

City of North Canton

NOTICE OF PUBLIC MEETING

Notice is hereby given that:

The Property Maintenance Review Board of the City of North Canton shall hold a Property Maintenance Review Board Meeting on Wednesday, September 13, 2023 at 7:00 PM at Council Chambers, North Canton Civic Center, 845 W. maple St. North Canton, OH 44720.

See attached agenda for matters to be discussed.

Meetings are open to the public or may be livestreamed on the City of North Canton’s YouTube page.

BY THE ORDER OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

9/6/2023
Date

Liam K. Ott
Clerk

NORTH CANTON PROPERTY MAINTENANCE REVIEW BOARD MEETING
September 13, 2023, 7:00 PM
Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - 3.a Minutes from July 12, 2023
- 4. Adjudication Hearings**
 - 4.a Appeal No. PMRB-23-11 - 1604 Ambler Ave SW - Appeal of Notice of Administrative Warning filed by Michelle Frazier
- 5. Adjourn**



Item Cover Page

PROPERTY MAINTENANCE REVIEW BOARD AGENDA ITEM REPORT

DATE: September 13, 2023

SUBMITTED BY: Administration

ITEM TYPE: Administrative Board New Business

AGENDA SECTION: Adjudication Hearings

SUBJECT: Appeal No. PMRB-23-11 - 1604 Ambler Ave SW - Appeal of Notice of Administrative Warning filed by Michelle Frazier

DESCRIPTION: The applicant is appealing the violations of Code Sections 1705.7(b) alleged in a Notice of Administrative Warning issued by the City of North Canton on July 21, 2023, under Code Enforcement Case number CODE-23-563. The City's notice states that the subject property, 1604 Ambler, must comply with the listed code sections because a tree is dead or dying and has been determined by the Code Official or designee to create a health or safety risk to the public. Michelle Frazier is seeking relief from the requirement to address the safety concerns on the grounds that a) legal ownership of the tree mentioned in this code violation, and property boundary lines of where this tree resides are in question, and b) the applicant received a report from AEP Ohio which alleges the tree is not designated a "Dangerous Tree".

ATTACHMENTS:
[PMRB-23-11.pdf](#)
[CODE-23-563.pdf](#)
[CODE-23-563 Image 1.jpeg](#)
[CODE-23-563 Image 2.jpeg](#)
[1604_Ambler_AVE_SW_Arborist_report_Wed_Jul_26_2023_09-09-21.pdf](#)
[Notice of Administrative Warning.pdf](#)



PMRB-23-11

Property Code Appeal

Status: Active

Submitted On: 7/25/2023

Primary Location

1604 AMBLER AVE SW

NORTH CANTON, OH 44709

Owner

FRAZIER MICHELLE D.

AMBLER AVE SW 1604 CANTON, OH 44709

Case Information

Meeting Date

08/09/2023

Case Status

Pending

Conditions of Decision

Appeal Information

Type of Document being appealed* ?

Notice

Associated Record* ?

CODE-23-563

Date document being appealed was issued.*

07/21/2023

Number of Violations being appealed.* ?

1

Violations Being Appealed

Code Section*	Code Title*
1705.07 (b)	Dangerous Tree

Code Description*

Premises and exterior property shall be maintained free from any tree which because of age, disease, plant death, location, or for any other reason has become dangerous. Dangerous Tree means a public tree or private tree or any portion thereof which is determined by the Code Official or designee to create a health or safety risk to the public because the tree is dead or dying, has an infectious disease or insect problem, is injured beyond restoration, is in danger of falling, is so close to an existing or proposed structure as to endanger such structure, creates unsafe visual clearance, interferes with public utility services or communications facility services, or poses other risks identified by the Code Official.

Reasons for Appeal and Certification

Reasons for Appeal* ?

The legal owner of the tree mentioned in this code violation, and property boundary lines of where this tree resides are in question. So much so that the code enforcement officer visited myself and my neighbor to the North of me at the same time. Yet, I have received pressure to remove the tree despite this fact. It is likely the tree is fully on my neighbor's property, or mostly on my neighbor's property. How can I be warned and/or charged with this violation when ownership of the tree is unknown? I am requesting a formal survey to determine where the responsibility lies. Dave Hall from AEP/Ohio states the tree is not in danger of falling nor damaging power lines despite the fact that it is 10 feet or less on two opposite sides from the existing power lines. This tree has been scheduled for trimming by AEP/Ohio (and was prior to this notice) for October, November, or December of this year according to Dave Hall. This is clearly not an urgent matter nor a "Dangerous Tree" in his eyes. Dave Hall and AEP/Ohio follow standards set forth by the "Tree Care Industry Association" and the "International Society of Arboriculture." So why are there two conflicting reports? One says it is not a danger, the other says it is. Why was there not consideration that this could be my neighbor's responsibility and not mine? It feels like harassment and assumptions cannot be made without following proper guidelines to ensure accuracy before blame, warnings, and violations are assessed.

Digital Signature*

✓ Michelle Frazier
Jul 25, 2023

Attachments

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Staff Review and Schedule for Board Review	7/25/2023, 2:08:26 PM	7/28/2023, 12:41:28 PM	Ben Young	7/31/2023
💰 Appeal Application Fee	7/25/2023, 2:04:26 PM	7/25/2023, 2:08:25 PM	Michelle Frazier	7/27/2023
📄 Notice of Hearing Date	7/28/2023, 12:41:29 PM	7/28/2023, 12:41:29 PM	-	-
✓ Board Review	7/28/2023, 12:41:29 PM	-	Liam Ott	-
📄 Appeal Result	-	-	-	-



CODE-23-563

Code Enforcement

Status: Active

Submitted On: 7/21/2023

Primary Location

1604 AMBLER AVE SW
NORTH CANTON, OH 44709

Owner

FRAZIER MICHELLE D.
AMBLER AVE SW 1604
CANTON, OH 44709

Applicant

Ben Ickes
 234-322-6047
bickes@northcantonohio.gov
 145 N Main St
North Canton, OH 44720

Code Enforcement Status

Special Case Type

Dangerous Tree

Code Officer Level

Code Officer 2

Corrected After Warning

Corrected After Non-Compliance Notice

Referred to Legal for Further Action

Referred to Finance for Collection

Vehicle Moved Inspection Failed

Violations

Description of Issue*

There is a tree in the front yard that has been determined to be dangerous and needs to be removed.

🔒 Code Title*

Dangerous Tree

🔒 Code Section*

1705.07(b)

🔒 Code Text*

Premises and exterior property shall be maintained free from any tree which because of age, disease, plant death, location, or for any other reason, has become dangerous. "Dangerous Tree" means a public tree or private tree or any portion thereof which is determined by the Code Official or designee to create a health or safety risk to the public because the tree is dead or dying, has an infectious disease or insect problem, is injured beyond restoration, is in danger of falling, is so close to an existing or proposed structure as to endanger such structure, creates unsafe visual clearance, interferes with public utility services or communications facility services, or poses other risks identified by the Code Official.

🔒 Corrective Action(s)

Remove dangerous tree from premises.

🔒 Offense Number

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🔒 Citation Amount

—

Attachments

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et/vpc3-IMG_0149.jpeg
3_at_10-45-02.jpeg?sv=2021-10-04&st=2023-07
Uploaded by Ben Fikes on Jul 21, 2023 at 10:45 AM

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Uploaded by Ben Fikes on Jul 21, 2023 at 10:45 AM

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1604 Ambler AVE SW Arborist report.pdf

1604 Ambler AVE SW Arborist report.pdf

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Consideration for Code Case	7/21/2023, 10:45:19 AM	7/21/2023, 2:59:13 PM	Ben Ickes	7/25/2023
📄 Notice of Administrative Warning (Tree)	7/21/2023, 2:59:14 PM	7/21/2023, 2:59:14 PM	-	-
📄 Inspection for Correction of Violations (Tree)	7/21/2023, 2:59:14 PM	-	Ben Ickes	7/27/2023
✓ Abatement	-	-	Ben Ickes	-
✓ Legal Action Completed?	-	-	-	-
💰 Abatement Costs	-	-	Ben Ickes	-
📄 Finding of Non-Compliance (Regular)	-	-	-	-
📄 Notice of Administrative Warning (Regular)	-	-	-	-
📄 Abatement invoice	-	-	-	-
📄 Finding of Non-Compliance (Grass/Weeds)	-	-	-	-
📄 Finding of Non-Compliance (w/ Buidling Code)	-	-	-	-
📄 Finding of Non-Compliance (Rental Registration)	-	-	-	-
📄 Finding of Non-Compliance (Tree)	-	-	-	-







HAYMAKER TREE AND LAWN
 6854 Wales Ave. NW
 North Canton, OH 44720
 (330) 499-5037
 info@haymakertreeandlawn.com
 www.haymakertreeandlawn.com

Estimate 14227

ADDRESS	SHIP TO	DATE	TOTAL
Michael Porter City of North Canton Nuisance Officer 145 North Main Street North Canton, Oh 44720	Michael Porter City of North Canton Nuisance Officer 145 North Main Street North Canton, Oh 44720	07/21/2023	\$4,800.00

CUSTOMER PHONE NUMBER
 (234) 425-7471

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	NOTE	Property Address: 1582 Ambler Ave SW North Canton OH 44709	1	0.00	0.00
	Tree Work (Residential)	Need Arborist to determine if tree on property line near road is completely dead	1	0.00	0.00T
	Tree Work (Residential)	*Tree is completely dead and we recommend removal* Remove dead tree	1	4,800.00	4,800.00

To stay competitive and provide great service, we would like the opportunity to provide you with a lower price, or match a similar estimate from another tree service. Please contact the office for more info.

SUBTOTAL	4,800.00
TAX	0.00
TOTAL	\$4,800.00

OFFICE USE: CREW LEADER
 Est. time for work: _____
 Travel (to and from): _____
 Date: _____ Start: _____ End: _____

THANK YOU.

(Completed / Satisfied) Sign Off: _____

Accepted By

Accepted Date

A 3% convenience fee will be added to all invoices when paying with a credit/debit card.
 Work performed according to ANSI A300 tree care management standards unless noted otherwise.

THANK YOU FOR YOUR BUSINESS AND HAVE A BLESSED DAY!



July 21, 2023

FRAZIER MICHELLE D.

1604 AMBLER AVE SW

CANTON, OH 44709

NOTICE OF ADMINISTRATIVE WARNING

Re: Code Enforcement Case Number CODE-23-563

Dear FRAZIER MICHELLE D.,

This letter is to serve as an official Notice of Administrative Warning under Section 1739.01 of the City of North Canton Property Maintenance Code. You are being issued this notice because of the presence of violations of the North Canton property code on your property at 1604 AMBLER AVE SW (*Stark County Parcel #9205101*).

Detailed below are the specific violations, the required corrective actions, and the penalties that may be incurred if they are not timely corrected, together with information on your right to appeal. Pursuant to Section 1701.06 of the North Canton Code all property owners within the City shall maintain the structures, equipment, and exterior property thereof in compliance with the requirements of this Parts 7, 9, 11, 13, 15, and 17 of the North Canton Codified Ordinances. We hope you will comply with the ordinances in a timely manner and within seven (7) days of the date of this letter. If you fail to do so, however, we shall have no alternative other than to issue a Notice of Non-Compliance which may result in fines, fees, and/or legal penalties.

Violations

Description of Issue

There is a tree in the front yard that has been determined to be dangerous and needs to be removed.

Code Title

Dangerous Tree

Code Section

1705.07(b)

Code Text

Premises and exterior property shall be maintained free from any tree which because of age, disease, plant death, location, or for any other reason, has become dangerous. "Dangerous Tree" means a public tree or private tree or any portion thereof which is determined by the Code Official or designee to create a health or safety risk to the public because the tree is dead or dying, has an infectious disease or insect problem, is injured beyond restoration, is in danger of falling, is so close to an existing or proposed structure as to endanger such structure, creates unsafe visual clearance, interferes with public utility services or communications facility services, or poses other risks identified by the Code Official.

Corrective Action(s)

Remove dangerous tree from premises.

Please implement the required corrective actions no later than seven (7) days from the date of this notice.

Penalties

In the event that corrective action is not immediately taken, it is the City's intention to issue a Notice of Non-Compliance pursuant to Section 1739.02 of the City's Code. Such document shall grant the City authority to a) undertake abatement of violations on your behalf as more fully described below and b) issue citations and impose fines for each violation.

Finding of Non-Compliance - Section 1739.02

At any time after the expiration of the time period for the correction of violations as specified in a Notice of Administrative Warning, a property shall be deemed to be non-compliant with this Code and the owner, occupant, or agent having control of the property may be issued a Notice of Non-Compliance if said property is not brought into compliance with the contents and provisions of any Notice of Administrative Warning and no request for a hearing before the Property Maintenance Review Board has been filed nor has a corrective action plan been entered into under Section 1739.04.

Methods of Abatement - Section 1739.03

When a property is found to be non-compliant with this Code, the code official may take any or all of the following actions upon seven (7) days prior written notice of abatement to the owner, occupant, or agent having control of the property, via notice of Administrative Warning, provided, however, no notice of abatement need be given by the code official if exigent circumstances necessitate the immediate or prompt abatement of a violation.

1. Cause the property to be brought into compliance with this Code, which shall include the right of the City to contract with third parties, through the completion of the necessary work and/or the supply the necessary materials to bring the property into compliance, including, but not limited to, the remediation and/or removal of weeds, rank vegetation, or noxious weeds and the demolition and removal of any structures located on the property.
2. Issue a written citation to the owner, occupant, or agent having control of a property. The code official is further authorized to assess a fine as provided in Section 1739.11(b), in addition to any other fees, costs, or charges authorized by this Code or Ohio law.
3. Request the Law Director to institute appropriate action to restrain, correct, or abate a violation of this Code, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

The property owner, occupant, or agent having charge of the property shall be invoiced by the City for all abatement costs incurred or to be incurred by the City, including all costs to third parties, in order to bring the property into compliance with this Code, and such invoice shall be paid by the owner, occupant, or agent having charge of the property within thirty (30) days of the date of the invoice. If after such thirty (30) day period the invoice has not been paid, the costs therein shall be assessed as a lien against the property and certified to the County Auditor.

The costs for taking any of the above actions may include, but are not limited to, any costs incurred due to the use of employees, materials, or equipment of the City of North Canton, any costs arising out of contracts for labor, materials, or equipment, costs of service of notice(s), filing of an affidavit(s), title searches, attorney's fees, or any other necessary costs in seeking remedies for violations of this Code.

The City of North Canton may cause a civil action to be commenced to recover the total costs incurred pursuant to this Chapter from the owner, occupant or agent having control of the property. All attorney's fees and court costs incurred by the City shall be considered "costs" as provided for in Section 1739.03(b).

Fees and Fines - Section 1739.11

The fines for citations issued under Part 17 of the City's Code are as indicated in the following schedule.

Event	Fine
First Offense Citation	\$150.00
Second Offense Citation	\$250.00
Third and Subsequent Offense Citations	\$500.00

Violations as Unlawful Acts - Section 1739.13

Any person failing to comply with a notice or order served in accordance with Part 17 of the City's Code shall be deemed to be in violation of said Code, which shall be a minor misdemeanor or civil infraction as determined by the City, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the property in violation of Part 17.

Corrective Action Plans

Pursuant to Section 1739.04, you have the right to request a Corrective Action Plan to identify the specific steps which need to be taken to cure violations of this Code at the property, establish reasonable deadlines for the correction of issues at the property, establishment of a payment plan in which outstanding administrative fees will be remitted to the Division of Property Maintenance and any other criteria which is necessary for the correction of conditions at the property.

In order to be valid, both the property owner, occupant, or agent having control of the property and the code official must agree to implement the plan. Upon the institution of a corrective action plan any proceedings relevant to the property that is the subject matter of the corrective action plan shall be stayed. If the property owner, occupant, or agent having charge of the property fails to adhere to the corrective action plan, the stay of any such proceedings shall be lifted.

To request a Corrective Action Plan please contact the Department of Development Services at 330-499-8223 Option 7.

Right to Appeal

Pursuant to Chapter 1741, you have the right to appeal the violations contained in this Notice to the North Canton Property Maintenance Review Board within thirty (30) days of the date of this notice. Appeals may be filed at <https://northcantonohio.gov/PMRB>.

Next Steps

Please contact our office to provide a date within the prescribed seven (7) day period which the abatement of the identified violations will be completed.

Respectfully,

Ben Ickes

Code Enforcement Officer

330-499-8223 ext 1706