



# ALAN BRUBAKER, P.E., P.S.

SUMMIT COUNTY ENGINEER

**DATE:** September 12, 2023

**TOPIC:** Right of Way Rank Vegetation and Noxious Weeds Policy

**FROM:** ALAN BRUBAKER, P.E., P.S. *AB*  
Summit County Engineer

**POLICY STATEMENT:** Property owners are responsible for regularly cutting rank vegetation to a height of less than eight inches and removing all noxious weeds in the right of way portion of any improved or non-improved property in all Townships within Summit County. Summit County Engineer forces will trim trees and bushes that: overhang the pavement; obstruct traffic control devices; grow under and around guardrail; impact drainage ways/structures; impact bridges; and/or cause a sight problem outside the intersection sight triangle area. Reference S.C.C.O. 521.10 (included below)

**PROCEDURE:**

When a complaint of vegetation in the right of way is received, the following procedure shall take place:

1. The person receiving the complaint shall document the vegetation type, location, and the contact information of caller.
2. A request for service will be issued to the appropriate supervisor through the Summit County Engineer Request for Service System.
3. A Highway Maintenance Supervisor or Highway Maintenance Crew Leader will investigate the matter to determine if assigning Summit County Engineer forces is appropriate.
4. If appropriate, Summit County forces will remove/prune the vegetation and document the completion date in the Request for Service System.
5. If it is determined that the matter is the responsibility of the property owner, the Secretary Receptionist will notify the corresponding Township Zoning Department of a violation of S.C.C.O. 521.10, provide all pertinent details, and document the notification in the Summit County Engineer Request for Service System.
6. The Township Zoning Official will be responsible to ensure that the vegetation is cut or removed in accordance with S.C.C.O 521.10.

**521.10 NOXIOUS WEEDS AND RANK VEGETATION.**

(a) Definitions. As used in this section:  
“Noxious weeds” means those plants defined as “Prohibited Noxious Weeds” in Section 901:5-37-01 of the Ohio Administrative Code.





“Rank vegetation” means any growth of weeds or grass to a height of eight inches or higher on any improved property.

“Improved property” shall mean any property that has constructed upon it, or in proximity to it, any building or similar structure used or intended to be used as the residence or domicile of persons or as a place of business where persons are present during working hours or any property in a residential subdivision to which is extended any improvement required by the Subdivision Regulations.

"Non-improved property" shall mean any property that does not have a building or similar structure constructed upon it and is generally vacant.

(b) The County of Summit has hereby determined that the presence of noxious weeds or rank vegetation on any improved property in any township or the right-of-way portion of any non-improved property in any township of the County after the first day of May each year is a public nuisance.

(c) The Clerk of County Council shall publish in one (1) newspaper of general circulation during the first day of May each year notice of the County’s determination that noxious weeds and rank vegetation are public nuisances. The notice shall further demand that all owners of property in any township remove all noxious weeds and regularly cut rank vegetation to a height of less than eight inches on improved property and within the right-of-way portion of any non-improved property.

(d) After the publication of the foregoing notice, should any noxious weeds or rank vegetation be found on any improved property or within the right-of-way portion of any non-improved property in any township, the Zoning Inspectors in that township shall cause written notice to be served by certified mail upon the tax mailing address of the owner of the property as maintained by the County Fiscal Officer, notifying the owner that noxious weeds and/or rank vegetation is growing on the property and/or that the noxious weeds must be removed and the rank vegetation must be cut and removed within five (5) days of receipt of such notice. If delivery via certified mail fails, notice shall be served to the same mailing address by regular U.S. Mail, evidenced by a certificate of mailing, and a copy of the notice shall be posted upon the subject property on the same date of the certificate of mailing. If the property owner fails to remove the noxious weeds and cut and remove the rank vegetation within seven (7) days of the date of said posting and regular mail, the township may proceed with the actions set forth under subsection (e).

(e) If the owner of the property fails to comply with the foregoing notice in the specified time period, the Zoning Inspector of the township shall cause all noxious weeds to be removed and all rank vegetation to be cut and removed at the expense of the township. The expenses for all necessary work related to the removal of the noxious weeds or rank vegetation and any costs associated with the enforcement of this Section or any notice required hereunder shall be billed to the owner of the property by the township and reimbursed to the township by the owner of the property. If the property owner fails to reimburse the township for its expenses within thirty (30) days, the township shall send written notice to the County Fiscal Officer of the action of the Zoning Inspector with a statement of all expenses related to the removal of the noxious weeds or rank vegetation and any costs associated with the enforcement of this Section or any notice required hereunder, a proper description of the property and a request that all expenses be entered upon the tax duplicate and a lien be placed upon the property from the date of entry, which shall be collected as other taxes and returned to the township according to law.

(Ord. 2001-567. Adopted 10-15-01; Ord. 2011-364. Adopted 12-12-11; Ord. 2022-121. Adopted 4-25-22.)

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