

ORDINANCE NO. 2023-14 (AMENDED)

Introduced by Joe Dike

AN ORDINANCE AMENDING ORDINANCE NO. 2023-14 TO CORRECT SCRIVINER'S ERRORS BY REPLACING ALL REFERENCES TO SECTION 521.14 TO SECTION 521.15, AS FOLLOWS:

AN ORDINANCE AMENDING CHAPTER 521 (HEALTH, SAFETY AND SANITATION) OF THE HURON CODIFIED ORDINANCES TO ADD A NEW SECTION 521.15 (DUTY TO MAINTAIN TREES IN TREE LAWN); REPEALING, AMENDING AND RESTATING SECTION 521.06 (DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN) OF CHAPTER 521 (HEALTH, SAFETY AND SANITATION) OF THE HURON CODIFIED ORDINANCES; AND FURTHER AMENDING CHAPTER 521 TO ADD RELATED CROSS REFERENCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio, be amended to add a new Section 521.15 (Duty to Maintain Trees in Tree Lawn), which shall read as follows:

"SECTION 521.15 DUTY TO MAINTAIN TREES IN TREE LAWN

(a) For the purpose of controlling the blight and disease of shade trees within public rights-of-way, and for planting, maintaining, trimming, removing and/or replacing shade trees in and along the streets of the City, the City Council may establish one or more districts in the City designating the boundaries thereof, and may each year thereafter, by ordinance, designate the district in which such control, planting, care, and maintenance shall be effected, setting forth an estimate of the cost and providing for the levy of a special assessment upon all the real property in the district, in the amount and in the manner provided in Section 727.01 of the Revised Code, for planting, maintaining, trimming, removing and/or replacing shade trees. The ordinance shall be adopted as other ordinances and a succinct summary of the ordinance shall be published in the manner provided in Section 731.21 of the Revised Code. Bonds and anticipatory notes may be issued in anticipation of the collection of such special assessments, under Section 133.17 of the Revised Code.

(b) Subject to the provisions of Section 521.15(a), above, each owner or occupant of any lot or land shall plant, maintain, trim, remove, and/or replace any one or more trees located within a tree lawn in front of or adjacent and contiguous to such lot or land in and along the streets of the City that are blighted, diseased, dead, or partially or fully broken or damaged, and that require planting, maintenance, trimming, removal and/or replacement, or that otherwise constitute a hazard to the public's use of the streets in front of such lot or land after due notice of a Resolution of Council ordering the planting, maintaining, trimming, removal and/or replacement of such tree(s) in a designated district in the City. Management of trees shall also conform with the provisions of Chapters 907, 1115, 1121, 1126, 1127, 1131, and 1133 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, the City shall cause the tree(s) to be planted, maintained, trimmed, removed and/or replaced. All

expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(c) In the event the City enters a lien upon the tax duplicate as provided in subsections (a) and (b), above, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this Section 521.15 is guilty of a minor misdemeanor.

(ORC. 727.01; ORC 727.011; ORC 731.21; ORC 133.17)

(Ord. 2023-14 (AMENDED) Adopted 1-23-24)"

SECTION 2. That Section 521.06 (Duty to Keep Sidewalks in Repair and Clean) of Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows: (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 3. That a new revised and restated Section 521.06 (Duty to Keep Sidewalks in Repair and Clean) of Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 4. That the following CROSS REFERENCES shall be added to Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio:

"Maintenance of trees – see Ch. 907

Assessments for sidewalks – see 909-02, R.C. 729.01-729.0

Duty to maintain shade trees – see R.C. 727.01, et. seq.

Assessments for shade trees – see 909.03, R.C. 727.01, et. seq."

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 6. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

ATTEST: Geri Weikener
Clerk of Council

Mark Claus
Mark Claus, Vice- Mayor

ADOPTED: 23 JAN 2024

