

ORDINANCE NO. 147-2020

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES
CHAPTER 670 – TREES, WEEDS & GRASS
CHAPTER 1422 – REGISTRATION IN GENERAL AND
CHAPTER - 1444 PERMITS AND FEES**

AN ORDINANCE AMENDING SECTION 670.02 “REMOVAL OF WEEDS BY OWNER OR OCCUPANT; FIVE DAYS’ NOTICE” (ORDINANCE NO. 49-2013), SECTION 1422.04 “REGISTRATION FEES; INSURANCE” (ORDINANCE NO. 32-2011) AND SECTION 1444.15 “GENERAL PERMIT FEES” (ORDINANCE NO. 146-2016).

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

SECTION 1. That Council hereby amends Section 670.01 “Trimming of Trees, Shrubbery”, Section 670.02, “Removal of Weeds by Owner or Occupant; Five Days’ Notice”, Section 670.04 “Assessment of Costs by Municipality”, Section 1422.04 “Registration Fees; Insurance”, Section 1422.05 “Registration Expiration and Renewal” and Section 1444.10 “Permit Conditions and Rights; Commencement of Work; Site Markers; Surface Water Drainage; Lot Revision” by showing said amendments with a ~~strike through~~ for any deletions and **bold** for any additions to read 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 as follows: ~~\$100.00~~ **\$200** per hour per person using riding equipment; ~~\$75.00~~ **\$150** per hour per person using hand held equipment; **\$100 for each piece of equipment used**; ~~\$50.00~~ **\$200** per property administrative and processing fee, and provided to the court.

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

(A) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, within five days’ written notice to do so, served upon him or her in conformity with Ohio R.C. 731.52, shall cut or destroy, or caused to be cut or destroyed, any ragweed, field daisies, goldenrod, burdock, yellow dock, dandelions, thistles, jimson weeds, milkweeds, polygonum, mullein, poison ivy, poison oak or other weeds or grasses of rank growth, exceeding eight inches in height. **Notification will occur only with the first notice of each year. Non-compliance with this section following the first notice will result in assessments to the property owner. The property owner will be assessed the above fees and penalties without notice.** Inspection shall begin no later than April 15 of each year and conclude no earlier than the first killing frost as recorded by the Department of Commerce, National Weather Service, offered of local jurisdiction.

(B) On information that noxious weeds, including ragweed, field daisies, dandelions, goldenrod, burdock, yellow dock, polygonum, thistles or any other weed, grass, or growth which gives off offensive or noxious odors, or from which any injurious, offensive or annoying pollen, dust, down, seed or particles may be carried, or which may conceal filthy deposits, are growing on land within the city, the Building Commissioner may cause a certificate of mail notice to be served on the owner, lessee, agent, tenant or other person having charge of such land at his or her last known address notifying him or her that such weeds or other growth must be cut or destroyed within five days after receipt of such notice. In the event that the certificate of mail notice is returned undelivered, then notice may be given by publication once in a newspaper of general circulation or posted on the subject property. In the instance of unoccupied property or vacant land, the city, in lieu of a mailed notice, may post the property by affixing a notice to the building, or in the instance of vacant land, a notice may be affixed to a stake, tree or fence. This notice shall contain the date of posting and the location of the property. Such weeds or other growth must be cut or destroyed within five days after receipt of such 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. ~~\$100.00~~ **\$200.00** per hour per person using riding equipment; ~~\$75.00~~ **\$150.00** per hour per person using hand held equipment; **\$100.00 for each piece of equipment**, ~~\$50.00~~ **\$200.00** per property administrative and processing fee, and provided to the court.

670.04 ASSESSMENT OF COSTS BY MUNICIPALITY

All expenses incurred by cutting and destroying noxious weeds or grasses, together with an administrative charge of ~~\$50~~ **\$100** for each certificate of mail notice sent and each notice that is posted, shall be reported to the Building Commissioner, who shall mail a statement of the amount thereof to the owner of the land, if his or her address is known. If, after 30 days, such amount remains unpaid, the Building Commissioner shall certify the total amount of the expenses, 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 Ohio R.C. 731.54. Such remedy shall be in addition to the penalty provided in §§ 670.01(E) and 670.02(C) of this chapter.

1422.04 REGISTRATION FEES; INSURANCE

(A) All fees for registration obtained under this Title Four shall be paid to the Treasurer of the city at the municipal building.

(B) All fees shall be paid at the time of application for the registration. Renewal fees shall be paid prior to the issuance of the renewal.

(C) The initial fee for a general contractor's, an electrical contractor's, master plumber's, HVAC contractor's or limited work electrical contractor's registration shall be ~~\$125~~ **\$150.00**. The renewal fee for each registration shall be ~~\$75~~ **\$150.00** annually, except as provided in § 1422.05 of this chapter.

(D) The fee for a plant registration and a blanket permit for electrical, plumbing or HVAC systems installed, altered or added to under the provisions of such registration shall be \$200 for each year, except as provided in § 1422.05 of this chapter, and except that additional permit fees shall be paid as provided for in this Building Code for installations, alterations or additions permitted in § 1422.11 of this chapter.

(E) The initial fee for a sewer layer’s registration shall be ~~\$75~~ **\$150.00**. The renewal fee shall be ~~\$50~~ **\$150.00**, except as provided in § 1422.05 of this chapter.

(F) Within the corporate limits of the city, no person shall engage in a general contracting, an electric, plumbing or HVAC contracting business until such person has filed with the City Auditor a public liability policy, indemnifying the city and its officials, in the sum of \$300,000 for the injury or death of any person and \$100,000 for property damage.

(G) **LATE FEES: \$75.00 After March 31st.**

1422.05 REGISTRATION EXPIRATION AND RENEWAL

All registrations shall expire at 12:00 midnight on March 31 of each year and no permit shall be granted until a registration has been secured for the ensuing year. Renewals may be made for the ensuing year upon the surrender of the previous year’s registration and payment of the prescribed fee to the city, as provided in § 1422.04 of this chapter; except that, the fee for the renewal of the registration shall be ~~\$125~~ **\$150.00** if not renewed on or before April 30 of the year following the expiration date; and, except that, the fee for the renewal of a sewer layer’s license after such date shall be ~~\$50~~ **\$150.00** and the fee for the renewal of a plant license shall be \$250. The renewal application for a plant registration must show the name of the registration for the previous year and the ensuing year. Should a registration not be renewed before April 30 of the year following its expiration date, its holder shall be subject to the provisions of this chapter applying to persons who have not qualified for a registration.

1444.15 GENERAL PERMIT FEES

(7) Owner, tenant or agent requested inspections not resulting from any construction: fees for this inspection must accompany the request and are as follows:

Building or structure inspection	\$30
Code and use inspection	\$30
Electrical inspection/re-energize	\$30 \$50
Heating inspection (does not include smoke testing of furnaces)	\$30
Plumbing inspection	\$30
NOTES TO TABLE: Exception: An owner-occupied or tenant-occupied single-family or single unit inspection may be requested without a fee.	

SECTION 2. That 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.

SECTOIN 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor