

Village of Anna Land Use Regulations

VILLAGE OF ANNA LAND USE REGULATIONS

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CHAPTER ONE PROPERTY MAINTENANCE

SECTION A: TITLE AND ENACTMENT

This Property Maintenance Ordinance was adopted by Ordinance 1222-98 passed the 27th day of October 1998 and became effective the 27th day of November 1998.

SECTION B: PURPOSE

The purpose of this Ordinance is to protect the public health, safety and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of structures and premises; to prevent blighting problems and enhance property values; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to provide for penalties for violations of this Ordinance. This Property Maintenance Ordinance shall apply to all structures and premises within the Village.

SECTION C: DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “shall” is mandatory and not directory.

Accessory: Means incidental and subordinate in area to other buildings, structures or uses located on the same lot and serving a purpose customarily incidental to such other structures.

Deterioration: Means the condition or appearance of the exterior of a building or part thereof, characterized by holes, breaks, rot, crumbling or other evidence of physical decay, neglect or lack of maintenance.

Enforcement Officer: Means the Chief of Police or his/her designated representative.

Exterior of the Premises: Means those portions of a building which are exposed to view and the open space of any premises outside of any building.

Infestation: Means the presence of insects, rodents, vermin or other pests on the premises.

Nuisance: Means that which is defined by the statues of the State and declared thereby to be a nuisance, and also includes conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist, where the conditions are perilous by active and negligent operation thereof.

Occupant: Means any person living and sleeping in a dwelling unit or having actual possession of such dwelling unit or any person who leases or rents a building, structure or any portion thereof.

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Owner: Means any person, who, alone or jointly or severally with others, shall have legal or equitable title of any premises, with or without the accompanying actual possession thereof; or shall have charge, care of control as owner or agent of the owner, or as executor, administrator, trustee, receiver or guardian of an estate, or as a mortgagee in possession.

Person: Includes and individual, corporation, association, partnership, trustee, lessee, agent or assignee.

Premises: Means a lot, plot, or parcel of land, including the buildings or structures thereon.

Principal Structure: Means the primary structure located on a lot, including dwelling units, commercial structures and combinations thereof.

Vermin: Is small animals, including but not necessarily limited to mice, rats, and snakes.

Workmanlike: Means executed in a skilled manner' e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

SECTION D: GENERAL

- A. No owner, agent or occupant of any premises shall maintain or permit to be maintained, at or on the exterior property areas of such premise, any conditions which deteriorates or debases the neighborhood, or which creates a fire, safety or health hazard, or which is a public nuisance.
- B. The owner shall be responsible for ensuring that the premises are maintained in compliance with this Ordinance. Occupants shall be responsible for maintaining in a clean and sanitary condition those premises or portions thereof which they occupy and/or control. In the case of commonly held properties associated with condominiums or similar projects, it shall be the responsibility of the designated homeowner association or similar organization to maintain those items which are under its direct ownership or control.
- C. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Ordinance shall be executed and installed in a workmanlike manner.

SECTION E: FOUNDATIONS

- A. All foundations shall be structurally sound and maintained so as to prevent water from standing within the space enclosed by such foundation. Foundations shall be free of all holes and cracks large enough to admit vermin.
- B. Basement or cellar hatchways of principal and accessory structures shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the dwelling and shall be capable of supporting the loads that may be imposed upon them.

SECTION F: APPURTENANCES

- A. Every stair, deck, porch, balcony, handrail and other appurtenance shall be kept in sound condition and good repair.

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- B. All roofs, gutters, downspouts, fascia, soffits, rake and freeze boards of principal structures and accessory structures shall be maintained weather tight and in good condition. Gutters and downspouts must be firmly anchored. Roof timbers or members, roof covering and flashing shall be installed and finished to inhibit the entrance of moisture.
- C. All exterior parts of every principal structure and accessory structure, including decorative features, chimneys, fences and all other exterior structures, shall be maintained in a safe condition and be reasonably weather tight so as to resist decay.

SECTION G: EXTERIOR SURFACES

Exterior walls and other exterior surface materials of principal structures and accessory structures shall be free of holes, cracks, loose or rotting boards and timbers, or loose siding. All loose, rotted, or missing walls, siding, porches, floors, steps, trim, and their missing members must be replaced and put in good condition. All replacements must be permanent and of materials manufactured for such purpose.

SECTION H: WINDOWS AND DOORS

- A. Windows of principal structures shall be fully supplied with window glass or other materials approved by the Enforcement Officer without open cracks or holes, shall fit reasonably well within frames and shall be maintained so as to exclude adverse weather elements from entering the structure.
- B. Windows of accessory structures shall be fully supplied with window glass or other materials approved by the Enforcement Officer. Said covering shall be accomplished in a workmanlike manner to provide a finished appearance.
- C. Doors of principal structures shall be maintained so as to be structurally sound, fit reasonably well within frames so as to be weatherproof and be provided with door hinges and latches which are in good working conditions.
- D. Doors of accessory structures shall be maintained so as to be structurally sound, fit, reasonably well within frames, and be provided with door hinges and latches which are in good working condition.
- E. All missing windows or doors, or parts thereof, must be replaced and put in good condition. All replacements must be permanent and of materials manufactured for such purpose.

SECTION I: MAINTENANCE OF PREMISES

The exterior open space around each principal structure and accessory structures shall be maintained in a clean, safe, and sanitary condition and improved so as to provide for:

- A. Grass, planting or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures.
- B. Yard walks, parking areas, driveways and exterior steps which provide a smooth surface for safe access.
- C. Proper storage of all items.
- D. Proper storage or disposal of building materials. Building materials may be stored on premises while work on repair, remodeling, or construction is in progress, but such storage shall be in the side and rear yards only and shall not exceed six months unless otherwise approved by the Enforcement Officer.

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SECTION J: INSPECTIONS

The Enforcement Officer is authorized to make or cause to be made exterior inspections of all structures to determine whether such structures conform to the provisions of this Ordinance.

SECTION K: ENFORCEMENT

- A. Whenever the Enforcement Officer is of the opinion that any building or structure is in violation of this Ordinance, the Enforcement Officer shall by either certified mail or personal service cause a written order to be given to the owner to repair and bring said building or structure or property into compliance with this Ordinance.
- B. Said order for repairing of a structure as herein set forth shall specify a time in which said owner or occupant shall comply therewith, which shall not be less than thirty days, and shall specify the needed repairs.
- C. Within the period specified by the Enforcement Officer, the owner shall take the appropriate steps to rectify the specified repairs or other work to bring the property into compliance with this Ordinance. No owner of property shall fail to comply with a repair order or notice of violation with the time prescribed, or such extension thereof as may be granted by the Enforcement Officer.

SECTION L: PENALTY

Whoever violates this Ordinance shall be fined not more than \$100 for each offense. A separate offense shall be deemed committed each day such violation occurs or continues.

SECTION M: SEVERABILITY

In the event of conflict between any provisions of this Ordinance, including any rules and regulations adopted pursuant to this Ordinance, and any other provision of this Ordinance or other Ordinances of the Village, including rules and regulations adopted pursuant to such Ordinances, the more restrictive provisions shall prevail. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable.

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CHAPTER TWO NUISANCES

SECTION A: APPLICATION

The provisions of Ordinance shall be enforceable within Anna concurrently with the state and federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances or orders.

SECTION B: DEFINITIONS

For purposes of this Ordinance, the following shall apply unless the context clearly indicates or requires a different meaning.

Building: The term building is any structure consisting of foundations, walls, columns, girders, beams, floors, and roof or a combination of any number of these parts, with or without other appurtenances.

Nuisance: Any fence, wall, shed, yard, house, lot, garage, building, structure or any part of the aforesaid; or any tree, pole, smokestack; or any excavation, basement, cellar, sidewalk, subspace, dock, or in any part thereof, by reason of condition in which the same is permitted to remain, shall or may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the Village, in any one or more of the following particulars:

- A. By reason of being a nuisance to the general health of the Village;
- B. By reason of being a fire hazard;
- C. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid premises;
- D. By reason of being a nuisance because of long continued vacancy, lack of reasonable or adequate maintenance of structure and/or premises adjacent thereto, thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the Village in which the structured is situated.

Person: Includes an individual, corporation, association, partnership, trustee, lessee, agent or assignee.

Place: Includes any building erection, or place or any separate part or portion thereof or the ground itself.

Safe: A building is considered safe when free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction, or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

Sanitary: A building is sanitary when it is free from danger or hazard to health of a person occupying or frequenting it, or to that of the public, if such danger arises from the method or

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materials of its construction, or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

SECTION C: MAINTAINING NUISANCES

- A. No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of trade, employment, or business or for keeping or feeding an animal, which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or the public.
- B. No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.
- C. Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION D: COLLECTION OF COST OF ABATING DANGEROUS PROPERTY CONDITIONS; INJUNCTION; REHABILITATION

- A. Collection of costs of abating dangerous property conditions.
 - 1. As used in this division, *Total Cost*, mean any costs incurred due to the use of employees, materials, or equipment of the municipality or its agent pursuant to the divisions of (A)(4) of this section, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this division.
 - 2. The Village of Anna or its agent may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance by any of the following methods:
 - a. The Fiscal Officer of the Village of Anna may certify the total costs, together with a proper description of lands to the County Auditor who shall place the costs upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the Village of Anna, as directed by the Fiscal Officer in the certification of the total costs or in an affidavit from the agent delivered to the County Auditor or County Treasurer. The placement of the costs on the tax list and duplicate related back to, and is effective in priority, as of the date the cost were incurred, provided that the Village of Anna certifies the total costs within (1) year from the date the costs were incurred.
 - b. The Village of Anna or its agent may commence a civil action to recover the total cost from the owner.
 - 3. This division (A) applies to any action taken by the Village of Anna, or its agent, pursuant to R.C. 715.26, which authorizes the inspection, removal and repair of buildings, or pursuant to the Ohio Constitution, Article XVIII, Section 3.
 - 4. The Village of Anna or its agent shall not certify to the County Auditor for placement upon the tax list and duplicate the cost of any action that it takes under division (A) (2) of this section if the action is taken on land that has been forfeited to the state for delinquent taxes, unless the owner of record redeems that land.
- B. Injunction may be granted for failure to comply. No person shall erect, alter, repair or maintain any residential building, office, mercantile building, workshop or factory

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including a public or private garage, or other structure, within the Village unless all ordinances or resolutions enacted pursuant to R.C. 715.26 through 715.30 are fully complied with. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of such ordinances, or resolutions, or there is imminent threat of violation, the Village of Anna or the owner of the contiguous or neighboring property who would be specially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.

C. Appropriation of property to rehabilitate; demolition or sale.

1. In order to rehabilitate a building or structure that the Village of Anna has determined to be a blighted property as defined in R.C. 1.08, the Village may appropriate, in the manner provide by R.C. 163.01 through 163.22, any such building or structure and the real property of which it is a part. The Village of Anna shall rehabilitate the building or structure or cause it to be rehabilitated within (2) years after the appropriation so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthy or unsanitary, or a threat to the health, safety or welfare, in violation of a building code or ordinance adopted under R.C. 731.231. Any building or structure appropriated pursuant to this division in which it is not rehabilitated within (2) years shall be demolished.
2. If, during the rehabilitation process, the Village of Anna retains title to the building or structure and the real property of which it is a part, then within (180) days after the rehabilitation is complete, the Village of Anna shall appraise the rehabilitated building or structure and the real property of which it is a part, and shall keep or sell the building or structure at public auction. The Village of Anna shall advertise the public auction in a newspaper of general circulation in the municipality once a week for (3) consecutive weeks prior to the date of sale. The Village of Anna shall sell the building or structure and real property to the highest and best bidder.

SECTION E: PERMITTING UNCLEAN HABITATIONS

A. Permitting Unclean Habitations

It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions and unless the provisions of the subsequent sections are complied with.

B. When Habitation are Deemed Unsanitary

A structure, building, or any portion thereof used for human habitation shall be deemed to be an unclean and unsanitary condition when any of the following conditions exist:

1. Infection with communicable disease;
2. Absence of toilet facilities required by law or ordinance;
3. Presence of sewer gas;
4. Dampness or wetness due to lack of repair;
5. Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;

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6. Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.

SECTION F: ORDER FOR ABATEMENT OR VACATION OF PREMISES

If the local Board of Health ascertains from examination or reports of its inspectors or sanitary officers or otherwise determines that a public nuisance exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely corrected and the building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.

SECTION G: ENFORCEMENT OF VACATION ORDER BY POLICE CHIEF

When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Police Chief, together with a copy of the order of notice, it shall be the duty of the Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.

SECTION H: ENFORCEMENT THROUGH COURT PROCEEDINGS

Whenever the Board of Health certifies to the Solicitor any failure to comply with any order or notice of vacation, with request that civil proceedings for the enforcement thereof be instituted, the solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against the order or notice was directed. These suits or proceedings shall be brought in the name of the Village of Anna. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this ordinance or any other criminal law or ordinance in force within the municipality.

SECTION I. OTHER BUILDINGS AND STRUCTURES

The Village of Anna is authorized to regulate other buildings or structures and the sanitary condition thereof. The municipality may provide for the inspection of buildings or other structures and for the removal or repair of dangerous, insecure, unsafe, or structurally defective buildings or other structures.

The term dangerous building is hereby defined to mean and include:

- A. Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or cause injury of the health of its occupants or the occupants of neighboring structures;
- B. Any building, shed, fence or man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.
- C. Any building, shed, fence or other man-made structure which, because of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.

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- D. Any building, shed, fence or other man-made structure; and its condition because of lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in Anna is hereby declared to be a nuisance.

SECTION J: PROHIBITIONS

It shall be unlawful to maintain or permit the existence of any dangerous building in the Village of Anna, and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such a building or permit it to be occupied while it is or remains in a dangerous condition.

SECTION K: ORDER TO ABATE

When the Village Administrator or a Certified Fire Safety Inspector is of the opinion that any building or structure in the Village of Anna is a dangerous building, such official shall thereupon cause a written order to be served upon the owner thereof, upon the occupant thereof, and upon the holder of any encumbrances of record, to repair and make safe said building or raze and remove said building at the owner's option.

SECTION L: SERVICE ORDERS

Any order for the razing or repairing of a structure as herein set forth shall specify a time in which the owner shall comply therewith, which time shall not be less than (30) days, and specify the needed repairs. Said order shall be served upon the owner of record and upon the holder of any encumbrance of record upon such real estate in the manner provide for service of a summons by a court of record. If the owner of a holder of encumbrances of record cannot be found, the order may be served by posting it on the main entrance of a building and by publishing it once a week for (3) consecutive weeks in a newspaper authorized to provide service by publication.

SECTION M: APPEALS

Any interested person may appeal such order to the Board of Zoning Appeals.

SECTION N: NONCOMPLIANCE WITH ORDERS; REMEDY OF VILLAGE

Whenever the owner of a property fails to comply with a repair or demolition order within the time prescribed, the Village may cause the structure or part thereof to be repaired or razed and removed, either through an available public agency or by contract or arrangement with private persons, and the total cost of such repair or razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION O: INSPECTION AUTHORIZED; RIGHT OF ENTRY

- A. The Village Administrator, or his duly designated representative, is authorized to make, or cause to be made, inspections of all structures or premises used for dwelling purposes, and all secondary or appurtenant structures, to determine whether such structures or premises violate the provisions of this ordinance.
- B. When a property owner denies the Village Administrator or his duly designated representative entry into his property for the purpose of making an inspection, the Village

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Administrator may apply for and obtain a search warrant pursuant to constitutional guidelines, in order to gain access to such property.

- C. Nothing contained in this ordinance shall limit the right of immediate entry by the Village Administrator, or his duly designated representative, onto any property when he determines that an emergency exists.

SECTION P: PLACARDING CONDEMNED STRUCTURES

- A. After the notice requirement has been satisfied, the Village Administrator shall post on the premises or structure or part thereof, a placard bearing the words, "CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE" and a statement of the penalties provided for any occupancy use of the premises and for removing the placard.
- B. The Village Administrator shall remove the placard whenever the defects, upon which the written order and placarding action were based, have been eliminated. No person shall deface or remove a placard without permission of the Village Administrator.

SECTION Q: CLOSING OF VACANT STRUCTURES

- A. If a building or part thereof is vacant and the Village Administrator determines that it is unfit for human occupancy or use and it not in danger of structural collapse, the Village Administrator shall be permitted to post a placard on the premises, stating that the building is "UNFIT FOR HUMAN OCCUPANCY," and order that the structure be closed up so that it does not become an attractive nuisance to the public.
- B. The Village Administrator shall direct that the closing take place within (30) days, unless emergency conditions warrant a quicker response to address concern for the building occupants or the general public. The order shall be in writing and shall be physically served upon the owner of record of the building in the manner provided for service of a summons by a court of record.
- C. Upon failure of the owner to close up the structure within the time period specified, the Village Administrator shall have the authority to have the building closed up through any available public agency or contract or arrangement of private persons, and the cost thereof, if not paid by the owner, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION R: EMERGENCY ORDERS

Whenever the Village Administrator finds that a building condition exists which poses an imminent threat, requiring immediate response to protect the public's health and safety, or to protect the occupants thereof from collapse, contamination or emergency conditions and requiring immediate vacation of the premises and abatement of the hazardous condition, the Village Administrator shall attempt to notify the owner of the property of the specifics of the emergency order through reasonable means. If the owner fails to act immediately to abate the imminent hazard, the Village shall have the authority to have the hazard abated through any available public agency or contract or arrangement of private persons, and the cost thereof, if not paid by the owner, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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SECTION S: PENALTY

Whoever violates any of the provisions in this section or fails to comply therewith of them or with any written notice of order issued thereunder, is guilty of a minor misdemeanor and shall be fined not more than \$100 for each offense. A separate offense shall be deemed each day such violation occurs or continues.

SECTION T: POWER OF THE VILLAGE TO FILL OR DRAIN LAND

- A. The Village may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens or the neighborhood.
- B. Council may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or other obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.
- C. After service of a copy of such resolution, or after a publication thereof, if a newspaper of general circulation in such municipal corporation, for (2) consecutive weeks, the owner, or his agent or attorney, shall comply with the directions of the resolution within the time therein specified.
- D. In case of the failure or refusal of such owner to comply with the resolution, the work required hereby may be done at the expense of the Village of Anna, and the amount of the money so expended shall be recovered from the owner by assessment to the property tax for this piece of land. This expense from the time of adoption of the Resolution shall be a lien on such lot, which may be enforced by suit in the court of common pleas, and like proceedings may be had as directed in relation to the improvements of streets.
- E. The officers connected with the Health Department shall see that this section is strictly and promptly enforces.

SECTION U: PRIVY VAULT, SEPTIC TANKS AND CESSPOOLS

No owner, occupant, or person in charge of any premises situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in the connection with such premises any privy vault, septic tank or cesspool, or other repository for human excreta.

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CHAPTER THREE VEGETATION

SECTION A: APPLICATION

The provisions of this Ordinance shall be enforceable within Anna concurrently with the state and federal laws relative to sanitation and health and the ordinance or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

SECTION B: TRIMMING OF TREES AND SHRUBBERY TO PREVENT OBSTRUCTION

- A. It shall be unlawful for any person to plant, grown, or maintain any shade tree or trees or shrubbery which will obstruct the proper distribution of light from street lamps or which will obstruct the view of traffic approaching an intersection by operations of vehicles approaching such intersect from another direction.
- B. All trees shall be trimmed so as to have a clear height of (10) feet above the surface of sidewalks and (15) feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from such street lights to the street or sidewalk.
- C. It shall be unlawful for any person to allow trees or shrubbery to encroach upon the public right-of-way of streets, alleys, and sidewalks.
- D. The Village Administrator shall cause a written notice to be given to property owners ordering them to trim or remove trees and shrubbery so that the trees and shrubbery conform to divisions (A), (B), and (C).
- E. If the property owner fails to trim or remove the trees and shrubbery as ordered, the Village Administrator may cause the trees and shrubbery to be trimmed or removed as ordered, and the cost thereof shall be a lien upon such real estate.

SECTION C: (left blank intentionally)

SECTION D: GRASS AND WEEDS

- A. Any person owning or having charge of land within the municipality shall keep the property free and clear from all noxious weeds and rank vegetation and shall be required to cut all noxious weeds and rank vegetation on lots owned or controlled by him/her.
- B. Noxious weeds and rank vegetation shall include, but not limited to:
 - 1. Any weeds such as the following:

Noxious Weeds

Buckthorn	Canada Thistle	Columbus Grass
Corn Cockle	Curly Dock	Dodder
Field Bindweed	French Weed	Hairy White Top (Ballcress)
Hedge Bindweed	Heart-Podded Hoary Cress	Horse Nettle
Johnson Grass	Leafy Spurge	Mile-A-Minute Weed
Musk Thistle	Oxeye Daisy	Perennial Sow thistle
Poison Hemlock	Quack Grass	Russian Knapweed

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Russian Thistle
Wild Carrot
Wild Onion

Serrated Tussock
Wild Garlic
Wild Parsnip

Shatter Cane
Wild Mustard

2. Grapevines when growing in groups of (100) or more and not pruned, sprayed, cultivated, or otherwise maintained for (2) consecutive years.
 3. Bushes of species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties.
 4. Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding (8) inches.
- C. The Village Fiscal Officer shall cause an annual notice to be published in a newspaper of general circulation in the county notifying the residents of the requirements of this chapter.
- D. It is a prima-facie violation of this chapter if noxious weeds and rank vegetation eight(8) inches or more in height exist on any lot on any of the following dates: May 1, May 15, June 1, June 15, July 1, July 15, August 1, August 15, September 1, September 15, or October 1.
- E. Notice of Violation
1. When the Village Chief of Police or his or her designated agent determines that noxious weeds and rank vegetation, as described in this chapter exist on one of the days set forth, he or she shall forthwith serve written notice by ordinary mail or hand delivery upon the owner or occupant, or any other person, firm or corporation, having the care of the lot or land, ordering the cutting and removal of the noxious weeds and rank vegetation within (7) days from the date of notice.
 2. If the address of the owner or other person having charge of the land is unknown, it is sufficient to send notice to the owner's address listed with the Shelby County Auditor's Office.
 3. Only one notice per calendar year under subsections (1) or (2) hereof is required for a lot or parcel. The annual notification will carry with it a fine of \$125.00 for violating this ordinance and shall be payable within ten (10) days of notice. If not paid, it will be assessed to the property taxes. If after a notice has been served in accordance with this section, the Village Chief of Police, or his or her designated agent, determines that a subsequent violation has occurred, the Village may proceed with the remedy set forth in Section F without further notice.
- F. If the owner, lessee, agent, or tenant having charge of the land fails to comply with the notice, the Village Administrator shall cause such noxious weeds to be cut and destroyed and may employ necessary labor to perform the task. All expenses incurred shall, when approved by the Fiscal Officer, to be paid out of the moneys in the treasurer of the municipality not otherwise appropriated. Such cutting and removing shall be at the owner's expense and costs, together with an administrative fee of twenty (20) percent shall be assessed against the lot or land. Such administrative fee shall not exceed two hundred dollars (\$200.00). The Fiscal Officer will invoice the owner or pertinent party and if not paid within thirty (30) days of dated invoice, he will prepare documents to have the total assessed to the property taxes.

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- G. The Fiscal Officer shall make a written return to the County Auditor of their action under this ordinance with a statement of charges for their services, the amount paid for labor, and a proper description of the premises. These amounts when allowed shall be entered upon the tax duplicate and are a lien upon such lands and after the date of entry will be collected as other taxes and returned to the Village of Anna General Fund

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CHAPTER FOUR LITTER AND OTHER ITEMS

SECTION A: LITTER

The Village prohibits the discarding of litter on public or private property. The definition of litter is, “garbage, trash, waste, rubbish, peelings of vegetables or fruits, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, wagons, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person.”

Upon a finding by the Village Administrator, that litter has been placed on lands within the Village, has not be removed, and constitutes a detriment to public health, the Village Administrator my cause written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him that litter is on the land and that it must be collected and removed within (15) days after service of notice.

If the owner or other person having charge of the land is a nonresident of the Village of Anna whose address is known, the notice shall be sent to his/her address by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, a scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, 4737.05 through 4737.12 or 6111.

If the owner, lessee, agent or tenant having charge of the lands mentioned fails to comply with the notice required to remove litter, the Village Administrator shall cause the litter to be removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by Council, be paid out of the money in the treasury of the Village not otherwise appropriated.

The Fiscal Officer shall make a written return to the County Auditor of its action with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, and proper description of the lands. These amounts, when allowed by Council, shall be entered upon the tax duplicate and shall be a lien upon such lands from and after the date of entry and collected as other taxes and returned to the Village General Fund.

SECTION B: DISCARDING LITTER PROHIBITED

- A. No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him/her, or in or on waters of the state, unless one of the following applies:
1. The person is directed to do so by a public official as part of a litter collection drive.
 2. Except as provided in (B) of this section, the person deposits litter in a litter receptacle in a manner that prevents it being carried away by the elements.

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3. No person is issued a permit or license covering the litter pursuant to R.C. 3734 or 6111.
- B. No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him/her, unless one of the following applies:
 1. The litter was generated or located on the property on which the litter receptacle is located.
 2. The person is directed to do so by a public official as part of a litter collection drive.
 3. The person is directed to do so by a person whom he/she reasonably believes to have the privilege to use the litter receptacle.
 4. The litter consists of any of the following:
 - a. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.
 - b. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.
 - c. Beverage containers and food sacks, wrappings, and containers of a type in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.
 - d. Beverage containers, food sacks, wrappings, containers, and other materials of a type in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.
- C.
 1. As used in division (B) (1) of this section, PUBLIC PROPERTY includes any private properties open to the public for the conduct of business, the provisions of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
 2. As used in division (B) (4) of this section, CASUAL PASSERBY means a person who does not have depositing litter in a litter receptacle as his/her primary reason for travelling to or by the property on which the litter receptacle is located.
- D. As used in this section:
 1. Deposit means to throw, drop, discard, or place.
 2. Litter Receptacle means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited before removal.
- E. This section may be enforced by the Police Department of the Village of Anna, or any other law enforcement officer within his/her jurisdiction.
- F. Whoever violated any provisions of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the state.

SECTION C: DUMPING OF REFUSE IN THE VILLAGE IS PROHIBITED

It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the Village any paper, brush, rubbish, tin cans, vegetation, garbage, or refuse of any kind without first having obtained license from the Village Administrator to do so. The Village Administrator shall issue a license permitting dumping of designated materials when it appears that filling of the land is necessary and that the material

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deposited will be immediately covered with earth or will not be objectionable to the citizens of the neighborhood, or injurious to health, safety and general welfare of the citizens.

Whoever violates this section is guilty of a minor misdemeanor.

SECTION D: ABANDONED REFRIGERATORS

No person shall abandon, discard, or knowingly permit to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has the capacity of (1.5) cubic feet or more than an opening of (50) square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse official or repair technician.

Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

SECTION E: DEPOSIT OF DEAD ANIMALS, OFFAL UPON LAND OR WATER

No person shall put the carcass of a dead animal or spoiled meat, spoiled fish, or other putrid substance upon a creek, road, street, alley, lot, meadow, public ground, market place or common. No owner or occupant of such a place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasion thereby within (24) hours after knowledge of existence thereof, or after notice thereof in writing from the Village Administrator.

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CHAPTER 5 DOWNSPOUTS

SECTION A: APPLICATION

The Village of Anna has concerns about proper downspout discharge locations for buildings and it needs to remove unnecessary storm water infiltrating the sewer system that is treated and increase cost to operate the wastewater treatment plant.

The Village of Anna needs to prohibit downspouts from discharging directly onto sidewalks, alleys or streets because in the winter these spots can freeze and cause a glacier of slippery ice that cause cars and people to slip and slide.

The Village of Anna wishes to promote downspouts to discharge on other areas than impervious surfaces to slow the flow to destined creeks and to allow the water to absorb into the soil and vegetation and percolated to the aquifer.

The Village of Anna wishes to aid in OEPA's aspiration of preventing the pollutants that are picked up along the way from the roof, gutters, streets and the like to flow into our local water bodies.

In this respect, the Village of Anna has determined that the ordinance is warranted and will promote the health, safety and welfare and convenience of the Village and its inhabitants.

SECTION B: DISCHARGE

Property owners must direct downspout discharge so that the water is discharged onto the ground and is released within the property setbacks. The downspout discharge point should not be less than (3) feet away from the foundation. The property owner shall position such outlets so as to minimize the volume and rate of water flow to adjoining properties.

SECTION C: DIRECTION

Any downspouts should be aimed away from the foundations and paved surfaces and the flow directed to vegetated areas.

SECTION D: SEPARATION FROM SANITARY SEWER

Any downspout, pipe, conduit, or other device or apparatus capable of carrying storm, surface or roof water from a building to a sanitary sewer or combined sewer system or any sewer or drain leading to any sanitary sewer or combined sewer system shall be disconnected or separated from the sanitary sewer system or combined sewer system.

SECTION E: NOTIFICATION

The Village Administrator shall give written notice to any person who is in violation of the provisions of this ordinance and shall require the person to correct the violation. The Notice of Violation does not have to be personally served on the owner of or the occupant, but mailed to

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the property or mailing address on the most current property tax listing or leaving it a the property.

SECTION F: WAIVER

The Village Administrator, upon physical inspection of the premises, may waive the requirements of the disconnect, because of existing problems with grade or drainage, causes flooding of the involved property or dwelling, flooding of the adjacent property or dwelling, substantial pooling of water or causes other such similar conditions to exist.

SECTION G: VIOLATION

Violations of this ordinance are considered a public nuisance and shall be enforced as such. The Village Administrator may grant a waiver from this ordinance due to hardship, after taking into consideration the topography of the subject and nearby properties, established drainage patterns, existing structures, and other factors deemed relevant.

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CHAPTER 7 STREETS, ALLEYS, SIDEWALKS & RIGHT-OF-WAYS

SECTION A: OPENING PERMIT REQUIRED

It shall be unlawful for any person, other than the Village Administrator or authorized employees or agents of such municipal office, to make any opening in any street, alley, sidewalk, or public way of the municipality unless a permit to make an opening has been obtained prior to commencement of the work.

SECTION B: APPLICATION AND CASH DEPOSIT

Each permit for making an opening shall be confined to a single project and shall be issued by the Village Administrator or other proper municipal officer. Application shall be made on a form prescribed by the Council, giving the exact location of the proposed opening; the kind of paving, the area and depth to be excavated, and such other facts as may be provide for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the Village Administrator or other proper municipal officer, conditioned upon prompt and satisfactory refilling of excavation and restoration of all surfaces disturbed.

SECTION C: RESTORATION OF PAVEMENT

- A. The opening and restoration of pavement or other surface shall be performed under the direction and the satisfaction of an authorized municipal officer, and in accordance with rules, regulations, and specifications approved by Council.
- B. Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the Village may proceed without notice to make such fill and restoration and the deposit and the charges of the Village for restoration services performed by it. If the amount of such services performed by the municipality should exceed the amount of the deposit, the Fiscal Officer shall proceed to collect the remainder due from such permittee.

SECTION D: BARRIERS AROUND EXCAVATIONS

Any person engaged in or employing others in excavating or otherwise in any manner obstruction a portion or all of any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

SECTION E: WARNING LIGHTS

Any person engaged in or employing others in excavating or otherwise in any manner obstruction a portion or all of any street, sidewalk, alley, or other public way, at all times during the night shall install and maintain at least (2) illuminated warning lamps which shall be securely and conspicuously posted on, at, or near each end of such obstruction or excavation, and if the space involved shall exceed (50) feet in extent, then at least (1) additional lamp for each added (50) feet or portion thereof excavated or obstructed.

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SECTION F: SIDEWALK CONSTRUCTION BY THE MUNICIPALITY

It shall be the duty of the Village Administrator to supervise construction or repair of sidewalks within the municipality. He/she shall cause specification to be prepared for the construction of the various kinds of pavements and transmit the same to the Council for approval. When the specifications are approved, the Council shall advertise for proposals to do all the work which may be ordered by the municipality in construction and repair of sidewalks, and shall contract therefore, for a period not exceeding (1) year, with the lowest responsible bidder, who shall furnish good sufficient sureties for the faithful performance of the work. The Council, if it deems advisable, may make separate contracts for different kinds of work with different parties. (See sidewalk specification in Subdivision Regulations.)

SECTION G: UNLOADING ON STREET OR SIDEWALK

No person shall unload any heavy material in the streets of the Village, by throwing or letting the same fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

SECTION H: STREET OR SIDEWALK OBSTRUCTION

- A. No person shall obstruct any street, alley, sidewalk, public ground, or other public way within the Village by erecting thereon any fence, structure or building, or permitting any fence, structure or building to remain thereon unless authorized by Council or the Village Administrator. Each day that any fence or building is permitted to remain upon such public way shall be deemed a separate offense.
- B. Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION I: MATERIALS ON STREET OR SIDEWALK

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land bordering on the street or sidewalk shall permit the same to be encumbered with barrels, boxes, cans, articles, or substances of any kind as to interfere with the free and unobstructed use thereof.

SECTION J: DUTY TO KEEP SIDEWALK IN REPAIR AND CLEAN OF ICE AND SNOW

No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair and free from snow, ice or any nuisance, and to remove from sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed (12) hours after any storm during which snow and ice has accumulated.

SECTION K: RAMPED CURBING FOR PERSONS WITH DISABILITIES

All new curbs that are authorized by the Village and all existing curbs which are part of any reconstruction shall have a ramp with non-slip surface built into the curb at each pedestrian crosswalk so that the sidewalk and the street blend to a common level. These ramps shall not be less than (40) inches wide and shall, insofar as feasible, be constructed in accordance with the standard drawings and specifications for curb ramps of the state Department of Transportation.

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SECTION L: FLAGPOLE ALONG RIGHT-OF-WAY

- A. A property owner in the Village may install a flagpole between the sidewalks and curb along the right-of-way of any public street or highway adjacent to his/her property. A property owner may also install underground lighting for the display of the flag. Installation of the flagpole and hole shall meet the following specification.
1. The flagpole holder shall be embedded in concrete, flush with the sidewalk or sodded area, and possess a cap or cover which shall be used when the holder is not used for the purpose of displaying the American flag.
 2. The holder shall not exceed (2) inches in diameter and shall be installed not less than (1) foot from the curb.
 3. Underground lighting for the flagpole shall be situated within a reasonable distances to the holder and meet all underwriters requirements governing installation. The highest part of the lighting fixture shall be at all times flush with the sidewalk or sodded area in which it is embedded.
 4. At no time shall the flag, flagpole, or holder limit or restrict the view of pedestrian or vehicular traffic, nor shall flag, flagpole, or holder be installed that comes in physical contact, or is likely to come in physical contact, with overhead wiring.
- B. The Village may require the issuance of a permit for installation of flagpoles but shall not charge the property owner a permit fee or an inspection fee in excess of \$1 per installation.

SECTION M: ALTERING OR INJURING MARKER OR MONUMENT

- A. No person shall alter, deface, injure or destroy any marker or monument placed along, upon or near a public highway by the proper authorities to mark the boundary thereof, or for any other purpose.
- B. Whoever violates this section is guilty of a minor misdemeanor.

SECTION N: CONSTRUCTION AND REPAIR

- A. Construction and Repair may be Required
In addition to the power conferred upon the Village under R.C. 727.01 to construct sidewalks, curbs, or gutters and levy an assessment therefore, the Council may require the construction or repair of sidewalks, curbs or gutters, within the Village by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs or gutters within the item prescribed, by cause such sidewalks, curbs or gutters to be constructed or repaired and assess the total cost thereof against the lots or land abutting thereon, notwithstanding the provisions of R.C. 727.03 and 727.05.
- B. Resolution of Necessity
1. When it is deemed necessary by the Village to require the construction or repair of sidewalks, curbs or gutters within the Village by the owners of the lots or lands abutting thereon, the Council shall cause plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks, curbs or gutters and the specifications for the construction or repair thereof, and to be filed in the Fiscal Office.

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2. After such plans, specifications and estimate of cost have been filed, as provided in this section, the Council may declare the necessity for the construction or repair of such sidewalks, curbs or gutters by the adoption of a Resolution which shall:
 - a. Approve the plans, specifications and estimate cost of the proposed construction or repair on file as provided by this section;
 - b. Describe the lots and lands abutting the sidewalks, curbs or gutters to be constructed or repaired by the termini of the improvement or by the street address;
 - c. Set forth that such sidewalks, curbs, or gutters shall be constructed or repaired by the owners of the lots or lands abutting thereon in accordance with the specification on file in the Fiscal Office;
 - d. Set forth the time within which such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots and lands abutting thereon, which shall not be less than (30) days from the date of service of notice on the owner of the lots or lands;
 - e. State that in the event such sidewalks, curbs or gutters are not constructed or repaired by the owners of the lots and land abutting thereon in accordance with such plans and specifications and within the time prescribed in this Resolution, the Village will so construct or repair such sidewalks, curbs, or gutters and assess the costs thereof against the lots and lands abutting thereon.
- C. Notice of Construction or Repair
Notice of the passage of a Resolution or necessity shall be made by the Village Administrator upon the owners of the lots or lands abutting the sidewalks, curbs or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his/her last known address or to the address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the Village. The return of the person serviced the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him/her shall be prima facie evidence of the service of notice under this section. The notice shall also set forth the place where the specifications governing the construction or repair of such sidewalks, curbs or gutters are on file, the time within which the owner of such lot or parcel of land may construct or repair the sidewalks, curbs or gutters in accordance with the specifications and within such time, the Village will construct or repair such sidewalks, curbs or gutters and assess the costs thereof against the lot or land of the owner.
- D. Assessments of Cost Against Owner
 1. Upon the expiration of the time within which sidewalks, curbs or gutters shall be constructed or repaired by the owner of such lots or lands abutting thereon as set forth in the resolution adopted, the sidewalks, curbs or gutter, not constructed or repaired by the owners of the lots and lands abutting thereon shall be constructed or repaired by the Village in accordance with the Resolution of Council, upon

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completion of such construction or repair, assess the costs thereof against the lots or lands abutting thereon.

2. In anticipation of the collection of the costs of construction or repair of such sidewalks, curbs or gutters from the owners of the lots or lands abutting thereon, Council may provide the issuance of bonds or notes and the proceeds thereon shall be used to pay for the construction or repair of such sidewalks, curbs or gutters.

E. Proceedings may Include Different Owners

In all proceedings pertaining to the construction or repair of sidewalks, curbs or gutters under this subchapter or R.C. 729.01 through 729.08, sidewalks, curbs or gutters upon different streets abutting upon lots or lands owned by different owners may be included in the same resolution notice, contract, ordinance, or other proceedings.

F. Making and Levying Assessments

1. **Estimated Assessments:** Upon completion of the construction or repair of sidewalk, curbs or gutters under this subchapter, the total cost of such construction, repair or installation as defined in division (2) shall be ascertained and reported to Council by the Fiscal Officer, and the Council shall cause a list of the estimated assessments to be prepared. Such list shall include the total cost of such construction, repair, or installation to each lot or land abutting upon such construction repair, or installation and shall be filed in the office of the Fiscal Officer and be available for public inspection.
2. **Notice of Assessment; Objection:**
 - a. The Council shall cause a notice to be published for (3) consecutive weeks in a newspaper of general circulation in the municipal corporation stating that such list of estimated assessments has been made and is on file in the office of the Fiscal Officer for inspection and examination of persons interest therein.
 - b. If any person objects to an assessment of such list, the person shall file the objections in writing with the Fiscal Officer within (2) weeks after the expiration of the notice provided for in division (2) (a) if this section.
3. **Assessment Ordinance:** The Fiscal Officer shall deliver the objections received under division (2) of this section to the Council. The Council shall review the written objections and shall adopt an ordinance levying upon the lots and lands enumerated in the list of estimated assessment the amount set forth on such list with such changes or corrections as the Council shall determine to be proper after consideration of the written objections filed under division of (2) of this section. Such ordinance shall state the number of annual installments, not exceeding (10) over which the assessment shall be payable and shall establish a period of time which the assessment shall be payable in cash.
4. **Assessment Proceedings:** The provisions or R.C. 7272.26 through 7272.43, inclusive shall apply to and govern the proceedings taken under and the assessments levied under this subchapter. The proceedings taken under this subchapter shall be construed in accordance with the provisions of R.C. 727.40.

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SECTION O: CHANGES IN STREETS

- A. **Change of Name, Vacating or Narrowing Street by Petition**
The Council, on petition by a person owning a lot in the Village requesting that a street or alley in the immediate vicinity of such lot be vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation, or narrowing, that it will not be detrimental to the general interest, and that it should be made, may, by ordinance, declare such street or alley vacated, narrowed or the name thereof changed. The Council may include in (1) ordinance the change of name, vacation, or narrowing of more than (1) street, avenue or alley.
- B. **Change of Name, Vacating or Narrowing Without Petition**
1. The Council may, when there are (2) or more streets, avenues or alleys of the same in the Village, by ordinance and without petition therefore change the name of any such street or alley so as to leave only one to be designated by the original name.
 2. When, in the opinion of the Council, there is good cause for vacating or narrowing a street or alley, or any part thereof, and that such vacation or narrowing will not be detrimental to the general interest, it may, by ordinance and without petition therefore, vacated or narrow such street or alley or any part thereof.
- C. **Notice of Exception**
Notice of the intention of the Council to vacate any street, alley, avenue, or part thereof shall be given as provided except when written consent to such vacation is filed with the Council by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required.
- D. **Publication of Notice**
No street or alley shall be vacated or narrowed unless notice of the pendency and request of the petition is given by publishing, in a newspaper published or of general circulation in the Village, for (6) consecutive weeks preceding action on such petition, or where no newspaper is published or generally circulated in the Village, by posting the notice in (3) public places therein (6) weeks preceding such action.
- E. **Effect or Order of Vacation**
The order of the Council vacating or narrowing a street or alley which has been dedicated to public use by the proprietor thereof shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Council, but the right-of-way and easement therein of an any lot owner shall not be impaired by such order.
- F. **Effect on Public Utility Easements**
When any street, alley or public highway, or a portion thereof, is vacated or narrowed by the Village pursuant to the provisions of this subchapter or the provisions of R.C. Chapter 723, and the relocation of any conduits, cables, wire, towers, poles, sewer lines, steam lines, pipeline, gas and water lines, tracks or other equipment or appliance of any railroad or public utility, whether owned privately or by any governmental authority, located on, over or under the portion of the street, alley, or highway affected by such Village,

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including urban renewal, any affected railroad or public utility shall be deemed to have a permanent easement in such vacated portion or excess portion of such street, alley or highway for the purpose of maintaining operating, renewing, reconstruction, and removing such utility facilities and for purposes of access to such facilities.

SECTION P: PROHIBITING COMMERCIAL HEAVY VEHICLES FROM OPERATING UPON LOCAL STREETS AND ALLEYS

- A. That person shall operate or move a vehicle or combination of vehicles exceeding a gross weight of (10) tons upon any street, highway or alley under local jurisdiction, other than County Road 25-A and State Route 119, except pursuant to permission granted by the Village Mayor. Permission need not be obtained for any movement necessitated by an emergency or for the purposes of making deliveries or pickups from premises not located on county or state routes. Permission further need not be obtained for the driver of any such vehicle who is a resident of the Village of Anna, Ohio, who wishes to operate the vehicle to and from his residence. Said resident may park such vehicle only in front of his own residence.
- B. That whoever violates this Ordinance is guilty of a misdemeanor in the penalty provisions of the Traffic Code of the Village of Anna, Ohio, shall apply.

SECTION Q: RIGHTS-OF-WAYS

- A. Purpose
1. The purpose of this chapter is to establish requirements for the use of rights-of-ways in the Village. No person shall use any rights-of-ways or any public property within the Village for any purpose unless the person conforms to the requirements set forth in this chapter.
 2. This chapter does not take the place of any franchise, license, or permit which may be additionally required.
 3. The Village Administrator is hereby granted the authority and duty of enforcing the provisions of this chapter.
 4. The policy of the Village with respect to rights-of-ways is as follows:
 - a. To promote public safety and protect public and private property.
 - b. To promote the best utilization of rights-of-ways to protect the public health, safety, and welfare and to promote economic development in the Village.
 - c. To promote cooperation among the Village and right-of-way users in order to minimize public inconvenience during right-of-way work, and to minimize uneconomic, unneeded and unsightly duplication of facilities.
 - d. 1. To promote and require reasonable accommodation of all uses of rights-of ways and to establish the following priority of use of rights-of-ways when all requested usage of rights-of-ways by permittees cannot be accommodated:
 - aa. First priority: use by the Village
 - bb. Second priority: use by another government entity
 - cc. Third priority: use by franchise holders
 - dd. Fourth priority: use by utilities that service the public but without a franchise
 - ee. Sixth priority: use by individuals

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2. The Village Administrator may reasonably require users of the rights-of-ways to cooperate to accommodate other users. The Village Administrator may alter this priority when it is determined a deviation therefrom to be in the public interest.
- e. To protect the value of private property by setting minimum aesthetic standards for used of public property.
- f. To require underground placement of all facilities in areas with existing underground facilities.
- g. To require the improvement of existing areas to underground facilities at the user's expense.
- h. To minimize the impact on existing facilities and/or utilities including landscaping.

B. Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

1. Administrator- The Village Administrator.
2. Best Efforts- The best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology and human resources and cost.
3. Council- The Council of the Village of Anna.
4. Force Majeure- A strike; acts of God; acts of public enemies; orders of any kind of a government of the United States of America or the State of Ohio or any of their departments, agencies, or political subdivisions; riots; epidemics; natural disasters such as landslides, lightning, earthquakes, tornadoes, storms floods; fires; civil disturbances; explosions; partial or entire failure of utilities; or any other cause or event not reasonably within the control of the disabled party.
5. Franchise- A franchise extended by the Village and accepted by any person, pursuance to which the person may operate or provide utility, cable television, communications or other services to consumers within the Village.
6. Person- Any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.
7. Public Property- Any real property, other than a right-of-way (except as modified under the definition for right-of-way) owned by the Village.
8. Private Purposes- Use of the right-of-way for mailboxes, landscaping or other decorative purposes, sidewalks, driveways or similar items intended to serve a single property.
9. Right-of-Way- The surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, or any public easement now or hereafter held by the Village. Right-of-Way shall also include public property, but only to the extent the use or occupation thereof is specifically granted in a permit or by ordinance or regulation.
10. User- Any person using the right-of-way for the purpose of installing or operating poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits,

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vaults, manholes, amplifiers, appliances, attachments, mailboxes, landscaping, curbing, driveways, sidewalk, or other property facilities.

11. Village- The Village of Anna, Ohio, or, as appropriate in the case of specific provisions of this chapter, any entity acting on behalf of the Village of Anna.

C. Conditions of Right-of-Way Use

1. Each user shall indemnify, protect, and hold harmless the Village from any claim, loss, or damage arising in any way from user's use of the right-of-way including, but not limited to, traffic control, OSHA, or the construction, operation or maintenance of the user's facilities or from any user's negligent or wrongful act or omission.
2. In addition to other requirements set forth herein, each user shall:
 - a. Locate its facilities within the right-of-way in a manner which attempts to anticipate and preserve available space for future use by the Village or other users.
 - b. Use its best efforts to cooperate with other users and the Village for the best, most efficient, most aesthetic, and least obtrusive use of rights-of-ways, consistent with safety, and to minimize traffic and other disruptions, including street cuts.
 - c. Ensure that above ground structures and facilities do not constitute a hazard to traffic and would not cause undue damage to any person or vehicle using the right-of-way.
 - d. Participate in joint planning and advance notification of right-of-way work, excepting the work performed in emergencies or other exigent circumstances.
 - e. Upon notification by and at the direction of the Village and at the user's sole cost, promptly remove or rearrange facilities necessary during any construction, repair, or modification of any Village improvement or for any other reasonable cause as determined by the Village.
 - f. Provide maps or other information identifying any changes since the most recent, previous plans, maps or description, in a form at a time as requested by the Village. The maps and information shall locate, describe, and fully identify all uses, structures and facilities of the user in the right-of-way.
 - g. Perform all work, construction, maintenance, or removal of structures and facilities within the right-of-way in accordance with good engineering and construction practice and ODOT traffic control guidelines, including any appropriate safety codes, and use best efforts to repair and replace any street, curb, or other portion of the right-of-way, or facilities or structures located therein, to a condition materially equivalent to its condition prior to the work or to Village standards, whichever is greater, in a manner which minimizes any inconvenience to the public, the Village, and other users.
 - h. Register with underground reporting services as appropriate.
3. Users shall notify the Administrator of all long-term planning for future improvements. The Administrator may from time to time request all or some

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users to meet to discuss long range plans and how work might be coordinated among users.

4. Each user shall ensure any subcontractors or others performing any work or services in the right-of-way on behalf of the user to comply with all applicable provisions of this chapter and the user shall be responsible and liable hereunder for all actions of any subcontractor or others as if the user had performed or failed to perform any obligation.

D. Notification for Right-of-Way Work

1. All users (except for the Village itself) shall request permission from the Village prior to performing any work in the right-of-way, except for work that would be classified as private purposes. Work classified as private purposes, while not needing specific permission, still must meet the requirements of this chapter. All requests to work in the right-of-way shall be made at least 15 days before starting work. The request shall contain or indicate, to the extent applicable:
 - a. The right-of-way affected.
 - b. A description of any facilities to be installed, constructed, or maintained.
 - c. Whether or not any street will be opened or otherwise need to be restricted, blocked or closed.
 - d. The date on which work is scheduled to commence and an estimate of the amount of time needed to complete the work.
 - e. A description and timetable of any remedial measures planned to close any street opening or repair any damage done.
 - f. A statement verifying that other affected or potentially affected users have been notified.
 - g. A statement that any consumers of any utility, cable television, communications or other service which will be adversely affected by the work have been or will be notified.
 - h. A map showing the proposed facilities' location.
2. The Village reserves the right to request a cash deposit or other guarantee to ensure restoration of the right-of-way is accomplished.
3. Users may, under emergency or other exigent circumstances, work in the rights-of-ways without advance notification so long as the user applies its best efforts to provide the Village the required information at the earliest possible time.
4. Nothing in this chapter shall be construed to prevent the Village from constructing, maintaining, repairing or relocating any Village utility, communications or like facilities; grading, paving, maintaining, repairing, relocating, or altering any street, utility, or right-of-way; or constructing, maintaining, relocating or repairing any sidewalk or other public work or improvement.

E. Removal of Facilities

1. Should any user discontinue use of any facilities in the rights-of-ways, the user shall remove, repair surface conditions, and secure the facilities unless the Village agrees in writing to allow the facilities to be abandoned in place.

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2. Upon an abandonment in place, full title and ownership of the abandoned facilities shall pass to the Village, excluding environmental hazards, and the Village shall have no obligation to pay compensation to the user. The user shall, however, continue to be responsible for all taxes on the facilities or other liabilities associated therewith, until the date the same is accepted by the Village.
 3. In case of any failure of a user's physical plant, whether due to damage, age, lack of maintenance or any other cause, the Village shall notify the user who shall, within the time stipulated by the Village, respond and repair the failed plant. Should the user fail to act as required, or in cases where protection of public safety requires an immediate response, the Village may take any required, corrective action and recover the costs of same from the user by any available remedy.
 4. In case of any failure of a user to maintain its structures, facilities, and the like to a reasonable appearance or to a reasonable level of use, the Village shall notify the user who shall, within the time stipulated by the Village, respond and repair the structure, facility, and the like. Should the user fail to act as required, or in cases where protection of public safety requires an immediate response, the Village may take any required, corrective action and recover the costs of same from the user by any available remedy.
 5. In case of the Village determining that a user's facilities, property, structures, and the like in the right-of way must be relocated or removed, the Village shall notify user who shall, within the time stipulated by the Village, respond and relocate or remove the property, structure, and the like. Should users fail to act as required, or in cases where protection of public safety requires an immediate response, the Village may take any required, corrective action and recover the costs of same from the user by any available remedy.
- F. Vacation of Right-of-Way
1. Unless preempted by state or federal law, in the event a right-of-way or public property used by a user or individual shall be vacated or conveyed to others by the Village, the user or individual shall, at its expense, forthwith remove it facilities therefrom unless specifically permitted by and easement or by the property owner to continue the same. Upon the removal thereof, the area where the removal has occurred shall be restored, repaired or reconstructed to a condition materially equivalent to that existing before the removal took place by the user or individual at its expense.
 2. In the event of failure, neglect or refusal of the user or individual, after 30 days written notice by the Village to remove the facilities or to repair, restore, reconstruct, improve, or maintain the vacated area, the Village may do the work or cause it to be done and the cost thereof as found and declared by the Village shall be paid by the user or individual and collection may be made by any available remedy.
- G. Removal or Relocation of Facilities
1. In the event it is necessary temporarily to remove or relocate any facilities in the right-of-way in order to lawfully transport a large object, vehicle, building, or

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other structure over the streets or utilities of the Village, the user shall comply at the expense of the person requesting the temporary removal or relocation of the facilities.

2. In the event it is necessary to permanently remove or relocate any facilities in the right-of-way in order to accommodate another user, the user whose facilities need to be removed or relocated shall comply at the expense of the person requesting the removal or relocation, unless the request is made by the Village in accordance with (E) of this chapter.

H. Snow and Ice Removal Policy

1. This policy is put in place to allow the Public Works Department to provide maximum service to all residents in keeping our streets safe.
2. During snow/ice event of any plow able amounts there is no parking on the streets by Ordinance 1545-09. Failure to move a vehicle could result in having it towed at the owner's expense.
3. Ordinance 1545-09 also states that property owners are responsible for clearing all snow and ice from sidewalks adjacent to their property within 48 hours of the end of the snowfall or precipitation. The Public Works Department suggests that residents wait until the Village plows have pushed back snow to the curb line before clearing the sidewalk areas. This generally happens after snow has stopped. It is against the law to plow snow from driveways and walkways into the road. Remember, residents/property owners are also responsible for their snow removal contractor's actions.
4. Residents should also keep in mind that snow plow are designed to remove snow from the roadway to the edge of the road. It is likely that the plow will leave behind a window of snow in front of driveways. Residents are responsible for removing this snow.
5. Residents and private plowing contractors should take note that Ordinance 1545-09 prohibits snow to be placed on any public street/highway in such a manner as to impede or inconvenience travel on any roadway. Residents or private contractors will also be held responsible for any curb damage done as a result of plowing snow across roadways.
6. The Public Works Department also suggests residents make certain their mailboxes are set according to Village guidelines. These guidelines are available at the Village Hall. The Public Works Department does not replace mailboxes that are displaced by snow or slush from plows. If contact with a plow can be shown, then it would be replaced.
7. The Department strongly urges each homeowner to maintain the storm drain in front of or close to their home, keeping it free and clear of any leaves or debris causing the drain to become clogged and not drain properly, which in some cases there would be freezing water and/or flooding. Residents are also asked to clean around any fire hydrants adjacent to their property.
8. A violation to these ordinance-enforced items will be prosecuted to the extent the law allows.

I. Penalty

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1. No user shall be relieved of its obligation to comply with any of the provisions of this chapter by reason of any failure of the Village to enforce prompt compliance. However, the Village may in individual instances and upon a written request establishing hardship and for good cause shown, waive, in writing, any requirement of this chapter.
2. In addition to any other penalties set forth in this chapter, and the remedy of specific performance which may be enforced, failure to comply with any provision of this chapter shall be a civil forfeiture, payable to the Village in the amount to \$100 per day for each day of violation.
3. Any user may be excused for violations of this chapter for reasons of force majeure.

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CHAPTER 8 ANNEXATION

SECTION A: ANNEXATION POLICY

The Village of Anna does encourage an active policy of annexation to the extent that the Village of Anna will promote and maintain a positive attitude to those who desire to become part of the Village. The Village of Anna shall provide a petitioner, upon notification to the Fiscal Officer, with guidelines to follow that reflect the policy of the Village of Anna.

A. Annexation Policy

1. The Village of Anna does encourage annexation into its corporation, but does not imply the Village of Anna will assume the major costs involved in providing services.
2. All fees incurred for processing the petition under the Ohio Revised Code shall be the responsibility of the petitioner.
3. Peninsulas and/or islands of property should not be created and all possible methods shall be employed to overcome this situation.
4. The comprehensive and/or development plans shall be adhered to in establishing zoning districts unless the property owners and Planning Commission provide documentation and recommendations to support divergence from the plan.
5. Dedication of right-of-way consistent with the comprehensive and/or development plans shall be obtained. The annexing parcel should include both sides of a right-of-way, but in the event it is not feasible, the property line shall extend to the centerline of any right-of-way.
6. The material cost difference between required size and the oversizing of conduits and appurtenances for water and sewer extensions and streets would be the Village of Anna's responsibility. The plans developed for these systems are the basis from which the minimum requirement will be determined. All installation costs are to be assumed by the developers.
7. An "Annexation Assessment" shall be performed by the Village of Anna representative and presented to the Planning Commission for their review before a recommendation is presented to Council. The petitioner shall supply the desired information to the Annexation Review Committee and the Review Committee shall make available to the petitioner the results of the assessment.
8. The Village of Anna will initiate discussions with appropriate bodies when it becomes apparent that it would be logical for an annexation to occur.

B. Annexation Assessment Process

1. Members of the Annexation Review Committee:
 - a. Village Mayor
 - b. President of Village Council
 - c. Village Administrator

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- d. Public Works Superintendent
- e. Police Chief
- f. Fire Chief
- g. Village Solicitor – as needed
- h. Designated Engineer- as needed
2. Point to Consider by Committee:
 - a. Assess generally the degree of impact to the community based on size of parcel.
 - b. Review utility connections existing and proposed concerning water, sewer, and storm drainage.
 - c. Recommend a zoning district(s).
 - d. Determine needs for right-of-way.
 - e. Determine impact upon other services, e.g., recreation, fire and police protection, and manpower needs of departments, rescue service and solid waste collection.
 - f. Review of the parcel for compliance with the Village’s Comprehensive Plan.
 - g. The status of the area in meeting current ordinance requirements and regulations of the Village.
 - h. Insure parcel is not associated with any environmental or historical concerns.
 - i. Cost estimates shall be developed where appropriate.
3. That Council and the Planning Commission shall institute this policy and amend their procedures to take an active role in evaluation of an annexation before the Annexation Review Committee reviews any annexation application.
4. That the results of the review and recommendations process be expressed by the Annexation Review Committee to the Village Council.

SECTION B: POLICY REGARDING EXTENSION OF WATER AND SEWER LINE TO UNINCORPORATED AREAS

- A. The Village’s primary concern is to provide water and sewer services to those residents within the incorporated area of the Village.
- B. In the event a potential user, whose property is located outside but adjacent to the corporate limits, requests Village utilities, the Village will require the user to annex such property to the Village before utilities will be extended. The Village may commence construction of the utility extension upon the user signing the necessary annexation petition. In such event, the provisions of Section C hereof shall apply.
- C. In the event a potential user, whose property is outside but not immediately contiguous to the corporate limits, requests Village utilities, the Village may, upon a showing of good cause, extend water and sewage utilities to the user, upon the user executing a letter of intent to the effect that when possible and if ever requested to do so, the owner/user shall cooperate with and do all things necessary to cause his property to be annexed to the Village. All water and sewer charges to users outside the Village Corporation shall be assessed a (50%) surcharge of the amount normally billed. If the property is secured by utilities, Section C hereof relating to the cost and recovery shall apply.

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SECTION C: POLICY REGARDING UTILITY COST RECOVERY FROM WATER AND SEWER EXTENSIONS

A. Water and Sewer Extensions

Village utility extension to new service shall be subject to the approval of the Village Council. The Village Council shall authorize any disbursement of Village funds either in the annual capital improvement budget or as specific projects approved by ordinance.

Each extension shall be constructed with sufficient capacity to serve the developers property completely. The Annexation Review Committee shall determine all the line sizes and routing based on information from all officials involved. If the Council requests that the extensions are constructed with capacity greater than that required to serve the applicant, the Village shall pay the difference between the line which is authorized and the line required by the applicant.

The Village of Anna and the applicant shall agree in writing, prior to construction, on the portion of the costs to be paid by each party.

The costs for any extension shall include but be not limited to the costs for labor, materials, engineering, inspection and review (if applicable), legal and financing and be based on records, prices, bids, and the information available at the time prior to construction.

B. Installation and Payment

1. The municipality may at its option, install water and sewer line extensions, or ask the applicant or developer to install the utility extensions. Council shall make this determination after giving due consideration to the right-of-way involved, type of development, and the availability of municipal funds.
2. When the municipality installs the water and sewer line extensions, the applicant shall be required to deposit a sum equal to the amount estimated for his/her share of the installation. Such deposit shall be made at the time a contract is ratified. If actual construction starts more than (90) days after ratification, any interest generated from such deposit after (90) days shall be credited to the applicant.
3. If the lines are installed by the applicant upon completion of the utility extensions, the applicant shall dedicate such extensions, easements and right-of-ways to the Village of Anna in the manner provided for in the Village's subdivision regulations.
4. All utilities shall be installed pursuant to the Village of Anna's "Standards and Specifications".

C. Request for Developer Reimbursement

When utilities are installed by the developer, upon completion of the utilities, the developer shall dedicate such utilities and all easements and right-of-ways to the Village in the manner provided for in the Subdivision Regulations of the Village of Anna. The developer may be eligible for reimbursement of utility costs by intervening users for a

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period of ten years beyond the acceptance by the Village. The developer shall indicate his/her desire for cost reimbursement by filing a written request including utility capacities and a detailed cost analysis to the Council. The cost analysis shall document the installed cost per foot of the utility installed. The cost analysis shall be turned into the Village Administrator for review prior to acceptance.

D. Records of Utility Extensions

Upon completion and acceptance of utility extensions, the Village Administrator shall make appropriate records of the nature, extent, location, and cost of such utility extensions.

E. Contribution by Intervening Owners

When the owner or owners of any intervening property or properties apply to the Village for the right to tap or make a connection to a utility, designated Village Officials shall compute and certify the pro-rated cost of construction of said utility abutting the person's property. The Village Council shall, before permitting to tap or connect to said utility or utilities, receive the computed pro-rated contribution or reimbursement and upon receipt remit a pro-rated share to the developer. The determination of the Village Administrator, upon approval of the Village Council as to the amount of such contribution shall, in the absence of willful fraud or misconduct, be conclusive between the Village and the applicant.

F. Other Fees

The sums in paragraph (E) of this section which are to be contributed by the intervening owners shall be in addition to and exclusive of fees required and fixed by ordinance as inspection or permit fees for connection with Village utilities.

G. Applicant's Liability

When an applicant is authorized to construct a utility extension, the applicant shall deposit with the Village Administrator an indemnification bond which shall hold the Village free and harmless from any and all damages or claims for damages which may arise or grow out of the utility extension and shall defend at his/her own expense any and all law suits for the recovery of damages arising or growing out of the construction of such utility extension which may be brought or prosecuted against the Village.

H. Upon completion of all possible connections to the utility extensions, but in any event or later than the end of ten year period from the date of acceptance, all claims of the applicant for a reimbursement under (E) herein, shall cease. If at any time during the ten year period, the original applicant or his successors cannot be located for the purpose of reimbursement under (E) herein, the applicant will be deemed to have forfeited his/her claim to any further reimbursements. In such cases, the contribution of the intervening owner shall be placed in the utilities capital improvement fund for use as the Village Council sees necessary. Upon the written request of the applicant, Council may extend the terms of the agreement if it determines that the circumstances at the end of the original agreement warrant the extension.

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CHAPTER 10 OTHER ITEMS

SECTION A: HOUSE NUMBERS

1. All Owners of buildings located within the Village of Anna, Ohio shall identify such building by an appropriate number, commonly known as an address, which number is to be secured at the Village Administration Building.
2. The address numbers must be at least (3) inches in height and must be reflective so as to be clearly discernable by passerby.
3. The positioning of such numbers is above the garage door, or above or beside the walk-in door the building facing the street.
4. The penalty for failing to properly obtain an address from the Village Administration Office or to display such address in a manner other than as set forth in this Ordinance, shall constitute a misdemeanor, the fine of which shall not exceed (\$25.00) and that each day that violation of this Ordinance remains in effect shall be deemed a separate offense as set forth in this Ordinance.

SECTION B: MAILBOXES

1. The mailbox unit must be constructed entirely of plastic or lightweight galvanized steel attached to the support unit with sufficient strength to prevent the box from separating from the post top if struck by a passing vehicle.
2. The support shall be a wooden post no larger than 4" x 4", a metal post no greater than 2" diameter, or other material approved by the Postal Service.
3. The post may be embedded no more than (2) feet into the ground.
4. Mailbox supports may NOT be placed in concrete.
5. There shall be no more than (2) mailboxes per post. Multiple post units shall be no less than (3) feet apart.

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SECTION C: MOTOR VEHICLES

A. Inoperative Motor Vehicles or Motor Vehicle Parts

For the purpose of this subchapter, the term INOPERATIVE MOTOR VEHICLE shall be deemed to mean motor driven vehicles that cannot, physically and lawfully, under their own power, be operated on the public highways of this Village, and have remained in an inoperative condition for (30) days or more consecutive days.

1. No person or corporation shall store or place any inoperative motor vehicle or motor vehicle parts on any property, or allow any vehicles or parts to remain on any property, except to the extent that the vehicles or parts are stored, placed or housed in a building where it will not be visible from the street or other private property, or is stored in connection with a used car junk area lawfully established pursuant to the regulations of the Village.
2. This subchapter shall not be applicable to service garages or persons normally engaged in the business of repairing or servicing automobiles, provided, however, that the persons engaged in the business of repairing automobiles shall store inoperative motor vehicles in a neat and orderly fashion so as not to constitute a fire hazard or health menace nor create an unsightly appearance.

B. Penalty

1. Whoever violates these provisions is guilty of a minor misdemeanor for the first offense and shall not be fined more than \$100. Whoever violates the provisions twice within one year is guilty of a fourth degree misdemeanor and shall not be fined more than \$250 and/or incarcerated for a period not to exceed (30) days.

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CHAPTER SIX TREE GUIDELINES

SECTION A: GENERAL

Street Trees are important to our quality of life in the Village. They are living elements of our street infrastructure. Located in the public right-of-way, they provide cooling shade, cleaner air, and a more beautiful urban landscape. Trees confer important esthetic and ecological benefits to Village residents as well. Yet plants in the urban landscape face a variety of environmental and physical stresses, including pedestrian and vehicular traffic, soil compaction, air pollution, and drought. Some of the key factors to maximize long-term plant survival are proper handling, careful planting, and immediate and continued aftercare. Managing Village trees helps to manage nature in the Village while at the same time improving the visual quality of the landscape.

Scientific studies indicate that trees make Village life more enjoyable thereby increasing employment opportunities, expanding economic growth potential and reducing the cost of energy consumption.

All approved tree plantings must follow these guidelines. Any tree work improperly performed or otherwise not in accordance with these specifications will be subject to restitution and penalty at the direction of the Village Administrator and at the expense of the property owner.

SECTION B: DEFINITIONS

- A. Tree Lawn- The right-of-way edge that is part of a street or highway, not covered by sidewalk or other paving, lying between the property line and the edge of the street. It is the area between the sidewalk and the street. If there is no sidewalk it is the width of the easement or 10 feet from the road.
- B. Public Trees- This shall include all shade and ornamental trees now or hereafter growing on any street on any public land where otherwise indicated.
- C. Large Trees- These are those trees attaining a height of (45) feet or more with a mature spread of (40) feet or more.
- D. Medium Trees- These are those trees attaining a height of (30) to (45) feet with a mature spread of (30) feet or more.
- E. Small Trees- These are those trees attaining a height of (20) to (30) feet with a mature spread of (20) feet or more.
- F. Property Owner- Shall mean the person owning such property as shown on the County property maps.
- G. Person- Is any person, firm, partnership, association, corporation, company, or organization of any kind.
- H. Street or Highway- Means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.
- I. Public Places- Shall include all grounds owned by the Village.
- J. Tree Pit- An excavated hole or cavity in the ground that forms a chamber or space into which the tree roots are buried. The pit maybe located in a section of the sidewalk or

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pavement cavity. In some instances the pit maybe a raised concrete structure filled with dirt for tree planting.

SECTION C: DUTY

The Village shall make rules governing the planting, maintenance and removal of trees in the tree lawns or other public places to insure safety or preserve the aesthetics.

SECTION D: DESIGN

A. Spacing Requirements

The following guidelines shall be observed when placing trees along sidewalks or in tree lawns.

1. Do not plant in front of building entrances in order to permit easy access by the fire department.
2. Minimum distance between trees (center to center) ranges from 20 feet to 30 feet depending upon the tree species and other local conditions.
3. Minimum distance from a streetlight is 25 feet (varies with tree species).
4. Minimum distance from a stop sign is 30 feet.
5. Minimum distance from other traffic signs is 6 feet.
6. Minimum distance from a gas or water valve is 2 feet.
7. Minimum distance from a fire hydrant is 5 feet.
8. Minimum distance from a curb cut or driveway is 7 feet.
9. Small trees may only be planted under utility lines.

B. Tree Pit Configuration

Tree pits should be as large as possible to allow for ample growing space for tree roots and crown. Optimal tree pit size would be 4 or 5 feet by 10 feet. The overall width of a sidewalk can limit the size of the tree pit.

C. Grouped Plantings

Grouped plantings are encouraged due to the benefits of trees in close proximity. These benefits include increased shading, less evapotranspiration, less soil compaction, greater shared soil volume, and less reflective heat absorbed by a single tree. A grouped planting can be achieved in several types of sites: 1. A green street, such as a median or traffic triangle, with the opportunity for a large planting bed. 2. A continuous tree pit, where two or more trees are planted in a single trench in the sidewalk (at least 30 feet long). 3. A raised planting bed within a plaza or alongside a pedestrian passageway.

Species selection is very important in grouped plantings. Tolerant species are strongly recommended and monoculture plantings are discouraged. Low maintenance cost and low replacement costs are two advantages of planting tolerant species in grouped configurations.

D. Species Selection

Growing conditions and microclimates can vary from location to location within a Village. Final tree variety selection is determined by site conditions. The right tree for the right site is a must.

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SECTION E: PERMITS

A. Planting, Maintenance and Removal

1. A planting permit is required to plant trees in any tree lawn or municipal owned property. The applicant shall illustrate the number and types of trees or other plants to be planted. The resident shall bear the cost of any requested planting.
2. A removal permit is required to remove trees in any tree lawn or municipal owned property. The applicant shall describe the number and kinds of trees to be removed, their size, locations, health/age condition, method of removal and why removal is being requested. The resident shall bear the cost of any requested removal.
3. Maintenance and trimming of trees may be mandated by the Village but costs and actual labor will be the responsibility of the resident. Maintenance and trimming must follow Village guidelines.

B. Abuse

No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, posters, or other contrivance to any tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come into contact with them; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any tree on public property or tree lawn.

C. Construction

All public trees shall be protected during construction

1. All trees on any street or other publically owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The "Construction Tree Guard" shall be not less than (4) feet high and (8) feet square, or at a distance in feet from the trunk equal to the diameter of the trunk at breast height (DBH) in inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the Construction Tree Guard.
2. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of (10) feet from any public tree without first obtaining a written permit from the Village Administrator.
3. New subdivisions and commercial areas will require tree plantings to enhance the area.
4. Various Village projects will require the removal of trees. The Village may not be responsible for these removals but will be determined on a case by case basis.

D. Materials

No person shall deposit, place, store, or maintain upon public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein. Sunlight to any public tree cannot be permanently blocked by placement of materials without authorization of the Village Administrator.

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SECTION F: TREES ON PRIVATE PROPERTY

- A. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic signs, obstruct views of any street or alley intersection, or encroach on the street right-of-way.
- B. It shall be the duty of any person owning or occupying real property, on which there may be trees that are diseased or insect infected, to remove, spray or treat such trees in such a manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.
- C. The Village Administrator may order trees on private land that cause obstructions, present insect or disease problems or otherwise to present danger to the public health or safety to be pruned, removed or treated.
- D. The order to prune, remove or treat such trees shall be done in writing by the Village Administrator, to the last known address of the property owner by certified mail.
- E. Failure to comply with a directive from the Village Administrator, within the specified time, shall allow the Village to lawfully prune, remove or treat such trees, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.

SECTION G: CLEARANCE DISTANCES

The minimum clearance of any overhanging portion thereof shall be (8) feet over sidewalks and (15) feet over streets or thoroughfares.

SECTION H. INTERFERENCE

No person shall hinder, prevent, delay or interfere with the Village Administrator while engaged in carrying out the execution or enforcement of this policy.

SECTION I. ENFORCEMENT, PENALTY AND APPEALS

Any person, firm, or corporation violating or failing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction, thereof shall be fined a sum of no less than \$100.00, nor more than \$2,000.00, or may be imprisoned for a term not exceeding (30) days or both.

SECTION J. CONFLICTS

Should any section, clause, or provisions of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION K. SEVERABILITY

Village of Anna Land Use Regulations

If any subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in force and effect.