

ORDINANCE NO. 84-24

AN ORDINANCE REGULATING TREES, SHRUBBERY, WEEDS AND GRASS WITHIN THE VILLAGE OF VERSAILLES

WHEREAS, it is necessary to establish regulations affecting the growth of trees, shrubbery, weeds, and grass, for the best interest of the citizens of the Village of Versailles and the traveling public;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Versailles, State of Ohio:

SECTION ONE: Trees, Shrubbery and Plants Overhanging or Encroaching Upon the Traveled Portion of the Street or Alley-Way:

Owners of trees, shrubbery and plants, any part of which overhangs or encroaches upon any part of a public street or alley within the Village shall trim or cause to be trimmed said trees, shrubbery and plants so that there will be a clearance of fourteen (14) feet between the street or alley grade level, as the case may be, and the lowermost branches of said trees, shrubbery and plants so overhanging such traveled portion of the respective street or alley-way.

SECTION TWO: Trees, Shrubbery and Plants Overhanging or Encroaching Upon the Sidewalk or Lateral Strip:

Owners of trees, shrubbery and plants, any part of which overhangs or encroaches upon any part of a public sidewalk and edge of street pavement within the Village shall trim or cause to be trimmed said trees, shrubbery and plants so that there will be a clearance of eight (8) feet between the sidewalk or lateral strip grade level, as the case may be, and the lowermost branches of said trees, shrubbery and plants so overhanging such public sidewalk or lateral strip.

SECTION THREE: Prohibition and Removal of Trees, Shrubbery and Plants Obstructing View of Regulatory Signs/Signals and Approaching Traffic at Street Intersections:

(a) Owners of trees, shrubbery and plants shall be prohibited from planting or maintaining any such tree, shrubbery or plant in any location within any public right-of-way of the Village which obstructs the clear and safe view of any regulatory traffic sign, traffic signal or approaching traffic from all directions at any street intersection or alley-way exit.

(b) In the event that any existing tree, shrubbery, or plant within the public right-of-way unsafely obstructs the view of any regulatory signs, traffic signs, or approaching traffic at street intersections or alley-way exits, the owner of the property immediately abutting such tree, shrubbery, or plant location shall be required to trim, cut down or entirely remove such within a five day period following receipt of a written notice to remove such obstruction in accordance with a notice procedure in conformity with Ohio R.C. 731.52.

SECTION FOUR: Permit Required for Planting Within Public Right-of-Way:

(a) No person shall hereafter plant or cause to be planted any tree, shrubbery, or plant within any public right-of-way within the Village without first obtaining a written permit from the Village Administrator. Each permit shall be valid for a period of thirty days from the date of issuance. The fee schedule for such permits shall be established by the Village Council.

(b) No permit shall be issued for planting in any location which is determined by the Village Administrator to create a hazard by its placement too close to any street intersection alley exit or utility lines or pipes.

SECTION FIVE: Removal of Noxious and Excessively High Grass and Weeds Constituting a Public Nuisance; Notice:

(a) It is hereby deemed that weeds or grass growing at a height of twelve (12) inches or higher upon any property within the Village after the first day of June of each year are a public nuisance.

(b) The owner, occupant or person having the charge or management of any lot or parcel of and situated within the Municipality, whether the same is improved or unimproved, vacant or occupied, within five days after written notice to do so, served upon him in conformity with Ohio R.C. 731.52,

shall cut or destroy or cause to be cut or destroyed any noxious or poisonous weeds or vines or any wild or uncontrolled growth upon any such lot or parcel of land and prevent the same from the blooming or going to seed or exceeding a height of twelve inches.

SECTION SIX: Removal of Trees, Weeds, and Grasses by Village:

(a) In the event the designated property owner or person in control of such property so notified does not trim or remove such tree, shrubbery, or plant designated as a hazard by the Village Administrator in accordance with the applicable provisions of these regulations, then the Village Administrator is hereby authorized to cause to be trimmed or removed such tree, shrubbery, or plant so ordered, with the Village Council approving such expenses so incurred to be paid out of the treasury for the Village.

(b) In the event the designated property owner or person in control of such property so notified does not cut all grass and weeds determined as a nuisance in conformance with the applicable provisions of these regulations, then the Village Administrator is hereby authorized to cause said property to have such high weeds and grass cut and removed, with the Village Council approving such expenses so incurred to be paid out of the treasury for the Village.

SECTION SEVEN: Assessment of Costs by the Village:

Whenever any tree, plant or shrubbery, or part thereof, or weeds and grass are growing in any street, public place or upon private property contiguous to a street, sidewalk or public place, and is trimmed or removed by the Village, then, after the work is done, the Village shall give five days notice, by regular mail, to the owner of such lot or parcel of land, at his last known address, to pay the cost if such trimming or removal of trees, plants, shrubbery, grass or weeds, or parts thereof, which notice shall be accompanied by a statement of the amount of cost incurred. If the same is not paid within thirty days after the mailing of such notice, then such amount shall be certified to the County Auditor for collection of same as other taxes and assessments are collected.

SECTION EIGHT: This ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and for the further reason that the immediate passage of this ordinance is necessary to eliminate existing hazards to pedestrian and vehicular traffic; wherefore, this ordinance shall be in full force and effect from and immediately after its passage.

PASSED, this 27th day of August, 1984.

C.W. McClurg
Mayor

ATTEST:

Mary Ann Reed
Clerk

APPROVED AS TO FORM:

Michael D. McClurg
Solicitor