

ORDINANCE NO. 143- 2012

TITLE: **AMEND BARBERTON CODIFIED ORDINANCES
REMOVAL OF TREES IN TREE LAWNS**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON
AMENDING THE BARBERTON CODIFIED ORDINANCES, SECTION 670.05,
“REMOVAL OF TREES IN TREE LAWNS,” (ORDINANCE NO. 86-1995) TO
ESTABLISH THAT THE PROPERTY OWNER IS RESPONSIBLE FOR THE
REMOVAL OF ANY TREES AND STUMPS ON THE TREE LAWN AS DETERMINED
BY THE DIRECTOR OF PUBLIC SERVICE, AND DECLARING AN EMERGENCY.**

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

SECTION 1. That Section 670.05 of the Barberton Codified Ordinances (Ord. No. 86-1995) be amended by showing deletions using a ~~strike through~~ and additions as shown in **bold print**, and which now reads as follows:

SECTION 670.05 REMOVAL OF TREES IN TREE LAWNS

- a) No owner of any lot or parcel of land within the corporation limits shall refuse or fail to maintain any trees located in the tree lawn abutting their property so as to cause damage or create a safety hazard to a curb, sidewalk or utility or so as to cause such trees to become dead, decayed or broken.
- b) If, upon inspection, the Director of Public Service finds that a tree in the tree lawn is causing damage to a curb, sidewalk or utility or is creating a safety hazard or finds that such a tree is dead, decayed or broken, the Director of Public Service shall ~~remove the tree or trees.~~ **The Director of Public Service shall** mail to the property owner a notice directing the owner to remove **the tree and** the remaining tree stump in accordance with the standards established by the Engineering Department.
- c) Within thirty (30) days from the receipt of this notice from the Director of Public Service, the property owner shall remove the **tree and** the remaining stump or hire a private contractor to remove them. If the **tree and** stump are not removed within this time period, the Director of Public Service shall remove them and mail an invoice to the property owner requesting payment for the cost incurred by the City to remove this **tree and** stump. If the property owner does not pay in full this invoice within thirty (30) days after receiving it, the unpaid amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected. Such remedy shall be in addition to the penalty in Section 670.05(e).
- d) “Tree lawn” is defined as a strip of land within a street right-of-way separating a sidewalk from the curb or street pavement that is normally planted in grass and sometimes also with trees.
- e) Whoever violates or fails to comply with 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. Punishment shall be as provided in Section 698.02.

SECTION 2. 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 3. 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, in order to include this section in the Codified Ordinances 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 _____ 2012

Clerk of Council

President of Council

Approved _____ 2012

Mayor