

CHAPTER 907

Trees

907.01 Definitions.**907.02 Establishment of Shade Tree Commission.****907.03 Direction, regulation and control of trees.****907.04 Permits required.****907.05 Pruning and removal of obstructions required.****907.06 Abuse or mutilation of trees.****907.07 Shade Tree Memorial Fund.****907.08 Protection; planting required on new streets.****907.09 Removal of hazardous trees required.****907.10 Tree lawn care and maintenance.****907.99 Penalty.**

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20

Assessments for tree planting or maintenance - see Ohio R. C. 727.011.

Tree roots obstructing sewers - see S. U. & P. S. **921.04**

Destruction of shrubs, trees or crops - see GEN. OFF. **541.06**

907.01 DEFINITIONS.

As used in this chapter:

- (a) "Person" means any individual, firm, partnership, association, corporation or organization of any kind.
 - (b) "Street" or "highway" means the entire width of every public way or right of way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.
 - (c) "Park" includes all public parks having individual names.
 - (d) "Public places" includes all grounds owned by the City.
 - (e) "Property line" means the outer edge of a street or highway.
 - (f) "Treelawn" is that part of a street or highway not covered by a sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular travel.
 - (g) "Public trees" includes all shade and ornamental trees now or hereafter growing on any street or any public areas where otherwise indicated.
 - (h) "Principal thoroughfare" means any street upon which trucks are not prohibited.
 - (i) "Property owner" means the person owning such property as shown by the records of the Recorder's Office of Logan County, Ohio.
- (Ord. 75-56. Passed 8-12-75.)

907.02 ESTABLISHMENT OF SHADE TREE COMMISSION.

(a) There is hereby established a Shade Tree Commission for the City which shall consist of the following members: the Director of Service-Safety, a representative of the City Engineer's Office, one member of Council, and up to twelve individuals, who are citizens and residents of Logan County, Ohio, who shall be appointed by the Mayor with the approval of Council. At least one-half of the class of up to twelve individuals as hereinbefore referred to, shall also be residents of the City of Bellefontaine. The terms of such citizens and residents of the City and County who are appointed by the Mayor shall be for three years. In the event that a vacancy occurs during the term of any such member, his or her successor shall be appointed for the unexpired portion of his or her term.

(Ord. 99-76. Passed 7-27-99.)

- (b) The duties of the Shade Tree Commission shall be to:
 - (1) Make a study and determine the needs of the City in connection with its tree planting program;
 - (2) Recommend to the proper authority the types and kinds of trees to be planted upon designated streets, parts of streets or parks of the City;
 - (3) Assist City officials and citizens in the dissemination of news and information regarding the selection, planting and maintenance of trees within the City on private and public properties and make

recommendations from time to time to Council as to desirable legislation concerning the tree program and related activities of the City; and

(4) Provide regular and special meetings at which the subject of trees as it relates to the City may be discussed by its members, City officials and all others interested in the tree program.

(c) Within a reasonable time after the appointment of the Commission and the approval of its members, upon call of the Mayor such Commission shall meet and organize by the election of a Chairman and Secretary and the adoption of rules and procedures including the holding of regular and special meetings as deemed advisable and necessary to perform the duties of the Commission.

(Ord. 75-56. Passed 8-12-75.)

907.03 DIRECTION, REGULATION AND CONTROL OF TREES.

(a) The Director of Service and Safety shall direct, regulate and control the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets and other public places in the City. He shall cause the provisions of this chapter to be enforced. In his absence, these duties shall be the responsibility of a qualified alternate designated by the City.

(b) The Director of Service and Safety shall have the authority to affix reasonable conditions to the granting of permits in accordance with the provisions of this chapter and to insure safety and preserve the aesthetics of public places.

(c) The Director of Service and Safety shall have the authority to formulate a Master Street Tree Plan after a public hearing and after receiving the advice and approval of the Shade Tree Commission. The Master Street Tree Plan shall specify the species of trees to be planted on the streets and public places in the City. From and after the adoption and approval of such Plan by the Commission, or any amendment thereof, all planting shall conform thereto. Such Plan shall take into consideration all existing and future utility and environmental factors in determining the species of trees for the various locations, and such Plan may be amended by the Director of Service and Safety, with the approval of the Commission, as circumstances require.

(Ord. 75-56. Passed 8-12-75.)

907.04 PERMITS REQUIRED.

(a) No person shall plant, spray, fertilize, preserve, prune, cut above ground or otherwise disturb any tree on any street, treelawn or other public place without first filing an application and procuring a permit therefor from the Director of Service and Safety. The person receiving the permit shall abide by all regulations, conditions and specifications prescribed by the Director.

(b) The application for the permit shall be in the form prescribed by the Director and shall contain information as to the location, time, grade, species, cultivar and method of planting; the number of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment; the composition of spray material; and such other information as the Director finds reasonably necessary to determine whether a permit shall issue.

(c) Applications for permits, accompanied by a fee of five dollars (\$5.00), must be filed at the office of the Director of Service and Safety not less than forty-eight hours in advance of the time the work is to be done. All such receipts shall be placed in the General Fund of the City.

(d) The Director shall issue the permit provided for herein if, in his judgment, the proposed work is desirable and is in conformity with the Master Street Tree Plan and the proposed method and workmanship are of a satisfactory nature. The permit shall contain a definite date of expiration and the work shall be completed in the time allowed by the permit and in accordance with the provisions of this chapter and as the Director may additionally prescribe. Any permit shall be void if its terms or the provisions of this chapter are violated.

(e) All permit holders shall advise the Director of Service and Safety within five days of the completion of the work under the permit in order that the Director might inspect the work for compliance.

(f) All persons applying for a permit for the removal of a tree shall be required to replace each such tree by the time prescribed in the permit for the completion of work in accordance with the specifications provided by the Director. The cost of the removal and replacement of such trees shall be paid by the permit holder.

(g) Whenever any tree is planted or set out in conflict with the provisions of this chapter, the Director may remove or cause the removal of the same and the cost thereof shall be assessed in accordance with the provisions of the Ohio Revised Code.

(h) When it is necessary to remove trees from a treelawn in connection with the repair, replacement or construction of a sidewalk or street under a City program, the City shall replant or replace such trees. If conditions prevent planting on treelawns, an equivalent number of trees, otherwise in accordance with the Master Street Tree Plan, may be planted on an adjacent property.

(Ord. 75-56. Passed 8-12-75.)

907.05 PRUNING AND REMOVAL OF OBSTRUCTIONS REQUIRED.

(a) A person owning or occupying real property bordering on a street upon which there are trees, shall prune such trees in such a manner that they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic or traffic signs, or obstruct the view of a street or alley intersection. The minimum clearance of an overhanging portion of a tree shall be ten feet over sidewalks and twelve feet over all streets, except truck thoroughfares which shall have a clearance of sixteen feet.

(b) No person shall maintain or permit to remain on his property a tree whose roots obstruct or impede the flow of liquid through any public sewer, drain or water main in the City.

(c) Should a property owner fail to comply with subsections (a) and (b) hereof, the Director of Service and Safety shall notify such owner of such fact and order his compliance therewith within ten days after the receipt of such order. Such order shall be sent by certified mail to the address of such owner that is reflected upon the County real estate tax duplicate.

(d) When a property owner fails to comply with the order provided for in subsection (c) hereof, the Director of Service and Safety may cause appropriate action to be taken to ensure compliance with such order, and the costs thereof shall be assessed against the property as provided in the Ohio Revised Code. (Ord. 75-56. Passed 8-12-75.)

907.06 ABUSE OR MUTILATION OF TREES.

(a) Unless specifically authorized by the Director of Service and Safety, no person shall intentionally damage, cut, carve, transplant or remove any public tree; or attach any rope, wire, nail, advertising poster or other contrivance to any public tree; or allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such a fire or the heat thereof will injure any portion of any tree.

(b) No person shall excavate any ditch, tunnel or trench or lay any drive within ten feet of a public tree without first obtaining a written permit therefor from the Director of Service and Safety.

(c) A person excavating or constructing a building or structure near a public tree shall construct a substantial fence, frame or box to guard such tree and shall keep all building materials, dirt or other debris outside such barrier.

(d) No person shall deposit, place, store or maintain upon any public place in the City, any stone, brick, sand, concrete or other material which may impede the free passage of water, air and fertilizer to the roots of a tree growing therein except by written permission of the Director of Service and Safety. (Ord. 75-56. Passed 8-12-75.)

(e) Flat topping of any public trees is hereby prohibited. (Ord. 98-49. Passed 6-23-98.)

907.07 SHADE TREE MEMORIAL FUND.

There is hereby established a special fund to be designated as the Shade Tree Memorial Fund which Fund shall be utilized for the receipt of gifts and donations for the purpose of purchasing and planting of shade trees under the provisions of this chapter. (Ord. 75-56. Passed 8-12-75.)

907.08 PROTECTION; PLANTING REQUIRED ON NEW STREETS.

(a) Along both sides of all newly created streets that are constructed in accordance with the public street standards set forth in Chapter [1103](#) of the Codified Ordinances, the developer and/or owner shall either plant or retain sufficient trees so that between the paved portion of the street and the line running parallel to and fifty feet from the centerline of the street, there is for every thirty feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve inches in diameter.

(b) Every new development and/or new plat shall retain all existing trees with a trunk of eighteen inches in diameter or more unless the retention of such trees would unreasonably burden the development in the opinion of the City Engineer.

(c) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree with a trunk of eighteen inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half feet (measured from the center of the trunk) of any tree with a trunk of eighteen inches in diameter or more unless compliance with this subsection would unreasonably burden the development in the opinion of the City Engineer. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(d) The retention and/or protection of trees eighteen inches in diameter or more as provided in subsection (b) and (c) hereof unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer, in the opinion of the City Engineer.

(e) Whenever the developer or owner appeals to the City Engineer that this section places an unreasonable burden on the development, the City Engineer may allow replacement with like trees in areas unaffected by the improvements, as an alternative to keeping the existing trees in question. (Ord. 94-16. Passed 2-22-94.)

907.09 REMOVAL OF HAZARDOUS TREES REQUIRED.

No person shall maintain or permit to remain on his or her property, a hazardous tree. A hazardous tree for purposes of this section is defined as a tree that has a structural defect and is located such that people and/or vehicles and/or structures may be within the falling distance of such tree. (Ord. 01-83. Passed 11-13-01.)

907.10 TREE LAWN CARE AND MAINTENANCE.

The owner or occupant of the premises fronting the tree lawn or boulevard, which is defined as that area between a sidewalk and street, shall be the custodian of the tree lawn or boulevard and shall be responsible for the necessary mowing and maintenance to keep the same in good condition, mowed and free of trash or

debris. No trees, flowers or shrubbery shall be planted thereon or removed therefrom except by written permission of the Service-Safety Director. No structure or object of any type shall be placed in such tree lawn or boulevard except by written permission of the Service-Safety Director.
(Ord. 15-46. Passed 9-9-15.)

907.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 75-56. Passed 8-12-75.)