

ORDINANCE NO. 42 – 20

By: Richard Sharp

An Ordinance to create Section 1027, “Care and Maintenance of Tree Lawn”.

WHEREAS, It is in the public interest to provide for a tree lawn which is well maintained; uniform; free of sight-line obstructions; and conducive to the preservation of City trees and shrubs within the right of way;

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

Section 1.

That Section 1027 is hereby created as follows:

1027.01 DEFINITIONS

As used in this chapter:

- (a) “Tree Lawn” means the area of land between the street curb and the sidewalk.
- (b) “Lead Walk” means a sidewalk running perpendicular to, and connecting the curb with the primary sidewalk.

1027.02 PURPOSE

The purpose and intent of this chapter is to ensure a consistent aesthetic within the City right-of-way between the curb and the sidewalk; to protect City-owned trees and infrastructure within the right-of-way; and to encourage adequate site lines for pedestrians and vehicular users.

1027.03 CARE AND MAINTENANCE OF TREE LAWN

- (a) An owner or occupant having charge or control of a Tree Lawn in the City shall maintain the Tree Lawn as grass/lawn area with the exception of:
 - (1) Utilities and public improvements to the right-of-way. Public improvements to the right-of-way include Trees and Shrubs, which shall be exclusively planted and maintained by the City as provided in Section 1026.
 - (2) Improvements which have received a “Consent and Hold Harmless” agreement from City Council.
 - (3) A permitted “lead walk”, installed in accordance with Bexley Standard Construction Drawings.
 - (4) Areas within a 3 foot radius of the outer diameter of a City tree or shrub may be improved with wood-based mulch, provided that the mulch is not piled against the tree or shrub trunk, and that the mulch not be installed in such a way as to retain water on or around the tree or shrub trunk.

- (5) Areas within a 3 foot radius of the outer diameter of a City tree or shrub may be improved with plantings (annual or perennial flowers, plants, or ground cover), provided that the plantings are well maintained, free of weeds, do not exceed 18" in height at maturity, are not plants commonly grown for food production, and are not a "noxious species" as defined under 1492.01.
- (b) Grass within the Tree Lawn may not exceed eight inches in height.
- (c) Removal of vegetation and/or soil by use of sod cutters or scrapers, or in any manner by which vegetation and/or soil is removed in such a way that the grade of the tree lawn is temporarily or permanently lowered, is prohibited.
- (d) Vertical improvements, including stakes, edging, netting, lattice, signs, or any other non-vegetative vertical improvements or fixtures are prohibited.

1027.04 NOTICE TO CORRECT

The Code Official shall cause written notice to be served by regular mail upon the owner, operator or occupant of such premises in violation of Section 1027.03, notifying them of the non-compliant condition and requiring correction of the non-compliant condition within seven (7) days of the notice. In instances of items requiring extensive correction, the Code Official may exercise appropriate discretion in establishing a reasonable timeline for correction in excess of seven (7) days. If the address of such owner, operator or occupant is unknown, it shall be sufficient to post notice once on the property.

1027.05 NONCOMPLIANCE.

Upon failure of any owner, operator or occupant of such premises to comply with the notice stipulated under the provisions of Section 1027.04, the Code Official shall cause such condition to be corrected by the City.

1027.06 COSTS; RESPONSIBILITY OF OWNER, OPERATOR OR OCCUPANT.

- (a) Upon the performance of the labor under Section 1027.05, the Code Official shall issue, by regular mail, a report of the cost thereof to the owner, operator or occupant of such premises. The cost of correction, which shall include a charge for the use of equipment, transportation, removal/hauling, operator's fee and/or other fees incurred by the City for the performance of labor shall be:
 - (1) All direct costs for the cutting of such premises; plus,
 - (2) An administrative fee.
- (b) In the event that the owner, operator or occupant fails to pay such expenses within thirty (30) days after being notified in writing, by regular mail, of the amount thereof by the Code Official, the expenses set forth in subsection (a)

may be collected using one or more of the following methods, provided that the expenses may only be collected once:

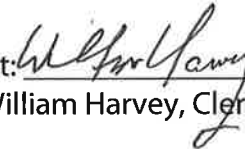
- (1) Such expenses may be certified by City Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment; or,
- (2) The City Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.

Section 2. That this Ordinance shall go into full force and effect at the earliest period allowed by law.


Passed October 27, 2020



Lori Ann Feibel, President of Council

Attest: , 2020
William Harvey, Clerk of Council

Approved: Oct. 27, 2020



Benjamin Kessler, Mayor

First Reading: 9-22-20
Second Reading: 10-13-20
Third Reading: 10-27-20

