

CHAPTER 905

Trees

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CROSS REFERENCES

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

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

Injury or destruction of trees - see GEN. OFF. 541.06

905.01 CREATION AND ESTABLISHMENT OF A CITY TREE COMMISSION.

There is hereby created and established a City Tree Commission for the City of Celina which shall consist of three to five members, one of whom shall be the City's Parks and Recreation Director. The remaining members shall be appointed by the Mayor. The appointed members shall be citizens and residents of the City and represent different interest groups within the community, including, but not limited to, homeowners, businesses, arborists or landscapers.

(Ord. 18-02-0. Passed 6-3-02.)

905.02 TERM OF OFFICE.

The term of the persons to be appointed by the Mayor shall be three years, except that the term of one of the members appointed to the first commission shall be for only one year and the term of one other member of the first commission shall be for two years. In the event that a vacancy shall occur during the term of any member, their successor shall be appointed for the unexpired portion of the term.

(Ord. 18-02-0. Passed 6-3-02.)

905.03 COMPENSATION.

Members of the Tree Commission shall serve without compensation.

(Ord. 18-02-0. Passed 6-3-02.)

905.04 DUTIES AND RESPONSIBILITIES.

(a) It shall be the responsibility of the Tree Commission to study, investigate, counsel, develop and oversee administration of 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 to the City Council and upon their acceptance and approval shall constitute the official comprehensive City tree plan. This plan shall be reviewed annually.

(b) The Tree Commission shall promote and supervise the establishment of a tree inventory for Street and Park Trees. The inventory shall be updated with the results of ground inspections every three years.

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

(d) The Tree Commission shall have the assistance of the City's Engineering, Park and Recreation, Street and Electric Utility Departments in administering this chapter. The Engineering Department will be the lead administrative department.

(Ord. 18-02-0. Passed 6-3-02.)

905.05 OPERATION.

The 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.

(Ord. 18-02-0. Passed 6-3-02.)

905.06 DEFINITIONS.

(a) "Street trees" are 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.

(b) "Park trees" are trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the City, or to which the public has free access as a park.

(c) "Tree trimming" means the removal of plant parts to control growth and enhance performance or function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth, and hanging limbs constituting less than ten percent (10%) of the tree canopy is not considered trimming, according to the provisions of this chapter.

(Ord. 18-02-0. Passed 6-3-02.)

905.07 TREE SPECIES TO BE PLANTED.

The Tree Commission shall develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of tree not suitable for planting will also be created by the Tree Commission.

(Ord. 18-02-0. Passed 6-3-02.)

905.08 SPACING.

The spacing of street trees will be in accordance with the three species size classes listed in Section 905.07. No trees may be planted closer together than the following: small trees, 15 feet; medium trees, 25 feet, and large trees, 35 feet; except in special planting three designed or approved by the Tree Commission.

(Ord. 18-02-0. Passed 6-3-02.)

905.09 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs, or curb lines and sidewalks, will be in accordance with the three species size classes listed in Section 905.07. No trees may be planted closer to any curb or sidewalk than 2 feet for small trees, 3 feet for medium or large trees.

(Ord. 18-02-0. Passed 6-3-02.)

905.10 DISTANCE FROM STREET CORNERS AND FIRE PLUGS.

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within 10 feet of any fire hydrant.

(Ord. 18-02-0. Passed 6-3-02.)

905.11 UTILITIES.

No street trees other than those species accepted as small trees by the Tree Commission may be planted under, or within 10 feet of, any overhead utility wire.

(Ord. 18-02-0. Passed 6-3-02.)

905.12 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The Tree Commission may remove, 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 infected 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 905.07 through 905.11.

(Ord. 18-02-0. Passed 6-3-02.)

905.13 PRUNING STANDARDS.

All tree pruning on public property shall conform to the National Arborists Association standards for tree care operations.

(Ord. 18-02-0. Passed 6-3-02.)

905.14 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or City departments 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. Crown reduction by a qualified arborist may be substituted, where appropriate. 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 chapter at the determination of the Tree Commission.

(Ord. 18-02-0. Passed 6-3-02.)

905.15 PRUNING AND CORNER CLEARANCE.

(a) It is the property owner's responsibility to notify the City of any tree branches that severely obstruct the light from any street lamp or obstruct the view of any street intersection. It is City policy that there shall be a clear space of thirteen feet above the street surface or eight feet above the sidewalk surface. 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 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, sign or sight triangle at intersections.

(b) Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the City Tree Commission prior to any trimming by the utility company.

(Ord. 18-02-0. Passed 6-3-02.)

905.16 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

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 diseases which constitute a potential threat to other trees within the City. The Tree Commission will notify, in writing, the owners of such trees. Removal shall be done by said owners, at their own expense, within 60 days after the date of service of notice. 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 owner's property tax notice, if not paid within 30 days of receipt of the invoice for work performed.

(Ord. 18-02-0. Passed 6-3-02.)

905.17 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.

(Ord. 18-02-0. Passed 6-3-02.)

905.18 PROTECTION OF TREES.

(a) In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

(b) Trees removed by decision of the Tree Commission, or by natural causes, shall be replaced somewhere in the forest on a one-for-one basis within one year. The location and species of any replacement tree shall be determined by the Tree Commission.

(c) Trees of desirable species and good health shall be protected, as much as possible, from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

(Ord. 18-02-0. Passed 6-3-02.)

905.19 INTERFERENCE WITH CITY TREE COMMISSION.

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

(Ord. 18-02-0. Passed 6-3-02.)

905.20 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 City without first applying for and procuring a license. The license fee shall be twenty-five dollars (\$25.00) annually in advance; provided, however, that no license shall be required of any public service company, including electric utilities and their agents and contractors, or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand dollars (\$300,000) for bodily injury and one hundred thousand dollars (\$100,000) property damage.

(Ord. 18-02-0. Passed 6-3-02.)

905.21 REVIEW BY CITY PLANNING COMMISSION.

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

(Ord. 18-02-0. Passed 6-3-02.)

905.22 LIABILITY.

Nothing contained in this chapter shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property, or under his control, in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, boulevard, alley or public place within the City.

(Ord. 18-02-0. Passed 6-3-02.)

905.23 SEVERABILITY.

If any provision of this chapter shall be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not invalidate any other provision of this chapter.

(Ord. 18-02-0. Passed 6-3-02.)

905.99 PENALTY.

Any person violating any provision of this chapter shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) plus with the costs of prosecution. A separate offense shall be deemed committed on every day on which a violation occurs or continues.

(Ord. 18-02-0. Passed 6-3-02.)
