

CHAPTER 278
Street Tree Commission

ORDINANCE NO. 268-2006

AN ORDINANCE AMENDING SECTIONS 278.01 AND 278.02 OF THE CODIFIED ORDINANCES REGARDING THE STREET TREE COMMISSION, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. That Section 278.01 is hereby amended and now shall read as follows:

278.01 ESTABLISHMENT MEMBERSHIP

There is hereby created and established a Street Commission of the City of Perrysburg, County of Wood, State of Ohio, consisting of the following eight members: The Director of Public Service; the Operations Supervisor of Parks, Lands and Trees; the Director of Planning, Zoning and Economic Development, and five residents of the City who shall be appointed by the Mayor with the approval of Council. One of the five residents shall be a landscape architect, certified arborist or forester.

SECTION 2. That Section 278.02 is hereby amended and now shall read as follows:

278.02. MEMBERSHIP AND TERMS

- (a) The Commission shall consist of eight (8) members.
- (b) The Mayor, subject to the approval of City Council, shall appoint all resident members of the Commission.
- (c) The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A simple majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations of the Commission shall be in writing.
- (d) The Chairperson of the Commission shall preside over all meetings of the Commission and act as parliamentarian. The Vice -chairperson shall assume the duties of the Chairperson in his/her absence.
- (e) Appointments to the Commission shall be for three (3) year terms. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of said term.
- (f) The Commission members shall serve without compensation.
- (g) Any Commission member who misses three (3) consecutive meetings or more than fifty percent (50%) percent of the regular meetings on an annual basis shall be deemed to have vacated his or her position and shall be replaced.

SECTION 3. That present Section 278.02 shall be renumbered as Section 278.03.

SECTION 4. That present Section 278-03 shall be renumbered as Section 278.04.

SECTION 5. That present Section 278.04, shall be renumbered as Section 278.05.

SECTION 6. That present Section 278.05 shall be renumbered as Section 278.06.

SECTION 7. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 8. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Signed, President of Council and Mayor; passed 12-19-06

278.02 POWERS AND DUTIES.

Members of the Street Tree Commission shall have power to study, investigate, plan, advise, report and recommend to Council, the Director of Public Service-Safety or the Mayor any action, program, plan or legislation which the Commission finds or determines to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways. The Commission shall seek to educate and inform the residents about the proper care and selection of trees and shrubs and shall publicize information relative to trees and shrubs in whatever manner it considers best serves the needs of City residents. The Commission shall inform the residents of the City about the ordinances in force in the City pertaining to trees and shrubs. (Ord. 54-72. Passed 1-23-73.)

278.03 ORGANIZATION; QUORUM; REPORTS.

(a) The Street Tree Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and shall designate by name those members of the Commission approving or concurring therein. Members who do not so approve or concur therein shall have the right, as a part of such report, to state their reasons for refusing to approve or concur.

(b) The Commission, when requested by Council, the Mayor or the Director of Public Service-Safety, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
(Ord. 54-72. Passed 1-23-73.)

278.04 LISTS OF UNDESIRABLE AND DESIRABLE TREES AND SHRUBS.

The Street Tree Commission shall prepare lists of trees undesirable for planting in public places in the City so as to insure the public safety and welfare. These shall not be recommended for general planting, and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used to advantage. The Commission shall prepare lists of trees desirable for planting in public spaces. Other species and varieties may be added or deleted as experience proves their value. The selection of shrub species for planting on public places shall follow the recommendations of the Commission. (Ord. 54-72. Passed 1-23-73.)

278.05 TREE SURVEYS; MASTER STREET TREE PLAN.

(a) The Street Tree Commission shall have the authority and it shall be its duty to conduct tree surveys and keep updated the Master Street Tree Plan for all trees in or upon all public streets, avenues, highways, parks, alleys and other public places which, in its opinion, effectuate the provisions of this chapter.

(b) The Commission shall have the authority and it shall be its duty to conduct tree surveys and prepare a Master Street Tree Plan for all trees in or upon all public streets, avenues, highways, parks, alleys and other public places which, in its opinion, effectuate the provisions of this chapter. Such Plan shall not become effective until approved by Council.

(Ord. 54-72. Passed 1-23-73.)

ORDINANCES NO. 269-2006

AN ORDINANCE AMENDING AND ENACTING CERTAIN SECTIONS OF CHAPTER 1024 OF THE CODIFIED ORDINANCES REGARDING STREET TREES, AND TO DECLARE AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. That Section 1024.02 is hereby amended and now shall read as follows:

1024.02 DEFINITIONS

As used in this Chapter:

(a) "City" means the City of Perrysburg.

(b) "Street Tree Commission" means the administrative commission established in Chapter 278 of the Administrative Code.

(c) "Director" means the Director of Public Service.

(d) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind. .

(e) "Street or Highway" means the entire width of every public way, easement of right-of-way when any part thereof is open to the public, as a matter of right, for the purpose of vehicular and pedestrian traffic, and shall include alleys.

(f) "Public Places" shall include all other grounds owned by the City of Perrysburg.

(g) "Property Line" means -the outer edge of a street or,, highway.

(h) "Treelawn" means that part of a street or highway, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

(i) "Property Owner" means the person owning such property as,, shown by the County Auditor's Plat of the City of Perrysburg, Wood County, Ohio, including the executor, administrator, or beneficiary of the estate of a deceased owner.

"Tree" means a tall growing woody plant with one or more., perennial main stems or trunk which develops branches from the aerial section of the stem, rather than from the base, capable of being pruned to at least six feet of clear branchless trunk below the crown within five years of planting.

(k) "Shrub" means. a low growing woody plant with one or several perennial main stems producing branches, shoots, or multiple stems from or near the base of the plant and incapable of being pruned to provide at least six feet of clear branchless trunk within five years of planting.

(l) "Public Trees" shall include all shade and ornamental trees now or hereafter growing on any public places.

(m) "Right -of -Way" means any portion of the public way, street, alley or sidewalk.

(n) "Tree Topping" means the severe cutting back of limbs to stubs of three inches or more in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

SECTION 2. That Section 1024.03 is hereby enacted and shall read as follows:

1024.03 PRIVATELY OWNED TREES.

(a) It shall be the duty of any property owner owning or occupying property bordering on right-of-way upon which property there may be trees or shrubs, to prune or cause to be pruned such tree or shrub in a manner that they will not shade or obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.

(b) It shall be the duty of any person owning or occupying property bordering on right-of-way upon which property there are any trees or shrubs which are designated by the Street Tree Commission as dead, dying, deceased or hazardous, or deemed a menace to the health, safety and welfare of the people of Perrysburg, to remove or cause to be removed said tree(s) and/or shrub(s).

(c) In either of the above situations, the Director shall send a written notice to the property owner indicating the required action (pruning or removal) to be taken. A period of thirty days from receipt of this letter shall be permitted for the property owner to affect the indicated action. Should the property owner or occupant fail to comply, it shall be lawful for the Mayor or his agent to enter upon the property and cause such action, The property owner or occupant shall be charged triple the actual cost of the work and cash payment shall be made within thirty days or triple the actual cost of the work shall be assessed to the property taxes.

(d) The Director may remove or cause an order to be removed, any trees or part thereof which by reason of its nature is injurious to existing sewers, electric power lines, gas lines, water lines, or other public improvements.

(e) The Director shall examine or cause to be examined every tree within 100 feet of any sanitary or storm sewer, drain, manhole or other public utility line above or below the surface of the ground which has been reported as dangerous or causing interference with said sewer, drain, manhole or public utility line and if found dangerous or causing damage or obstruction of such sewer drain, manhole or public utility line, he shall give to the property owner written notice of their findings and an order that such person remove said tree or injurious part thereof within forty-five days.

SECTION 3. That Section 1024.04 is hereby enacted and shall, read as follows:

1024.04 PUBLIC TREES.

(a) Whenever it is necessary for the City to remove a tree. from City right-of-way, the City shall remove such trees and replace them or plant on another right-of -way area an equal number of trees to the satisfaction of the Street Tree Commission.

(b) No person or property owner shall remove a tree or trees from the right-of-way for any reason without approval from the Street Tree Commission. Should approval be given for the removal, the person shall be required to replant or replace an equal number of trees at the landowner's cost. The Street Tree Commission' must approve the replacement or replanting. Failure to plant replacements shall result in replacement by the City and the actual cost to the City shall be billed to the property owner.

SECTION 4. That Section 1024.05 is hereby enacted and shall read as follows:

1024.05 TREES PROHIBITED ON PUBLIC PROPERTY

a) The following shall not be planted on public property without specific consent of the Street Tree Commission:

Acer Saccharinum (Silver Maple)

Acer Negundo (Box Elder)

Ailanthus Altissima (Tree of Heaven)

Betula Species (except Betula Nigra) Birch, except River Birch Catalpa Species (Catalpa)

Elaeagnus Angustifolia (Russian Olive) Evergreens (pines, firs, spruce, etc.)

Fruit trees cultivars bred for fruit production Ginko Biloba ((Female) (Female Ginko)

Liriodendron Tulipifera (Tulip Poplar) Morus Species (mulberry)

Populus Species (Cottonwood, Poplar)

Pyrus Calleryana ("Bradford (Bradford Callery Pear)

Robinia Pseudoacacia (Black Locust)

Salix Species (Willow)

Sorbus Aucuparia (European Mountain Ash) Shrubs

Ulmus Americana (American Elm) Ulmus Pumila (Siberian Elm)

Ulmus Rubra (Red Elm)

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this Ordinance, the Director may cause removal of the same without obligating the City to replace the illegally planted tree(s).

SECTION 5. That Section 1024.06 is hereby enacted and shall read as follows:

1024.06 ABUSE OR MUTILATION OF PUBLIC TREES

(a) Unless specifically authorized by the Street Tree Commission, no person shall intentionally damage, cut, carve, top, transplant or remove any tree; attach any rope, wire, nails, advertising posters, squirrel feeder or other contrivance on any tree or shrub, allow any gaseous, liquid or solid substance to come in contact with them, set fire or permit fire to burn when the fire or heat thereof shall injure any portion of any tree or shrub.

(b) No person shall excavate any ditches, tunnels, trenches, alley or drive, within a radius of ten feet from any public tree or shrub without obtaining approval from the Director.

SECTION 6. That Section 1024.07 is hereby enacted and shall read as follows:

1024.07 PLACING MATERIALS ON PUBLIC PROPERTY

No person shall deposit, place, store or maintain upon any public place of the City, any stone, brick, sand, concrete or other materials which may impede free passage of water, air or fertilizer to the roots of any tree growing therein except without obtaining approval from the Street Tree Commission.

SECTION 7. That Section 1024.08 is hereby enacted and shall read as follows:

1024.08 PLANTING AND MAINTENANCE OF TREELAWNS

No person shall plant, prune, brace, cable, spray or otherwise perform work on a tree in a treelawn or other public place without first obtaining the prior approval of the Street Commission. The City shall require the property owner to obtain a permit from the Planning, toning and Economic Development Division. The person obtaining the permit shall abide by the standards as set forth in this ordinance.

SECTION 8. That Section 1024.09 is hereby enacted and shall read as follows:

1024.09 TREES IN SUBDIVISIONS

(a) Street trees shall be planted in all subdivisions within the City, including land abutting any street previously opened as well as those opened for the subdivision, pursuant to Section 1295.05 of the Planning and Zoning Code. Installation shall be made under the supervision of the Director.

(b) The number, size, species and location of the street trees planted in subdivisions shall be in accordance with a plan approved mutually by the Street Tree Commission and the developer.

(c) The Zoning Inspector shall not grant a zoning permit to a subdivider until a street tree plan has been approved and an escrow account established or surety bond deposited in an amount equal to the cost of the trees and the planting of the same as shall be determined by the Director to insure compliance with the chapter and the regulations adopted hereunder.

(d) The subdivider shall complete the street tree plan within two years from the date of the issuance of the zoning permit. Failure to do so shall be construed to be a default and the escrow account or surety bond shall be deemed to be forfeited. Funds derived as a result of the forfeiture shall be expended by the Director to implement the street tree plan for the project for which it was originally intended.

SECTION 9. That Section 1024.10 is hereby enacted and shall read as follows:

1024.10 SHADE TREE DISTRICT

For the purpose of controlling blight and disease of shade trees within public rights-of-way, and for planting, maintaining, trimming and removing shade trees in and along the streets of the City, there is hereby established one district pursuant to Ohio Revised Code 727.011 which shall include all of the territory within the corporate boundaries of the City.

SECTION 10. That Section 1024.11 is hereby enacted and shall read as follows:

1024.11 TREE SPACING

The spacing of public trees will be in accordance with the three species size classes referred to in the Perrysburg Street Tree Commission's list of street trees and no trees may be planted closer together than the following:

Small trees thirty (30) feet

medium trees forty (40) feet

Large trees fifty (50) feet

except special plantings designed or approved by the Street Tree Commission.

SECTION 11. That Section 1024.12 is hereby enacted and shall read as follows:

1024.12 DISTANCE FROM CURB AND SIDEWALK

(a) The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Perrysburg Street Tree Commission's list of street trees and no trees may be planted closer to the curb or sidewalk than the following:

Small trees two feet (minimum of a four foot wide treelawn)

Medium trees three feet (minimum of a six foot wide treelawn)

Large trees four feet (minimum of an eight foot wide treelawn)

except in special plantings designed or approved by the Street Tree Commission.

SECTION 12. That Section 1024.13 is hereby enacted and shall read as follows:

1024.13 DISTANCE FROM THE STREET CORNERS AND FIRE HYDRANTS

(a) No public tree shall be planted closer than sixty-six feet (66') from the center of intersection.

(b) No public tree shall be planted closer than ten feet (10') to any fire hydrant.

SECTION 13. That Section 1024.14 is hereby enacted and shall read as follows:

1024.14 UTILITIES

No public trees other than those species referred to as Small Trees in Perrysburg's Street Tree Commission's list of street trees may be planted under or within twenty-five lateral feet of any overhead utility wire.

SECTION 14. That Section 1024.15 is hereby enacted and shall read as follows:

1024.15 ADOPTION OF RULES

The Street Tree Commission with the approval of City Council may adopt rules consistent with this Ordinance which shall provide detailed guidelines for the administration of this Ordinance.

SECTION 15. That Section 1024.16 is hereby enacted and shall read as follows:

1024.16 PENALTY

Any person violating or failing to comply with any provisions of this Ordinance is guilty of a minor misdemeanor and shall be fined not more than One Hundred Fifty Dollars (\$150.00) . A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

SECTION 16. That present sections 1024.02, 1224.03, 1224.04, 1224 .05, 1224 .06, 1224 .07, 1224 .08 and 1224 .99 are hereby repealed.

SECTION 17. It is found and determined that all formal actions of Council concerning or relating to the passage of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 18. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Signed, President of Council and Mayor

Passed 12-19-06