

AN ORDINANCE

NO. 26-20

AN ORDINANCE ESTABLISHING TREE STANDARDS

WHEREAS; The Council of the City of Uhrichsville seeks to improve and enhance the quality of life of the community by creating a clean environment with well maintained trees within the City of Uhrichsville.

WHEREAS; Well maintained trees can improve property values and provide a decent standard of living for all Uhrichsville residents.

WHEREAS; Well maintained trees can become a source of pride for the City of Uhrichsville by improving neighborhoods and encouraging civic engagement.

WHEREAS; Well maintained trees can foster a clean environment for a better future for the City of Uhrichsville.

WHEREAS; Studies have shown that trees can boost economic development by creating a better town image with better landscaping allowing for more economic opportunities for workers and small businesses located in the City of Uhrichsville.

NOW, THEREFOR, it is hereby resolved by the Council of the City of Uhrichsville that the following procedures and requirements be adopted and adhered to with respect to the conservation and management of trees by the Council of the City of Uhrichsville in Tuscarawas County, Ohio;

SECTION I: PURPOSE

A.) This Ordinance is designed to improve the image of the City of Uhrichsville and conserve a clean community by maintaining the trees located in the City of Uhrichsville. This ordinance seeks to promote a clean community while providing better landscaping to boost economic development and recreation in the City of Uhrichsville.

SECTION II: DEFINITIONS

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

SECTION III: ESTABLISHMENT OF A TREE COMMISSION

A.) A City Tree Commission for the City of Uhrichsville, Ohio is hereby created and established. The Tree Commission shall consist of three members, citizens and residents of this city, who shall be appointed by the Mayor of the City of Uhrichsville.

- 1.) The term of the three persons to be appointed by the mayor shall be three years.
- 2.) In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
- 3.) Members of the City of Uhrichsville Tree Commission shall serve without any compensation.

SECTION IV: DUTIES & RESPONSIBILITIES OF TREE COMMISSION

A.) It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Uhrichsville.

B.) The Board, when requested by the City Council or City Administration shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION V: OPERATION OF TREE COMMISSION

A.) The Mayor of the City of Uhrichsville shall appoint members of the Tree Commission.

B.) The Tree Commission shall make its own rules and regulations and keep a journal of its proceedings.

C.) A majority of the members shall be a quorum for the transaction of business.

SECTION VI: STREET TREE SPECIES

A.) No species other than those included in this ordinance may be planted as classified street trees without written permission of the City Tree Commission.

B.) The following list constitutes the official small street tree species for the City of Uhrichsville: Apricot, Crabapple, Flowering, Golden Rain Tree, Hawthorne, Pear, Bradford, Redbud, Soapberry, Ulac Jap Tree, Peach, Flowering, Plum, Purpleleaf, Serviceberry,

C.) The following list constitutes the official medium street tree species for the City of Uhrichsville: Ash, Green Hackberry, Honeylocust (thornless), Linden or Basswood, Mulberry, Red (fruitless, male), Oak, English Oak, Red Pagodatree, Japanese Pecan Birch, River Osage Orange (Male, thornless), Persimmon Poplar, White Sassafras.

D.) The following list constitutes the official large street tree species for the City of Uhrichsville: Coffeetree, Kentucky Maple, Silver Maple, Sugar Oak, Bur Sycamore, Sycamore, London planetree, Cottonwood (cottonless, male).

SECTION VII: TREE SPACING STANDARDS

A.) The spacing of street trees will be in accordance with the three species size classes listed in Section VI of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION VIII: CURB AND SIDEWALK DISTANCES

A.) The distance trees may be planted from curbs or curb lanes and sidewalks will be in accordance with the three species size classes listed in section seven of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, two (2) feet; Medium Trees, three (3) feet; and Large Trees, four (4) feet.

SECTION X: STREET CORNERS AND FIREPLUG DISTANCES

A.) No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curve or curb lines.

B.) No Street Tree shall be planted closer than 10 feet of any fireplug.

SECTION XI: UTILITIES

A.) No Street Trees other than those species listed as small trees in section VII of this ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION XII: PUBLIC TREE CARE

A.) The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B.) The City Tree Commission may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with sections VII through XI of this ordinance.

SECTION XIII: TREE TOPPING

A.) It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Commission.

SECTION XIV: PRUNING, CORNER CLEARANCE

A.) Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street inter-section and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk.

B.) Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

C.) The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

SECTION XV: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

A.) The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.

B.) The City Tree Commission will notify in writing the owners of such trees.

C.) Removal shall be done by said owners at their own expense within sixty days after the date of service of notice.

D.) In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

SECTION XVI: REMOVAL OF STUMPS

A.) All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION XVII: INTERFERENCE WITH CITY TREE COMMISSION

A.) It shall be unlawful for any person to prevent, delay or interfere with the City Tree Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

SECTION XVIII: ARBORISTS LICENSE AND BOND

A.) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring the proper licensing and permitting.

B.) The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors.

C.) Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage identifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION XIX: REVIEW BY CITY COUNCIL

A.) The City Council shall have the right to review the conduct, acts and decisions of the City Tree Commission.

B.) Any person may appeal from any ruling or order of the City Tree Commission to the City Council who may hear the matter and make a final decision.

SECTION XX: VIOLATIONS AND PENALTIES

A.) Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred dollars (\$100.00).

SECTION XXI: EFFECTIVE DATE

A.) This Ordinance shall repeal and replace sections 151.01 through 151.06 of the Codified Ordinances of the City of Uhrichsville as amended by Ordinance No. 1234 passed on August 22, 1974. This Ordinance adopted by the Council of the City of Uhrichsville shall be in effect at the earliest time permitted by law.


First Reading: 7/23/20

Second Reading: 8/13/20


Third Reading: 8/27/20

Passage of Ordinance: 8/27/20

AUTHORIZATION




COUNCILMAN JAMES ZUCAL
SPONSOR



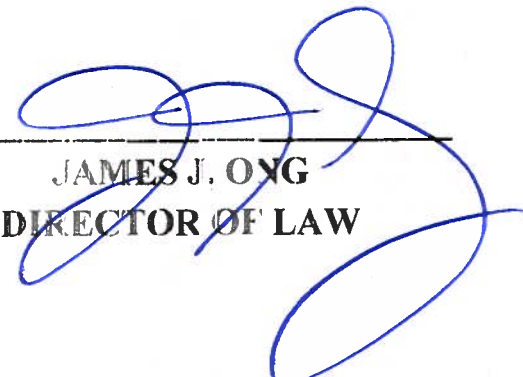
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