

**ORDINANCE NO. 104-16**

**AN ORDINANCE AMENDING SECTION 907.07 OF THE  
CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO  
RELATIVE TO ABATEMENT OF PUBLIC NUISANCE;  
NOTICE TO PROPERTY OWNER; FAILURE TO COMPLY;  
COLLECTION OF COSTS.**

**WHEREAS:** That Section 907.07 of the codified ordinances of the City of Medina, Ohio presently reads as follows:

**907.07 ABATEMENT OF PUBLIC NUISANCE; NOTICE TO PROPERTY OWNER;  
FAILURE TO COMPLY; COLLECTION OF COSTS.**

(a) It shall be unlawful for any person to keep, maintain, possess, or permit a public nuisance or diseased or hazardous tree that is apt to fall in whole or in part across any street, sidewalk or public place.

(b) Notice of Public Nuisance: Whenever a public nuisance is found to exist, the Service Director and/or his designee shall cause written notice by registered mail of such nuisance to be served upon the owner, lessee, agent or tenant having charge of the property where the nuisance is found, and shall order the owner and/or occupant to abate the nuisance within ten (10) days after service of the notice. If the notice is returned or refused, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

(c) Notice of Diseased or Hazardous Tree: Whenever a diseased or hazardous tree is found to exist, the Service Director and/or his designee shall cause written notice by registered mail of such diseased or hazardous tree to be served upon the owner, lessee, agent or tenant having charge of the property where the diseased or hazardous tree is found, and shall order the owner and/or occupant to abate the nuisance within thirty (30) days after service of the notice. If the notice is returned or refused, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

(d) Failure to Comply. If the nuisance is not abated within the time specified in the notice, the Service Director or his designee shall cause such nuisance to be cut or destroyed by use of City employees and equipment or by the hiring of private contractors, and all expenses shall be billed to the owner.

(1) If the work has been done by employees of the City, the entire cost shall be arrived at by multiplying the time expended by the employee at the same hourly rate of the employee's wages or salary and the equipment charge plus fifteen percent (15%) as a reasonable charge to pay for service of notice, inspection, supervision and other incidentals.

(2) If the work has been done by a private contractor, fifteen percent (15%) shall be added to the contract cost as a reasonable charge to pay for service of notice, inspection, supervision and other incidentals.

(e) Collection of Costs. The City shall notify the owner, lessee, agent or tenant having charge of the land of the costs by mailing a bill by ordinary mail. If the bill is not paid in full within thirty days from the date of the mailing of the notice, the Clerk of Council may take the necessary steps to collect the costs by certifying the amount due to the Medina County Auditor to be placed on the tax duplicate for payment and collection as other taxes.

(f) Owner Defined. For the purposes of this section, the real estate owner and the address of the real estate owner shall be deemed to be the individual(s) or entity listed on the on Medina County records as the individual(s) or entity who is the current owner of the real estate upon which the nuisance exists or source of such nuisance is located.  
(Ord. 50-04. Passed 4-12-04.)

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

**SEC. 1:** That Section 907.07 of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

**907.07 ABATEMENT OF PUBLIC NUISANCE; NOTICE TO PROPERTY OWNER; FAILURE TO COMPLY; COLLECTION OF COSTS**

(a) It shall be unlawful for any person to keep, maintain, possess, or permit a public nuisance or diseased or hazardous tree that is apt to fall in whole or in part across any street, sidewalk, or public place.

(b) **No 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, vacant, or occupied, shall permit noxious weeds, grass, vines, or any deleterious growth exceeding a height of six inches (6") upon any such lot or parcel of land within one hundred feet (100') of any public or private roadway, or within one hundred fifty feet (150') of any residential dwelling, building, or cemetery. Permitting the growth of noxious weeds, grass, vines, or any deleterious growth exceeding a height of six inches (6") as set forth hereinabove shall be deemed to be a public nuisance.**

(c) Notice of Public Nuisance. Whenever a public nuisance is found to exist, the Service Director and/or his designee shall cause written notice by registered mail of such nuisance to be served upon the owner, lessee, agent, or tenant having charge of the property where the nuisance is found, and shall order the owner and/or occupant to abate the nuisance within ten (10) days after service of the notice. If the notice is returned or refused, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County. **One notice per calendar year shall be considered notice for the entire calendar year.**

(d) Notice of Diseased or Hazardous Tree: Whenever a diseased or hazardous tree is found to exist, the Service Director and/or his designee shall cause written notice by registered mail of such diseased or hazardous tree to be served upon the owner, lessee, agent, or tenant having charge of the property where the diseased or hazardous tree is found, and shall order the owner and/or occupant to abate the nuisance within thirty (30) days after service of the notice. If the notice is returned or refused, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

(e) Failure to Comply: If the nuisance is not abated within the time specified in the notice, the Service Director or his designee shall cause such nuisance to be cut or destroyed by use of City employees and equipment or by the hiring of private contractors, and all expenses shall be billed to the owner.

(1) If the work has been done by employees of the City, the entire cost shall be arrived at by multiplying the time expended by the employee at the same hourly rate of the employee's wages or salary and the equipment charge plus fifteen percent (15%) as a reasonable charge to pay for service of notice, inspection, supervision, and other incidentals.

(2) If the work has been done by a private contractor, fifteen percent (15%) shall be added to the contract cost as a reasonable charge to pay for service of notice, inspection, supervision, and other incidentals.

(f) Collection of Costs: The City shall notify the owner, lessee, agent, or tenant having charge of the land of the costs by mailing a bill by ordinary mail. If the bill is not paid in full within thirty (30) days from the date of the mailing of the notice, the Clerk of Council may take the necessary steps to collect the costs by certifying the amount due to the Medina County Auditor to be placed on the tax duplicate for payment and collection as other taxes.

(g) Owner Defined: For the purposes of this section, the real estate owner and the address of the real estate owner shall be deemed to be the individual(s) or entity listed on the Medina County records as the individual(s) or entity who is the current owner of the real estate upon which the nuisance exists or source of such nuisance is located.

**SEC. 2:** That it is 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 the law.

**SEC. 3:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

**PASSED:** July 11, 2016

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** July 12, 2016

**SIGNED:** Dennis Hanwell  
Mayor