

ORDINANCENO. 2013-16

1st Rdg 6/17/13
2nd Rdg 7/1/13
3rd Rdg 7/15/13
Adopted 7/15/13

AN ORDINANCE ESTABLISHING A VILLAGE TREE COMMISSION AND SETTING FORTH RULES AND REGULATIONS ON THE PLANTING OF TREES ON PUBLIC PROPERTY.

BE IT ORDAINED, by the Council of the Village of Arlington, Ohio, a majority of members elected thereto:

Section 1. That Ordinance 1986-10 and all other Ordinances in conflict herewith be and the same hereby are repealed.

Section 2: Definitions: "Street trees" are 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 of Arlington, Ohio. "Park trees" are defined as trees, shrubs, bushes and all woody vegetation in public parks having individual names, and all areas owned by the Village of Arlington, Ohio to which the public has free access as a park.

Section 3: There is hereby created and established a Village Tree Commission for the Village of Arlington, State of Ohio, which shall consist of three (3) members, citizens and residents of this village, who shall be appointed by the mayor with the approval of Council. In addition, the Village Tree Commission shall have the right to call in Consultants and/or advisors (Urban Foresters) from the Department of Natural Resources. All Street and Park trees hereafter removed, trimmed, sprayed, or planted within the Village of Arlington, Ohio, shall be under the supervision of the Village Tree Commission.

Section 4: The term of the three (3) persons to be appointed by the Mayor shall be four (4) years. 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.

Section 5: Members of the Village Tree Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenditures in carrying out the function of the Village Tree Commission. The Village Tree Commission will be responsible to the Arlington Village Council.

Section 6: It shall be the responsibility of the Commission to study, investigate, counsel, 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. This plan will be presented annually to the Village Council and upon acceptance and approval shall constitute the official comprehensive Village Tree Plan for the Village of Arlington, Ohio. The Commission, when requested by the Mayor, Council, or any of its members, shall consider, investigate, make findings and recommendations and reports within the scope of their duties. The Village Tree Commission shall furnish Council no later than the third Monday evening in October with a list of recommendations for the following season. This shall include, but not be limited to a list of trees that need to be removed, a list of trees that need to be trimmed and a list of trees that need to be planted. They shall work with Council and the residents of the Village in the dissemination of news and information regarding the selection, planting and maintenance of trees. They shall have regularly announced public meetings where citizens, village personnel, and other people interested in the tree program may attend.

Section 7: The Village 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 committee shall be in writing. The Arlington Village Council shall have the right to review the conduct, decisions and acts of the Village Tree Commission. Any findings by Council shall be final.

Section 8: No Species of trees may be planted as Street or Park Trees without written permission of the Village Tree Commission. The Village Tree Commission will work with consultants and/or advisors (Urban Foresters) from the Department of Natural Resources annually on acceptable tree species for the Village.

Section 9: The spacing of Street and Park Trees will be in accordance with the three species size classes, namely small, medium, and large. Small trees shall be those trees which are mostly 10-30 feet in height at maturity. Medium trees shall be those trees which are mostly 30-45 feet in height at maturity. Large trees shall

be those trees which are mostly over 45 feet high at maturity.

Section 10: The spacing of trees will be in accordance with the species size classes referred to in Section 8. Except in special plantings designed or approved by the Village tree Commission, no trees may be planted closer than the following:

Small Trees - 30 Foot
Medium Trees - 40 feet
Large Trees - 50 feet

Section 11: 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 8 above. No trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet, Medium Trees, 3 feet, and Large Trees, 4 feet,

Section 12: No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of the nearest intersecting curb or curb lines. No Street Tree shall be planted within 10 feet of any fire hydrant.

Section 13: No street trees other than those species referred to as Small Trees in Section 8 may be planted under or within 25 lateral feet of any overhead primary electric line, or under or within 10 lateral feet of any other overhead utility wires, or over or within 5 lateral feet of any underground water line, sewer line, or any other utility.

Section 14: The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, 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 shall recommend that Council remove or cause 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 the selection and location of said trees is in compliance with Sections 7 through 12, inclusive, of this ordinance.

Section 15: It shall be unlawful as a normal practice for any person, firm or village employee to top any Street or Park Tree. 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 by the Village Tree Commission.

Section 16: Every owner of any tree overhanging any street or right of way within the Village of Arlington 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. There shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, 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 visibility of any traffic control device or sign.

Section 17: The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a threat to other trees. The Village Tree Commission will notify in writing the owners of such trees. Removal shall be done by the said owners at their own expense within sixty 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 assess the cost of removal on the owner's property tax.

Section 18: The Village may remove or cause or 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. Also, the Village 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 to or causing interference with said sewer, drain, manhole or public utility line, and if found dangerous or causing 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 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 assess the cost of removal on the owners property tax duplicate.

Section 19: All stumps of Street and Park Trees shall be removed to a depth of 6 inches below the surface of the ground to facilitate landscaping.

Section 20: 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, cultivation, mulching, pruning, spraying, or removing of any Street or Park trees, or trees on private grounds, as authorized in this ordinance.

Section 21: No person shall deposit, place, store, or maintain upon any public place within the Village, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing thereon, except by written consent of the Tree Commission.

Section 22: No person shall plant, prune, brace, spray, or otherwise perform work on a tree in a tree lawn or other public place without first obtaining the prior approval of the Tree Commission.


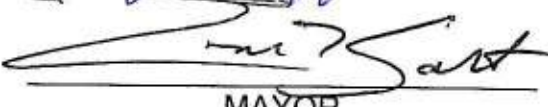
Section 23: The Village Tree Commission shall approve the tree plan for any new subdivisions.

Section 24: It shall be a violation of this Ordinance to abuse, destroy, or mutilate any tree, shrub, or plant in a public tree lawn or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, handbill, or other thing to or on any tree growing in a public place, or to allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves.

Section 25: All persons or firms engaging in pruning, treating, or removing trees within the Village of Arlington, Ohio, shall furnish proof of adequate liability insurance and workman's compensation.

Section 26: Any person violating or failing to comply with the provision(s) of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) per violation in addition to any required restitution for damages incurred by the Village or any special assessments levied as provided for herein. Each day a violation of this Ordinance is allowed is a separate and distinct offense.

Section 27: Wherefore this Ordinance shall be effective from and after the earliest period provided by law.


PRESIDENT OF COUNCIL

MAYOR

PASSED 7/15/13

ATTEST Donna Carli
CLERK OF COUNCIL

APPROVED 7/15/13