

AN ORDINANCE AMENDING PART EIGHT, “BUSINESS REGULATION AND TAXATION CODE,” CHAPTER 860 OF THE CODIFIED ORDINANCES.

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, this legislation will create regulations for commercial landscaping services in a manner consistent with and along with snow removal services within the City.

WHEREAS, these changes to the Codified Ordinances of Hudson will ensure that commercial landscaping services and snow removal services are regulated and licensed efficiently and appropriately.

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

Section 1. That the City’s Codified Ordinances be amended to allow landscape service providers and snow removal service providers to utilize the same application to satisfy the licensing requirements found in Chapters 860 and 861 as provided in the amendment to Chapter 860 attached hereto as Exhibit “A,” which is incorporated herein.

Section 2. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 3. 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 4. 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 was duly passed by the Council of said Municipality on _____, 2025.

Aparna Wheeler, Clerk of Council

CHAPTER 860 Snow Removal

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.

CROSS REFERENCES

Snow removal emergencies and contracts - see Ohio R.C. 505.82

Snow removal equipment - see Ohio R.C. 505.82, 4513.18

Snow removal - see Ohio R.C. 505.82, 5501.41, 5571.08

Placing injurious material or obstruction in streets - see TRAF. 412.01

Commercial and heavy vehicles - see TRAF. Chs. 440, 442

Parking during snow emergencies - see TRAF. 452.11

860.01 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 snow removal vehicles operating on private and public property.

860.02 DEFINITIONS.

As used in this chapter:

(a) "Commercial snow removal machinery" and "commercial snow removal vehicle" mean any self-propelled mechanism operated for the purpose of monetary gain or profit, designed, intended or used in the removal of snow and ice and operated by controls located either inside or outside of the mechanism.

(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 or driver or in actual physical control of a commercial snow removal machine or vehicle.

(e) "Owner" means any person, other than a lien holder or dealer, having a certificate of title to a commercial snow removal 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.

860.03 LICENSE REQUIRED; APPLICATION; INSURANCE; FEE.

(a) Effective October 1, 1996, no person shall operate or allow to be operated any commercial snow removal 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 which 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 landscape license found under C.O. Chapter 861. Both the snowplow 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.

860.04 RESPONSIBILITY OF OWNERS AND OPERATORS.

Any person who is the owner or operator of a commercial snow removal 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) Maintenance of all equipment in a safe and proper manner.
- (b) The operation of such equipment with due and proper care for the safety and welfare of all persons and property.
- (c) The exercise of due care in the removal of snow from a private road or driveway so as not to obstruct traffic.
- (d) That snow removed from a private road or driveway not be placed upon any public street or highway or sidewalk.
- (e) That snow removed not, under any circumstances, be 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) That snow from a private roadway or driveway not be placed upon private property without first obtaining the permission of the owner thereof.

The owner and/or operator of commercial snow removal machinery or a commercial snow removal 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.

860.05 APPLICATION OF CHAPTER.

The provisions of Section 860.04(c) to (f) are equally applicable to any person who is the owner of property or who has the lawful right of possession to property and who is engaged in the removal of snow from such property.

860.06 LICENSE REVOCATION.

Any license issued under the provisions of this chapter may be revoked for violation of any provision of this chapter 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.

860.99 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.