

## VILLAGE OF WAYNE LAKES, OHIO

### ORDINANCE 2022-11-14-001

#### AN ORDINANCE OF THE VILLAGE OF WAYNE LAKES, DARKE COUNTY, OHIO FOR STREET TREES AND DECLARING AN EMERGENCY.

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Be it ordained by the village council of the Village of Wayne Lakes, State of Ohio.

#### **SECTION 1. 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 Village.

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

#### **SECTION 2. CREATION AND ESTABLISHMENT OF A VILLAGE TREE COMMISSION**

There is hereby created and established a village tree commission for the Village of Wayne Lakes, state of Ohio, which shall consist of three members, citizens and residents of this village, who shall be appointed by the mayor with the approval of the Village Council.

#### **SECTION 3. TERM OF OFFICE**

The term of the three persons appointed by the may shall be three years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

#### **SECTION 4. COMPENSATION**

Members of the commission shall serve with compensation as described in RES 2022-07-11-01 - Council Member Pay.

#### **SECTION 5. DUTIES AND RESPONSIBILITIES**

It shall be the responsibility of the commission to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preserving, pruning, planting, removing, and disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Village Council and upon their acceptance and approval shall constitute the official comprehensive village tree plan for the Village of Wayne Lakes, state of Ohio. The commission, when requested by the Village Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

#### **SECTION 6. OPERATION**

The 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.

## SECTION 7. STREET TREE SPECIES TO BE PLANTED

The following list constitutes the official Street Tree species for the Village of Wayne Lakes, State of Ohio. No species other than those included in this list may be planted as Street Trees without written permission of the Village Tree Commission.

SMALL TREES	MEDIUM TREES	LARGE TREES
Apricot	Ash	Kentucky Coffeetree
Crabapple (Flowering)	Green Hackberry	Silver Maple
Golden Rain	Honeysuckle (Thornless)	Sugar Maple
Hawthorne	Linden/Basswood	Bur Oak
Pear (Flowering)	Mulberry (Red fruitless / male)	Sycamore
Redbud	English Oak	Cottonwood (Cottonless / Male)
Soapberry	Red Oak	
Lilac	Japanese Pagodatree	
Peach (Flowering)	Pecan	
Purple Leaf Plum	River Birch	
Serviceberry	Osageorange (thornless / male)	
	Persimmon	
	White Poplar	
	Sassafras	

## SECTION 8. SPACING

The spacing of Street Trees will be in accordance with the tree species size classes listed in Section 7 of this ordinance, and no trees shall be planted closer together than the following:

- Small Trees: 30 Feet
- Medium Trees: 40 Feet
- Large Trees: 50 Feet
- Exceptions in special plantings designed or approved by a landscape architect.

## SECTION 9. DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and *no trees may be planted closer to any curb or sidewalk than the following:*

- Small Trees: 6 Feet
- Medium Trees: 8 Feet
- Large Trees: 10 Feet.

## SECTION 10. DISTANCE FROM STREET CORNERS AND FIREPLUGS

No Street Trees shall be planted closer than thirty-five (35) feet of any street corner,



measured from the point nearest intersecting curbs or curblines. No Street Trees shall be planted closer than ten (10) feet of any fireplug.

#### **SECTION 11. UTILITIES**

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground waterline, sewer line, transmission line or other utility.

#### **SECTION 12. PUBLIC TREE CARE**

The Village 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Village 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 powerlines, 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 Section 7 through 11 of this ordinance.

#### **SECTION 13. TREE TOPPING**

It shall be unlawful as a normal practice for any person, firm, or Village 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 (3) 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 may be exempted from this ordinance at the determination of the Village Tree Commission.

#### **SECTION 14. PRUNING CORNER CLEARANCE**

Every owner of any tree overhanging any street or fight-of-way within the village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there will be a clear space of fifteen (15) feet above the surface of the street or sidewalk. 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. The Village 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 the visibility of any traffic control device or sign.

#### **SECTION 15. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

The Village has the right to cause the removal of any dead or diseased tree on private property within the village, when such trees constitute a hazard to live and property, or harbor insects or disease which constitute a potential threat to other trees within the village. The Village Tree Commission will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such



provisions, the Village shall have the authority to remove such trees and charge the cost of removal plus a processing fee of \$70.00 on the owner's property tax notice.

**SECTION 16. REMOVAL OF STUMPS**

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 17. INTERFERENCE WITH THE VILLAGE TREE COMMISSION**

It shall be unlawful for any person to prevent, delay or interfere with the Village Tree Commission, or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Tree, Park Tree, or trees on private grounds, as authorized in the ordinance

**SECTION 18. ARBORISTS LICENSE AND BOND**

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 Village without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or Village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall show evidence of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

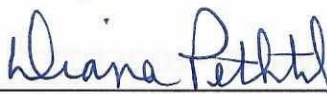
**SECTION 19. REVIEW BY VILLAGE COUNCIL**

The Village Council shall have the right to review the conduct, acts and decisions of the Village Tree Commission. Any person may appeal from any ruling or order the Village Tree Commission to the Village Council who may hear the matter and make final decision.


**SECTION 20. PENALTY**

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

Voted upon and approved this 14 day of November, 2022.



Diana Pethtel, Fiscal Officer



Linda Clark, Mayor