

(b) Enforcement. The City Arborist, or other person assigned by the Mayor, shall be known as the Enforcement Officer and shall enforce all provisions of this Chapter pursuant to the following procedures. Whenever the Enforcement Officer determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner, developer or person or persons in possession and control of the premises and responsible therefor, in the following manner:

- (1) Notice shall be in writing, and shall include a description of the location of the violation sufficient for identification purposes; and
- (2) Shall include a statement of the violation or violations, specifying the code section(s) that is being violated, why notice is being issued, and the applicable penalty if compliance is not forthcoming; and
- (3) Notice shall include a compliance order allowing a reasonable time under the circumstances for corrective action to bring the violation into code compliance; and
- (4) The Notice shall provide the violator with the right to appeal the compliance order issued.

(c) Method of Service. The Notice shall be deemed properly served if a copy thereof is provided in one of the following methods:

- (1) Delivered personally; or
- (2) Sent by certified or first-class mail addressed to the violator at his/her last known address; or
- (3) If the mailed Notice was returned showing that delivery was not successful, a copy thereof shall be posted in a conspicuous place in or about the premises or property affected by such notice.

(d) Penalties. Penalties for noncompliance with orders and notices hereunder shall be as set forth in 1331.99.

(e) Transfer of Ownership. It shall be unlawful for the owner of the property, premises or parcel which is the subject of a violation and who has been served a notice of violation and/or a compliance order, to sell, transfer, mortgage, lease or otherwise dispose of such property, premises or parcel to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without any conditions for making the corrections or replacements required by such compliance order or notice of violation. (Ord. 05-78. Passed 12-12-05.)

1331.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply.

- (a) Accessory Use or Service Structure: a use or structure which is incidental to the main use of the land or building, but in this Chapter, does not include or apply to garages or sheds on residential lots.
- (b) City Arborist: the person employed by the City to perform the duties required under this Chapter and who is authorized to issue notices and citations and enforce all sections hereunder, and to enforce other sections of this Code pertaining to trees and landscaping. Also referred to herein as the Enforcement Officer.

- (c) Enforcement Officer: the City Arborist or person assigned by the Mayor to enforce all sections of this Chapter.
- (d) Existing Tree: the tree or trees existing on property prior to construction on a site, including those in existence prior to expansion or demolition of the current structure(s) on a parcel.
- (e) Interior landscaping: the use of landscape material within the boundaries of the landscape buffer zone and perimeter landscaping.
- (f) Landscaping/landscaped area: any portion of a parcel of land that includes trees, planting beds, hedges, earth mounds or other material designed and located in a manner complimentary to the overall architecture of the surrounding building and the character of the surrounding neighborhood.
- (g) Large tree: any tree species which normally attains a full-grown height in excess of fifty feet.
- (h) Major tree: any tree having a trunk diameter of six inches or greater as measured twelve inches from ground level.
- (i) Medium tree: any tree species which normally attains a full-grown height of between twenty-six to fifty feet.
- (j) Opacity: the degree to which a wall, fence or landscaping is impenetrable to light.
- (k) Open Space: the area that is dedicated on a preliminary plat and/or development plan that is for passive recreational and/or aesthetic purposes.
- (l) Parking area or parking structure: an off street area or structure, used for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space, but excluding required on-street parking and public right of way.
- (m) Perimeter landscaping buffer: the use of landscape materials within and adjacent to the outer boundary of a parcel.
- (n) Person: any person, corporation, partnership, company, association, contracting firm or other entity, including those employed under a contract with the City.
- (o) Site Triangle at driveway intersection: the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.
- (p) Small tree: means any tree species which normally attains a full-grown height of twenty-five feet and under.
- (q) Tree lawn: that area between the sidewalk or the street right-of-way and the curb or edge of pavement that is used for the planting of grasses or trees.
- (r) Tree size measurement: the caliper of a tree shall be measured in accordance with the American Association of Nurserymen's Standards, which provides that a tree is measured six inches above ground if four inches or less caliper size and twelve inches above ground for larger sizes. For trees exceeding twelve (12) feet in height, the tree measurement size is the trunk measurement at four foot five inches above the ground.
- (s) Tree Preservation and Protection Plan: The inventory of trees on a site prior to demolition or construction naming each species, size and condition of each tree, and the steps that will be undertaken to protect trees on site, and to provide for the protection of trees at a distance in feet equal to inches in diameter of tree trunk.
- (t) Tree Topping: the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
(Ord. 05-78. Passed 12-12-05.)