

ORDINANCE NO. 151– 2025

**TITLE: REPEAL OF CURRENT CHAPTER 670
ADOPT NEW BCO CHAPTER 670
TREES, WEEDS, AND GRASS**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON
REPEALING CURRENT CHAPTER 670 OF THE CODIFIED ORDINANCES: “TREES,
WEEDS, AND GRASS” AND REPLACING CURRENT CHAPTER 670 BY ADOPTING
A NEW BCO CHAPTER 670 “TREES, SHRUBS, BUSHES, GRASSES, AND WEEDS”,
AND DECLARING AN EMERGENCY.**

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

SECTION 1. Council hereby repeals Current Chapter 670 “Amend BCO Chapter 670:
Trees, Weeds, and Grass”.

SECTION 2. That Council hereby adopts the new BCO Chapter 670 “Trees, Shrubs,
Bushes, Grasses, and Weeds”.

670.01

Trees, Shrubs, Bushes, Grasses, & Weeds Nuisance

(A) Nuisance Defined. The following acts, items, things, and conditions done or existing within
this City on private property are declared to constitute nuisances:

- (1) 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.
- (2) Any grass, lawn, turf, or sod in excess of eight (8) inches in height, measured from the
tip of the grass blade to the base of the plant on the ground surface.
- (3) Any roots, limbs, branches, or leaves of trees that obstruct any portion of a sewer
located on City property or within City easements.
- (4) Any shrubs or bushes located within twenty (20) feet of the intersection of two (2) or
more streets and abutting either sidewalk or the normal sidewalk location if the shrubs
or bushes exceed two (2) feet in height above the surface of either the sidewalk or the
normal sidewalk location.
- (5) 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 (9) feet of the surface
of any sidewalk or within fifteen and one-half (15 ½) 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.
- (6) 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 a clear and unobstructed
view of traffic from all directions at any street intersection.
- (6) 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.

- (7) Any tree that has fallen or is in such a condition as is likely to fall, as determined by visual inspection of the Director of Public Service or their designees, on any public or private property, including the property upon which it is situated.
- (B) Prohibition. No person being the owner, occupant, or person in control of any lot or parcel of land (Owner) within the City shall permit a nuisance as herein defined to exist or continue thereupon.
- (C) Notice For Grasses and Weeds. The City shall cause an annual notice to be posted the last full week of March on the City's website informing the Owners of the requirements set forth herein. Said notice shall substantially state the following:
- (1) "All properties with the City shall keep their property free of noxious weeds and high grass pursuant to Section 670.01 of the Codified Ordinances. Should the Owner of the property fail to comply with Section 607.01, the City will cut the high grasses or abate the noxious vegetation at the Owner's expense."
 - (2) Include contact information of the applicable City department.

The above notice shall be the only notice of any violation given to an Owner. Failure to read the notice shall not constitute a defense to, nor waive liability imposed by the assessment to property taxes.

The Director of Public Service, or their designee, may cause a written notice of violation to be served upon the Owner, lessees, tenants or other persons or entities having charge or care of the Property, notifying them that the grass has exceeded eight (8) inches and/or noxious weeds are growing on the property and ordering that such grass and/or noxious weeds be cut within five (5) days of service of the notice of violation. Only one (1) written notice of violation per calendar year is required to be served by the City in order to cause abatement of grass or noxious weeds by the City. If, after one (1) notice of violation has been served, the Director of Public Service, or their designee, determines that one (1) or more subsequent violations have occurred on the property during the calendar year, the City may proceed to immediately abate such violations as provided herein.

- (D) 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 Owner has failed to abate the nuisance (as defined in 670.01(A)), then the Director of Public Service shall authorize inspectors to post a written notice of the declared nuisance that shall require the Owner to take action to abate the declared nuisance within thirty (30) 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 Owner of the declared nuisance. The notice shall state the date of posting.
- (E) Service. Any notice required in this Chapter will be considered served and/or received by the Owner when the Director of Public Service, or their designee, one (1) or more of the following occurs:
- (1) The City personally delivers the Notice to the Owner or occupant of the property of suitable age and discretion;
 - (2) The City leaves the Notice with a person of suitable age and discretion at the usual residence of the person served;
 - (3) The City posts a copy of the Notice in a visible location on the property, including but not limited to, a doorway; and/or
 - (4) The City sends the Notice, via regular mail, to the Owner at the last known address as appearing in the records of the Summit County Fiscal Office; the Owner's tax mailing

address as indicated on the county tax duplicate; or the Owner at the Owner's address as determined by an examination of the public records of Summit County or the State of Ohio.

- (E) Failure to take corrective action. If, after the posting of a notice of a declared nuisance, a Owner fails to take abatement actions within thirty (30) days of the posting of such notice, the Director of Public Service shall cause the abatement of the declared nuisance in accordance with Section 670.02. The Director of Public Service and their 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 Owner who violates the provisions of this chapter will be given one (1) 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.
- (F) Penalties. In addition to the remedies set forth in Section 670.01, Section 670.02 and Section 670.03, any Owner 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. Not only shall the City abate the nuisance, as defined herein, penalties are also set forth in the City's 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 as calculated pursuant to Section 670.02(B)

670.02

Abatement of Declared Nuisance - Trees, Shrubs, Bushes, Grasses, & Weeds

- (A) Abatement. If, after posting a notice of a declared nuisance under Section 670.01(C), an Owner fails to take abatement action within thirty (30) days of the posting of such notice, the Director of Public Servicer shall cause the abatement of the declared nuisance. The Director of Public Service may employ the necessary labor to perform such work or cause it to be done by the appropriate city division.
- (B) Cost. The cost of the work, plus administrative fees, shall 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 Owner in accordance with the procedures set forth in Section 670.03. The same costs shall be billed to the Owner for any additional work that may be performed by the City on any property that has recurring declared nuisances as defined in Section 670.03.

670.03

Assessment Of Costs By City Of Declared Nuisances

- (A) Invoice. Upon the completion of any work performed upon any property under Section 670.01 and Section 670.02, 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 Owner under Section ____ for each abatement action. The City shall mail a copy of such invoice to the Owner at the tax mailing address maintained by the Summit County Fiscal Office for the property.
- (B) Appeal. If the Owner wants to contest any of the charges imposed under Section 670.02, the Owner shall submit a written appeal to the Board of Zoning and Building Appeals within twenty (20) days of the date of the mailing of the invoice by the City,
- (C) Failure To Appeal. If, after thirty (30) days of the date mailing, a timely appeal has not been filed, and the total amount of the charges remains unpaid, the Director of Public Service

shall certify the total amount of the charges owed, the name of the Owner, and a sufficient description of the premises to the Summit County Fiscal Office, 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 Ohio Revised Code Section 731.54. Such remedy shall be in addition to the penalty provided in Section 670.02.

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, 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.

Passed October 13, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor