

CHAPTER 557

Trees, Shrubs and Weeds

557.01 Certain trees and shrubs declared nuisances.

557.02 Removal of nuisance; notice.

557.03 Failure to comply; charges.

557.04 Planting trees or shrubs; permit required.

557.05 Notice to cut and destroy weeds.

557.06 Service of notice.

557.07 Failure to comply; equitable remedy.

557.08 Charges.

557.99 Penalty.

CROSS REFERENCES

Notice to cut noxious weeds - see Ohio R.C. 731.51

Destruction of weeds - see Ohio R.C. 971.33 et seq.

Injuring vines, bushes, trees or crops - see GEN. OFF. 541.06

557.01 CERTAIN TREES AND SHRUBS DECLARED NUISANCES.

Any tree or shrub or part thereof growing upon private property but overhanging or interfering with public utilities or the public use of any public street, way or alley or interfering with the vision of drivers of motor vehicles using any public way, in the City, or which, in the opinion of the Director of Public Service-Safety, endangers the life, health, safety, comfort or property of the public, because of its location, the condition of its limbs, trunk or roots or because of its diseased condition, is hereby declared to be a public nuisance.

557.02 REMOVAL OF NUISANCE; NOTICE.

(a) No owner of any such tree or shrub, on receipt of written notice from the Director of Public Service-Safety or, if such owner is a nonresident of the City and his address unknown, on publication of notice in a daily newspaper of general circulation within the City, shall, within the time stated in such notice, fail to remove such tree or shrub or correct the condition stated in such notice.

(Ord. 892. Passed 10-10-55.)

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

557.03 FAILURE TO COMPLY; CHARGES.

Should such owner, after such service or publication and the lapse of time therein stated, fail, refuse or neglect to remove such tree or shrub or correct such condition, the Director of Public Service-Safety shall cause such work to be done as may be required for the preservation and protection of the life, health, comfort and property of the public, and the cost of such work shall be assessed against the property on which the work was done. The remedy provided herein shall be in addition to the penalty provided in Section 557.02(b).

(Ord. 892. Passed 10-10-55.)

557.04 PLANTING TREES OR SHRUBS; PERMITS REQUIRED.

(a) No person shall plant any tree or shrub on public property without a permit therefor from the Director of Public Service-Safety.

(Ord. 15-67-0. Passed 6-26-67.)

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed for each tree or shrub planted in violation of this section and for each day such tree or shrub remains planted after notice from the Director of Public Service-Safety to remove the same.

557.05 NOTICE TO CUT AND DESTROY WEEDS.

(a) Upon information that weeds or grasses are growing on lands in the City in excess of a height of ten inches or are about to spread or mature seeds, a police officer shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land notifying him that such weeds and grasses are growing on such lands and that they must be cut and removed within five days after the service of such notice.

If such owner or other person having charge of such lands is a non-resident whose address is known, such notice shall be sent to his address by registered mail; if the address of such owner is unknown and such certified letter is returned as undeliverable, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County. No person shall fail to comply with such notice.

(b) Upon failure by owner, lessee, agent or tenant having charge of such land to comply with written notice, either by certified mail, delivery by a police officer, or publication in the local newspaper, within the five day period, City shall cause weeds and grasses to be cut and removed. The property owner shall be charged at the actual cost of combined labor, equipment, and disposal fees, including a minimum one hour charge for the combined average wage of two employees of the Department of Public Works, or an approved contractor designated by the Appointing Authority, and the combined average wage for one officer of the Celina Police Department.

Such charges are due and payable by owner of property within thirty days of receipt of invoice after which the City shall cause such charges, plus any legal fees and any penalty meted out in subsection (e) hereof to be placed upon the tax duplicate of the property for collection by the County Auditor.

(c) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each subsequent period of five days during or on which a violation occurs or continues after the expiration of the initial five-day period.

(Ord. 54-05-0. Passed 11-14-05.)

557.06 SERVICE OF NOTICE.

Any police officer may make service and return of the notice provided for in Section 557.05 and the fees therefor shall be the same as are allowed for service and return of summons in civil cases before a magistrate.

(Ord. 15-67-0. Passed 6-26-67.)

557.07 FAILURE TO COMPLY; EQUITABLE REMEDY.

If the owner, lessee, agent or tenant having charge of the lands mentioned in Section 557.05 fails to comply with such notice, the Director of Public Service-Safety shall cause such noxious weeds to be cut and destroyed and may employ the necessary labor to carry out the provisions of this section. All expenses incurred shall be paid out of any money in the Treasury not otherwise appropriated if the owner, lessee or agent refuses or fails to pay therefor.

(Ord. 15-67-0. Passed 6-26-67.)

557.08 CHARGES.

Council, by the Director of Public Service-Safety, shall make a written return to the County Auditor of its action under Sections 557.05, 557.06 and 557.07, with a statement of the charges for its services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such land from and after the date of the entry and shall be collected as other taxes and returned to the City with the General Fund. The remedy provided herein shall be in addition to the penalty provided in Section 557.05(b).

(Ord. 15-67-0. Passed 6-26-67.)

557.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CODIFIED ORDINANCES OF CELINA