

**ORDINANCE NO. 2019-43
INTRODUCED BY: MS. DEBERNARDO**

4202

**AN ORDINANCE
AMENDING SECTIONS 544.02, 544.11 and 544.13 OF THE
CODIFIED ORDINANCES TO AMEND PROVISIONS
REGARDING NOTICE, BONDING AND AGENCY
REFERENCES AND DECLARING AN EMERGENCY.**

WHEREAS, Chapter 544 of the Codified Ordinances regulates, among other matters, removal of noxious or poisonous weeds or vines or any wild or uncontrolled growth;

WHEREAS, the Village has determined that it should revise the notice, insurance and bonding and agency references and to make them more readily available for service of notices and for changes that occur in other agencies that assist the Village.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. Section 544.02 of the Codified Ordinances is hereby amended in its entirety to read as follows:

544.02 Removal of Weeds by Owner or Occupant; Notice.

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Municipality, whether the same is improved or unimproved, vacant or occupied, within 10 days after written notice to do so, served upon such person in conformity with Section 1340.08 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 blooming or going to seed or exceeding a height of 12 inches.

SECTION 2. Section 544.02 of the Codified Ordinances, the full text of which follows is hereby repealed:

544.02 Removal of Weeds by Owner or Occupant; Notice.

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Municipality, whether the same is improved or unimproved, vacant or occupied, within 5 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 blooming or going to seed or exceeding a height of 12 inches.

SECTION 3. As amended, Section 544.02 of the Codified Ordinances with strikeouts for deletions and underling for additions reads in its entirety as follows:

544.02 Removal of Weeds by Owner or Occupant; Notice.

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Municipality, whether the same is improved or unimproved, vacant or occupied, within 10 ~~5~~ days after written notice to do so, served upon ~~him~~ such person in conformity with ~~Ohio R.C. 731.52~~, Section 1340.08 shall cut or destroy or cause to be cut or destroyed any noxious or poisonous weeds or vines or any wild or any uncontrolled growth upon any such lot or parcel of land and prevent the same from blooming or going to seed or exceeding a height of 12 inches.

SECTION 4. Section 544.11 of the Codified Ordinances is hereby amended in its entirety to read as follows:

If upon inspection of any tree within this Municipality reported or supposed to be infected as aforesaid, it is impossible to determine with certainty the existence of either of such diseases in such tree, the Chief Administrative Officer may forward specimens from such tree for complete examination, diagnosis and report to either the Ohio State Outlying Agricultural Research Station in Wooster, Ohio, or to the United States Agricultural Research Center in Beltsville, Maryland, or to their successor agencies regardless of where they may be located, and the action of the Chief Administrative Officer under this chapter shall await and be determined by the report received from such examination and diagnosis.

SECTION 5. Section 544.11 of the Codified Ordinances, the full text of which follows is hereby repealed:

If upon inspection of any tree within this Municipality reported or supposed to be infected as aforesaid, it is impossible to determine with certainty the existence of either of such diseases in such tree, the Chief Administrative Officer may forward specimens from such tree for complete examination, diagnosis and report to either the Ohio State Experimental Station at Wooster, Ohio, or to the United States Department of Agriculture Station at Beltsville, Maryland, and the action of the Chief Administrative Officer under this chapter shall await and be determined by the report received from such examination and diagnosis.

SECTION 6. As amended, Section 544.11 of the Codified Ordinances with strikeouts for deletions and underlining for additions reads in its entirety as follows:

If upon inspection of any tree within this Municipality reported or supposed to be infected as aforesaid, it is impossible to determine with certainty the existence of either of such diseases in such tree, the Chief Administrative Officer may forward specimens from such tree for complete examination, diagnosis and report to either the ~~Ohio State Experimental Station~~ Ohio State Outlying Agricultural Research Station at Wooster, Ohio, or to the United States ~~Department of Agriculture Station~~ Agricultural Research Center at Beltsville, Maryland, or to their successor agencies regardless of where they may be located, and the action of the Chief Administrative Officer under this chapter shall await and be determined by the report received from such examination and diagnosis.

SECTION 7. The third paragraph of Section 544.13 of the Codified Ordinances is hereby amended in its entirety to read as follows:

No permits will be issued without also providing a commercial general liability insurance policy, or surety bond, naming the permit seeker and the Municipality as insureds or beneficiaries, as the case may be, in the amount of One Million Dollars (\$1,000,000.00) per claim for injury or death or damage of personal property, and payment of a Twenty-Five Dollar (\$25.00) permit fee. A contractor may be licensed on an annual basis, for a Fifty Dollar (\$50.00) permit fee and providing proof of the required insurance or bond.

SECTION 8. The existing third paragraph of Section 544.13 of the Codified Ordinances, the full text of which follows is hereby repealed:

No permits will be issued without proof of adequate insurance or posting of adequate bond with the Chief Administrative Officer, and payment of the Ten Dollar (\$10.00) permit fee. A contractor may be licensed on an annual basis, for a Thirty-Five Dollar (\$35.00) permit fee and showing insurance or payment bond.

SECTION 9. As amended, the third paragraph of Section 544.13 of the Codified Ordinances with strikeouts for deletions and underlining for additions reads in its entirety as follows:

No permits will be issued without ~~proof of adequate insurance or posting of adequate bond with the Chief Administrative Officer, and payment of the Ten Dollar (\$10.00) permit fee. A contractor may be licensed on an annual basis, for a Thirty-Five Dollar (\$35.00) permit fee and showing insurance or payment bond.~~ also providing a commercial general liability insurance policy, or surety bond,

naming the permit seeker and the Municipality as insureds or beneficiaries, as the case may be, in the amount of One Million Dollars (\$1,000,000.00) per claim for injury or death or damage of personal property, and payment of a Twenty-Five Dollar (\$25.00) permit fee. A contractor may be licensed on an annual basis, for a Fifty Dollar (\$50.00) permit fee and providing proof of the required insurance or bond.

SECTION 10. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 11. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 12. That this Ordinance be and is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the habitants of the Village and for the further reason that this Ordinance needs to take immediate effect due to adverse weather conditions, and damage to trees and uncontrolled vegetation growth occurring rapidly. Wherefore, provided it receives two-thirds (2/3) of the votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: July 8, 2019



Nancy Rogoff, Council President

Submitted to the Mayor for
his approval on this

9th day of July, 2019

Approved by the Mayor this

9th day of July, 2019



Mayor William Tomko

I hereby certify that Ordinance No. 2019-43 was duly enacted on the 8th day of July, 2019, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council