

ORDINANCE NO. 49-2013

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES
CHAPTER 670 – “TREES, WEEDS & GRASS”**

**AN ORDINANCE AMENDING SECTIONS 670.01(E) AND 670.02(C) OF
CHAPTER 670 OF THE BARBERTON CODIFIED ORDINANCES REGARDING
“TREES, WEEDS & GRASS,” AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
Barberton, State of Ohio:

SECTION 1. That Section 670.01(e) of the Barberton Codified Ordinances
regarding “Trees, Weeds & Grass,” which now reads as follows:

670.01 TRIMMING OF TREES, SHRUBBERY

(e) Whoever violates or fails to comply with any of the provisions of this section is
guilty of a misdemeanor of the third degree. A separate offense shall be deemed
committed each day during or on which a violation occurs or continues. The penalty
shall be as provided in the Development Code, Section 1350.03, Enforcement. In
addition, any costs incurred by the City in cutting and/or removing trees shall be charged
to the owner or violator by the court. Such costs are to be determined by the Building
Department based upon actual costs incurred, and provided to the court.

be and the same is hereby amended to read as follows:

(e) Whoever violates or fails to comply with any of the provisions of this section is
guilty of a misdemeanor of the third degree. A separate offense shall be deemed
committed each day during or on which a violation occurs or continues. The penalty
shall be as provided in the Development Code, Section 1350.03, Enforcement. In
addition, any costs incurred by the City in cutting and/or removing trees shall be charged
to the owner or violator by the court. **Such costs are to be as follows: \$100.00 per
hour per person using riding equipment; \$75.00 per hour per person using hand
held equipment; \$50.00 per property administrative and processing fee, and
provided to the court.**

SECTION 2. That Section 670.02 (c) of the Barberton Codified Ordinances
regarding “Trees, Weeds & Grass,” which now reads as follows:

**670.02 REMOVAL OF WEEDS BY OWNER OR OCCUPANT; FIVE
DAYS NOTICE**

(c) Whoever violates or fails to comply with any of the provisions of this section is
guilty of a misdemeanor of the third degree. A separate offense shall be deemed
committed each day during or on which a violation occurs or continues. The penalty
shall be as provided in the Development Code, Section 1350.03, Enforcement. In
addition, any costs incurred by the City in cutting and/or removing grass or weeds shall
be charged to the owner or violator by the court. Such costs are to be determined by the
Building Department based upon actual costs incurred, and provided to the court.

be and the same is hereby amended to read as follows:

(c) Whoever violates or fails to comply with any of the provisions of this section is
guilty of a misdemeanor of the third degree. A separate offense shall be deemed
committed each day during or on which a violation occurs or continues. The penalty
shall

be as provided in the Development Code, Section 1350.03, Enforcement. In addition, any costs incurred by the City in cutting and/or removing grass or weeds shall be charged to the owner or violator by the court. **\$100.00 per hour per person using riding equipment; \$75.00 per hour per person using hand held equipment; \$50.00 per property administrative and processing fee, and provided to the court.**

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that amendments are needed as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor