

# RECORD OF ORDINANCES

Ordinance No. 2019-39

Passed OCTOBER 14 2019

## AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTER 1050 (TREES, SHRUBS AND OTHER PLANTS) OF THE BALTIMORE CODIFIED ORDINANCES AND THE DECLARATION OF AN EMERGENCY

WHEREAS, both the Tree Commission and Rules Committee have recommended amendments to Chapter 1050 (Trees, Shrubs and Other Plants) of the Baltimore Codified Ordinances; and,

WHEREAS, this ordinance needs to be adopted on an emergency basis in order to provide for the safety of Village residents;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL  
OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO  
THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: That a new Section 1050.06 (d) be adopted in Chapter 1050, titled "Removal of Dead Trees and Limbs on Private Property." A copy of the new Section 1050.06(d) is attached hereto and incorporated herein by reference.


SECTION 2: That a new "Penalty" provision as set forth in Section 1050.99, be adopted by substitution. A copy of the new Penalty provision is attached hereto and incorporated herein by reference.

SECTION 3: For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Baltimore, Ohio. Therefore, this ordinance shall become effective upon its passage by Council.

  
\_\_\_\_\_  
Brad Nicodemus, Mayor

DATE OF PASSAGE: 10-14-2019

EFFECTIVE DATE: 10-14-2019

ATTEST:   
\_\_\_\_\_  
Brian Bibler, Fiscal Officer

SPONSOR: FOREMAN

APPROVED AS TO FORM:   
\_\_\_\_\_  
Jeffrey Feyko, Village Solicitor

**1050.06 (d) REMOVAL OF DEAD TREES AND LIMBS ON PRIVATE PROPERTY.**

(1) It shall be unlawful and a nuisance for any owner of property to permit to stand dead trees or trees with dead limbs in excess of four inches (4") in diameter on lots and lands within the Village if the tree or limbs are deemed to be a threat to the safety of any person other than the property owner.

(2) It shall be unlawful and a nuisance for any owner of property to permit to stand any tree deemed to be a threat to the safety of any person other than the property owner by virtue of decay in the trunk or limbs. An evaluation by an ISA Certified Arborist may be performed or required to make such a determination.

(3) It shall be the duty of the Village Administrator to serve or cause to be served by certified letter a notice upon the owner of any premises on which there are dead trees, qualifying dead limbs, or qualifying decayed trunks or limbs and demand the abatement of the nuisance within ten (10) days.

(4) If the owner so served does not abate the nuisance within ten days, the Village Administrator may proceed to abate the nuisance, keeping an account of the expense of the abatement including an administrative fee such that one hundred and fifty percent (150%) of such abatement expense shall be charged to and paid by the property owner. The Village Administrator may offer a nominal discount on the fifty percent (50%) administrative fee if the invoice is paid in full within 30 days.

(5) Whenever charges for abatement expenses and administrative fees remain unpaid for sixty (60) days after a statement has been mailed to the owner, Council, by resolution, may certify the charges to the County Auditor to be placed upon the tax duplicate, collected in the same manner as other taxes, and returned to the Village. Such charges for abatement expenses and administrative fees shall be a lien on the premises from the date of entry upon the tax duplicate.

**1050.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor as follows:

- (a) First offense: minor misdemeanor (MM);
- (b) Second offense (within one year of the first offense): misdemeanor of the fourth degree (M4);
- (c) All subsequent offenses (within one year of the first offense): misdemeanor of the third degree (M3);