

ORDINANCE NO. 6-55

By Mr. Frank

To provide for the cutting down and removal of dead, diseased or damaged trees and shrubs upon private property which constitute a hazard or menace to persons or property, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. When the Mayor has knowledge, that any dead tree or shrub, or any dead part of any tree or shrub, or any diseased or damaged tree or shrub, is being maintained or permitted to stand upon any lot or land, and which, in the opinion of the Mayor, by reason of its proximity to any public highway or other private property, constitutes a hazard or menace to the safety of pedestrians, or to vehicular traffic, or to other property, public or private, he shall report in writing to the council a description of such lot or land together with the name and address of the owner or owners thereof, and that in his opinion such dead tree or shrub, or dead part of a tree or shrub, or diseased or damaged tree or shrub, constitutes a hazard or menace to the safety of pedestrians, vehicular traffic or to other property.

Section 2. The Clerk of Council shall cause written notice to be served upon the owner, lessee, agent or tenant having charge of such lot or land referred to in the next preceding section, that such dead tree or shrub, or dead part of a tree or shrub, or diseased or damaged tree or shrub, must be cut down or removed from said lot or land within 15 days of the service of such notice, or publication thereof as hereinafter provided. If such owner or other person having charge of such lot or land is a non-resident whose address is known, such notice shall be sent to his address by registered mail; if such address is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

Section 3. Any police officer, clerk of council, or his assistants, may make service and return of the notice hereinabove provided, and the fees therefor shall be the same as are allowed for the service and return of summons in civil cases before a magistrate.

Section 4. If the owner, lessee, agent or tenant having charge of the lot or land mentioned in Section 1 herein, fails to comply with such notice within the time therein provided, the Mayor shall cause such dead tree or shrub, or dead parts of a tree or shrub, or diseased or damaged tree or shrub, to be cut down and removed from such lot or land, and may employ the necessary labor to carry out the provisions of this section. All expenses incurred shall, when approved by council, be paid out of any money in the treasury not otherwise appropriated.

Section 5. Upon approval of such report by council, the clerk of council shall make a written return to the county auditor of this county of said action under the preceding sections of this ordinance with a statement of the charges for said services, the amounts paid for the performing of such labor and the fees of the officers who made the service and return of notice, together with a proper description of such lot or land. Such amounts so approved by council, shall be entered by the Auditor upon the tax duplicate of the county and be a lien upon said lot or land from and after the date of the entry and be collected as other taxes and returned to the city with the general fund.

Section 6. Any person who shall interfere with any laborer or workman in the cutting down or removal of such dead, diseased or damaged trees, or shrubs, or such dead parts of trees or shrubs, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed Fifty Dollars, and shall pay the costs of prosecution.

Section 7. This ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being that there are existing certain dead, diseased and damaged trees and dead parts of trees that constitute a present menace to safety of persons and property, and same shall go into full force and effect upon its passage and approval.

Passed: April 12, 1955

W. H. Helms  
MAYOR of Council

Attest: W. C. Prescott Clerk

Approved: April 12, 1955

C. F. Kirk  
PRESIDENT OF COUNCIL

Certified copy to  
N. Co. and - 9-29-58