notice or the address of the owner is unknown, then the amount shall be certified to the County Auditor for collection the same as other real estate taxes and assessments are collected. The cost of abatement of the public nuisance shall be an amount determined by the Superintendent of Permits and Inspections and includes, without limitation, the cost of preparing and sending any notices, the cost of inspection of properties by City officials, and the costs of abating the public nuisance whether such abatement is performed by the City or by an independent contractor. Costs for services of City employees include, without limitation, an amount based on the hourly rate of pay, including all fringe benefits, of the personnel involved.

Section 10. Fines:

A fine of \$50 shall be added to the first abatement performed on any property subject to these provisions within any calendar year. A fine of \$100 shall be added to any second or third abatement performed on any property subject to these provisions within any calendar year. A fine of \$200 shall be added to each subsequent abatement performed thereafter on any property subject to these provisions within any calendar year.

Section 11. Appeal:

The owner or person in control of the property may appeal the order of the Superintendent of Permits and Inspections to the Director of Administration by filing a written notice of appeal with the Director of Administration at his office within the time period for compliance set forth in the notice set forth Section 6 **Notice of Violation**. The owner or person in control of the property may appeal the assessment of costs by the Superintendent of Permits and Inspections to the Director of Administration by filing a written notice of appeal with the Director of Administration within the thirty (30) days of mailing of the assessment. The Director of Administration shall hear such appeal within five working days or as soon thereafter as is practical, and shall affirm, reverse or modify the order of the Superintendent of Permits and Inspections consistent with the preservation of health and safety, considering the rights of affected parties, as justice shall require. The decision of the Director of Administration shall be final.

Section 12. Penalty:

Whoever violates this section is guilty of a minor misdemeanor. Each day of violation after expiration of the period for compliance set forth in the notice shall constitute a separate offense.

Section 13. That any and all legislation inconsistent herewith, be, and the same is hereby repealed.

Section 14. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed: 5/29/07


MAYOR

SIGNED: 5/31, 2007

ATTEST:


CLERK OF COUNCIL