

**ORDINANCE NO. 95-2025**

**TITLE: AMEND BCO CHAPTER 670: TREES, WEEDS, AND GRASS**

**AN ORDINANCE AMENDING BARBERTON CODIFIED ORDINANCES, CHAPTER 670 “TREES, WEEDS, AND GRASS” TO INCLUDE THREE NEW SECTIONS 670.06 “NUISANCES – TREES, SHRUBS, BUSHES, GRASSES, AND WEEDS”, 670.07 “ABATEMENT OF DECLARED NUISANCES—TREES, SHRUBS, BUSHES, GRASSES, & WEEDS” AND 670.08 “ASSESSMENT OF COSTS BY MUNICIPALITY OF DECLARED NUISANCES”, AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** Council hereby amends BCO Chapter 670 “Trees, Weeds, and Grass” by showing said amendments with a ~~strike through~~ for any deletions and **bold** for any additions:

**670.06 NUISANCES—Trees, Shrubs, Bushes, Grasses, & Weeds**

The following acts, items, things, and conditions done or existing within this City on private property are declared to constitute nuisances:

- (A) Any weeds that are growing, spreading, or maturing into seeds, or about to do so, including, but not limited to, ragweed, goldenrod, poison ivy, poison oak, or any other noxious, poisonous, or invasive weeds, vines, or plant species.
- (B) Any grass, lawn, turf, or sod in excess of eight inches in height, measured from the tip of the grass blade to the base of the plant on the ground surface.
- (C) Any roots, limbs, branches, or leaves of trees that obstruct any portion of a sewer located on City property or within City easements.
- (D) Any shrubs or bushes located within twenty feet of the intersection of two or more streets and abutting either sidewalk or the normal sidewalk location if the shrubs or bushes exceed two feet in height above the surface of either the sidewalk or the normal sidewalk location.
- (E) Any tree, plant, bush, shrub, or woody plant, or the branches or trunk of any tree, plant, bush, shrub, or woody plant that obstructs or impedes the normal and ordinary use of a public right-of-way. Branches overhanging within nine feet of the surface of any sidewalk or within thirteen and one-half feet of the surface of any street or right-of-way shall be deemed a prima facie nuisance to obstruct or impede the normal and ordinary traffic thereon.
- (F) Any tree or branch of any tree that is in danger of falling due to decay, unsoundness, death, rot, parasitic infection, viral infection, fungus infection, or any other reason, or any tree that contains any disease or insects that render the tree unsound or that can be communicated to other trees.
- (G) Any tree that has fallen or is in such a condition as is likely to fall, as determined by visual inspection of the Building Commissioner or his designees, on any public or private property, including the property upon which it is situated.

**(H) No person being the owner, occupant, or person in control of any lot or parcel of land within the City shall permit a nuisance as herein defined to exist or continue thereupon.**

**(I) Notice of Declared Nuisance.** The city shall conduct periodic inspections of all properties to ensure that a nuisance does not exist. If, upon inspection or from information obtained from the public, the city determines that a nuisance exists on a property and that the property owner or manager has failed to abate the nuisance defined in this section, then the Building Commissioner shall authorize inspectors to post a written notice of the declared nuisance that shall require the property owner or manager to take action to abate the declared nuisance within thirty days of the posting of such notice. This site-specific written notice may be affixed to the structure or may be fixed to a stake, tree, or fence on the property that provides reasonable notice to the property owner or manager of the declared nuisance. The notice shall state the date of posting.

**(J) Failure to take corrective action.** If, after the posting of a notice of a declared nuisance, a property owner or manager fails to take abatement actions within 30 days of the posting of such notice, the Building Commissioner shall cause the abatement of the declared nuisance in accordance with Section 670.07. The Building Commissioner and his designees may continue to take further action to abate recurring nuisances on any property that continues to have declared nuisances, and such corrective action may be taken on the same property without additional written notice being given. Any property owner who violates the provisions of this chapter will be given one notice of a declared nuisance per growing season, and the city shall be authorized to respond to additional declared nuisances without additional written notices being given.

**(K) Penalties.** In addition to the remedies set forth in division (J) of this section, Section 670.07 and Section 670.08, any person who violates or fails to abate any declared nuisance 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 abating the nuisance on the property shall be charged to the violator by the court.

#### **670.07 ABATEMENT OF DECLARED NUISANCES—Trees, Shrubs, Bushes, Grasses, & Weeds**

If, after posting a notice of a declared nuisance under Section 670.06 (I), a property owner fails to take abatement action within 30 days of the posting of such notice, the Building Commissioner shall cause the abatement of the declared nuisance and may employ the necessary labor to perform such work or cause it to be done by the appropriate city division. The cost of the work, plus administration fees, will be charged at a rate of \$200 per hour per person for the abatement of any tree, tree branches, brush, shrubs, or woody plants declared as nuisance; \$150 per hour per person for the abatement of weeds, roots, leaves, or tall grass; \$100 for each piece of equipment used to abate the nuisance; \$200 per property administration and processing fee, and shall be billed and/or assessed to the property owner in accordance with the procedures set forth in Section 670.08. The same costs shall be billed to the property owner for any additional work that may be performed by the city on any property that has recurring declared nuisances as defined in Section 670.06.

**670.08 ASSESSMENT OF COSTS BY MUNICIPALITY OF DECLARED  
NUISANCES**

Upon the completion of any work performed upon any property under Section 670.06(J) and Section 670.07, the city shall prepare an invoice that sets forth the dates of each corrective action taken by the city, and the amount of charged owed by the property owner under Section 670.07 for each abatement action, and shall mail a copy of such invoice to the owner of the land at the tax mailing address maintained by the Summit County Fiscal Office for the property. If the property owner wants to contest any of the charges imposed under Section 670.07, then he or she shall submit a written appeal to the Board of Zoning and Building Appeals within twenty days of the date of the mailing of the invoice by the city. If, after thirty days of the date mailing, a timely appeal has not been filed, and the total amount of the charges remains unpaid, the Building Commissioner shall certify the total amount of the charges owed, the name of the owner of the land, and a sufficient description of the premises to the County Auditor, to be entered on the tax duplicate to be a lien on the land from the date of entry and to be collected as are other taxes and assessments and returned to the city, pursuant to R.C. Section 731.54. Such remedy shall be in addition to the penalty provided in Section 670.06(K).

**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, for the reason that these measures are facilitated in a timely manner, 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.

WITHDRAWN September 22, 2025

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2025

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Mayor