

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES TO PROVIDE FOR THE LICENSING AND REGULATION OF LANDSCAPING COMPANIES OPERATING WITHIN THE CITY OF HUDSON.

WHEREAS, the City currently regulates numerous businesses, including snow removal services; and

WHEREAS, the City has observed numerous issues related to traffic and safety caused by commercial landscaping services parking along major roadways and highways within the City; and

WHEREAS, the City seeks to promote the health, safety, and welfare of the community; and

WHEREAS, municipal corporations have special powers to regulate the use of streets within their jurisdiction; and

WHEREAS, the City seeks to regulate and license commercial landscaping services similar to how it already regulates and licenses snow removal services; and

WHEREAS, the City already regulates parking on certain streets within its jurisdiction; and

WHEREAS, the amendments to C.O. Section 410.14, C.O. Chapter 860, and the creation of C.O. Chapter 861 will ensure that commercial landscaping services and snow removal services are regulated and licensed similarly, efficiently, and appropriately, and that highways and roadways within the City remain unobstructed and safe for travel during peak traffic periods.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hudson, Summit County, Ohio, as follows:

Section 1. That, in order to allow landscape service providers and snow removal service providers to utilize the same application and be subject to similar licensing requirements, Chapter 861 of the Codified Ordinances of the City of Hudson be created and provide as set forth in Exhibit "A," which is incorporated herein.

Section 2. That Section 860.03(e) of the Codified Ordinances of the City of Hudson be created and provide as follows:

(e) The application for the license shall be the same application for the landscape license found under C.O. Chapter 861. Both the snow plow license under C.O. Chapter 860 and the landscape license under C.O. Chapter 861 can be applied for jointly for vehicles utilized for activities described in each Chapter.

Section 3. That Section 410.14 of the Codified Ordinances of the City of Hudson be created and provide as follows:

410.14 SCHEDULE XIV - LANDSCAPE VEHICLE PARKING RESTRICTIONS

(a) Landscape Vehicles shall not park on the following streets from 07:00am to 09:00am and 02:00pm to 06:00pm:

| Street | From | To/Position to Curb |
|----------------------------------|---|----------------------|
| Barlow Road | Darrow Road (SR 91) | Terex Road |
| West Streetsboro Street (SR 303) | Boston Mills Road | Nicholson Drive |
| East Streetsboro Street (SR 303) | Main Street (SR 91) | North Hayden Parkway |
| Stow Road | Within 200 feet north and south of Railroad Crossing, South of Ravenna Street | |
| Hines Hill Road | Entire Extent | |
| Valley View Road | Entire Extent | |
| Middleton Road | Entire Extent | |
| Ravenna Street | Entire Extent | |
| Aurora Street | Entire Extent | |
| Hudson-Aurora Road | Entire Extent | |
| Franklin Street | Entire Extent | |
| North Hayden Parkway | Entire Extent | |
| North Oviatt Street | Entire Extent | |
| Haymarket Way | Entire Extent | |

(b) Where a landscape vehicle is properly licensed under C.O. Chapter 861, penalties shall be assessed in accordance with C.O. Chapter 861.

(c) Where a landscape vehicle is not properly licensed under C.O. Chapter 861, the vehicle's owner, operator, and associated workers may be cited with a misdemeanor of the Fourth Degree, and the obstructing vehicle and/or equipment may be towed away at the owner's expense. On any subsequent offense, the vehicle's owner, operator, and associated workers may be cited with a misdemeanor of the Second Degree.

(d) Where a landscape vehicle or equipment obstructs the flow of traffic, the City may have the vehicle and/or equipment towed at the owner's expense if the owner, operator, or associated worker either (1) refuses to move the vehicle or equipment; or, (2) cannot be located.

Section 4. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

Jeffrey L. Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 25-90 was duly passed by the Council of said Municipality on _____, 2025.

Aparna Wheeler, Clerk of Council

EXHIBIT A

CHAPTER 861 Landscaping Services

860.01 Purpose.

860.02 Definitions.

860.03 License required; application; insurance; fee.

860.04 Responsibility of owners and operators.

860.05 Application of chapter.

860.06 License revocation.

860.99 Penalty.

861.01 PURPOSE.

Council hereby determines that it is necessary to protect the health, safety and welfare of the residents of the City by regulating the operation of commercial landscaping service vehicles operating on private and public property.

861.02 DEFINITIONS.

As used in this chapter:

(a) As used in this chapter, commercial landscape service means a person who, on industrial, commercial or residential property in the city, engages in the business of any of the following:

- (1) Regrading land;
- (2) Installing topsoil and mulch;
- (3) Planting lawns, shrubs and trees;
- (4) Installing walkways of stone, brick or slag;
- (5) Mowing lawns and trimming bushes and trees;
- (6) Raking leaves; or
- (7) Replanting trees and bushes.

- (b) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, and amendments thereof.
- (c) "Limited access highway" or "freeway" means a highway specially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that the property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Department of Transportation of the State.
- (d) "Operator" means any person who is the operator, driver, or in actual physical control of any vehicle or machine utilized to provide landscaping services.
- (e) "Owner" means any person, other than a lien holder or dealer, having a certificate of title to a commercial landscaping machine or vehicle or other right to the possession thereof.
- (f) "Private road" or "driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (g) "Street" or "highway" means the entire width between the pavement edges of every way open to the use of the public as a thoroughfare for the purpose of vehicular travel.

861.03 LICENSE REQUIRED; APPLICATION; INSURANCE; FEE.

- (a) Effective October 1, 2025, no person shall operate or allow to be operated any commercial landscape machinery or vehicle within the City without having first obtained the proper license therefor.
- (b) Application for such license shall be made to the City Manager upon a form provided by him or her for that purpose and shall contain the following information:
 - (1) The name and address of the applicant or trade name under which the applicant does business;
 - (2) The Social Security number or employer identification number of the applicant as issued by the Internal Revenue Service;
 - (3) The name of the applicant's liability insurance carrier; and
 - (4) Such other information determined by the City Manager to be necessary or advisable.
- (c) No person shall be issued a license until the applicant deposits with the City Manager proof of a current policy of liability insurance in a form acceptable to the City Manager with minimum coverage amounts of twenty-five thousand dollars (\$25,000) for injury to one person, fifty thousand dollars (\$50,000) for injury to more than one person and twenty-five thousand dollars (\$25,000) for property damage arising out of any one accident through the operation of commercial snow removal machinery and with minimum coverage amounts as required by state law for motor vehicles, in general, for a commercial snow removal vehicle.

(d) The annual fee for the license shall be fifteen dollars (\$15.00) for each applicant, which shall include one vehicle decal. The cost of a vehicle decal shall be assessed for every additional vehicle operated by the applicant. The license shall be valid from October 1 of the issuing year through September 30 of the following year and shall be renewed annually.

Each decal that is issued to a vehicle shall be displayed on the lower right-hand side of the windshield.

(e) The application for the license shall be the same application for the snow plow license found under C.O. Chapter 860. Both the snow plow license under C.O. Chapter 860 and the landscape license under C.O. Chapter 861 can be applied for jointly for vehicles utilized for activities described in each Chapter.

861.04 RESPONSIBILITY OF OWNERS AND OPERATORS.

Any person who is the owner or operator of a commercial landscape service machinery or vehicle being used or operated on any street or highway, private road or driveway, limited access highway, freeway, or interstate highway within the City shall at all times be responsible for the following:

- (a) Maintaining all equipment in a safe and proper manner.
- (b) Operating such equipment with due and proper care for the safety and welfare of all persons and property.
- (c) Exercising due care in the landscaping services it renders.
- (d) Ensuring that anything removed from private or public property is not placed upon any public street or highway, or sidewalk.
- (e) Ensuring that anything removed from private or public property, under any circumstances, is not placed upon a public street or highway in such a manner as to interfere with or block delivery of U.S. mail to a roadside mail box or the use of hydrants for fire protection.
- (f) Ensuring that anything removed from private or public property is not placed upon private property without first obtaining the permission of the owner thereof.
- (g) Engaging honestly when applying for the landscape contractor's registration or made during the conducting of the landscape contractor's business;
- (h) Paying all fees as required by this chapter;
- (i) Maintaining the approved contours for lots or lands unless first obtaining the necessary permits and approvals;
- (j) Removing company identification signs when the landscape contractor's job is completed at a particular property;

(k) Obtaining the appropriate permits and approvals prior to the removal or installation of drainageways, sewers, swales, and the like;

(l) No dumping of debris and waste materials on vacant lots;

(m) No dumping of topsoil, humus, waste material and other landscape products and debris on streets and treelawns or into sewers, swales, drainage ways, and streams in the city;

(n) No tracking of mud onto the streets of the city;

(o) Abiding by the parking regulations set forth in Hudson C.O. Chapter 410, including but not limited to C.O. 410.14 as amended; and/or

(p) No violating any state or local laws pertaining to vehicle registration or business regulation.

The owner and/or operator of commercial landscape service machinery or a commercial landscape service vehicle shall be liable for any and all damage to persons and property, whether public or private, arising out of the improper operation or use of such equipment.

861.05 APPLICATION OF CHAPTER.

The provisions of Section 860.04(c) to (f) and 861.05 are equally applicable to any person who is the owner of property, or who has the lawful right of possession to property, or who is engaged in commercial landscaping services on nearby property stemming from the machinery or vehicle at issue.

861.06 LICENSE REVOCATION.

Any license issued under the provisions of this chapter may be revoked for violation of any provision of this chapter, any violation of another local ordinance while using landscape service vehicles or machinery, or any violation of state law while using landscape service vehicles or machinery by the City Manager. However, such revocation shall take effect only after a hearing is conducted by the City Manager. A written notice of such hearing shall be given at least five days prior to the hearing to the licensee personally or by leaving a copy at an address designated in the application for a license.

861.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.