

AN ORDINANCE FOR THE ESTABLISHMENT OF COMPREHENSIVE TREE CARE PROGRAM THAT SETS FORTH PUBLIC POLICIES THAT REGULATE AND CONTROL PLANTING, REMOVAL, MAINTENANCE, AND PROTECTION OF TREES AND SHRUBS IN PUBLIC AREAS IN THE VILLAGE OF RICHFIELD. THE AUTHORITY OF THE VILLAGE TREE COMMISSION AND VILLAGE SERVICE DIRECTOR AND DESCRIPTION OF THE POWERS AND DUTIES OF EACH IS OUTLINED ALONG WITH THE FOLLOWING SECTIONS:

**SECTIONS**

1. Purpose
2. Definitions
3. Tree Commission
4. Damage to Trees and Shrubs
5. Fastening Material to Trees and Shrubs
6. Public Utilities
7. Planting, Removal, Maintenance and Protection of Trees and Shrubs
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1. *Purpose.* It is the policy of the Village of Richfield, Ohio to regulate and control planting, removal, maintenance, and protection of trees and shrubs in the Village: To eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the Village; to promote and enhance the beauty of the Village; to continue the historical tradition of planting trees along the public way; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, maintenance, and protection practices; and to guard all trees and shrubs within the Village against the spread of disease or pests. The provisions of this ordinance shall apply: To all trees and shrubs presently or hereafter planted in or upon public areas; to all trees and shrubs planted in or upon any private premises which shall endanger the life, health or safety of persons or property.

2. *Definitions*

A. The words "public way" shall include all public streets, roads, boulevards, alleys and sidewalks.

B. The words "public area" shall include all public ways, parks, and other lands owned, controlled or leased by the Village.

C. The words "trees and/or shrubs" shall include all woody vegetation presently or hereafter planted on any public areas.

D. The words "maintenance" and "protection" shall include all operations of: trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below the ground.

3. *Tree Commission.*

A. Appointment. The Village of Richfield Tree Commission is composed of a five member body appointed and serving as outlined in Ordinance 29-1993.

B. Powers and Duties. The Tree Commission shall have the following general powers and duties:

- (1) To recommend to Council a master tree and shrub planting and maintenance plan for the public areas of the Village.
- (2) To recommend to Council applications for grants and financial assistance from outside sources.
- (3) To enlist the volunteer help of the various community organizations and individuals within the Village.
- (4) To establish a computer program that will aide the Service Director in the ongoing maintenance of the trees and shrubs.
- (5) To advise the Park and Recreation Board in species selection of trees and shrubs within the public parks of the Village.
- (6) To advise and offer professional guidance to the Service Director who has the authority to direct, manage, supervise, and control the Village Tree Program which includes the all planting, removal, maintenance, and protection of all trees and shrubs in public areas

(6) (cont)

in addition to other powers and duties as provided by the applicable laws of the State of Ohio and ordinances of the Village of Richfield.

4. ***Damage to Trees and Shrubs.*** No person shall in any public area of the Village: Break, injure, mutilate, kill, or destroy any tree or shrub; permit any animal under his control to do so; permit any fire to injure any portion of any tree or shrub; permit any toxic chemical to seep, drain, or be emptied on or about any tree or shrub. During building operations the builder shall erect suitable protective barriers around public trees and shrubs which may be injured.

5. ***Fastening Materials to Trees and Shrubs.*** No person shall fasten any sign, rope, wire or other materials to or around or through any public trees or shrubs without obtaining a written permit from the Service Director, except in emergencies such as storms or accidents.

6. ***Public Utilities.*** Public utility work affecting trees or shrubs shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner and according to the arboricultural specifications and standards set forth in Section 14 of this ordinance. The Village Service Director may supervise the work performed.

7. ***Planting, Removal, Maintenance, and Protection of Trees and Shrubs.*** All trees or shrubs in any public area shall be planted, removed, maintained and protected according to the arboricultural specifications and standards as set forth under Section 14 of this ordinance.

8. ***Power to Plant, Remove, Protect, and Maintain Trees and Shrubs.*** The Service Director shall have the authority to plant, remove, maintain, and protect trees and shrubs on all public areas as may be advised by the Village Tree Commission according to the Master Tree Program Plan. These actions may become necessary to insure the safety or preserve the beauty of such grounds. By mutual agreement with the property owner, the Service Director may authorize the replacement of trees and/or shrubs on private property that were removed or were permanently damaged by necessity of: installing or maintaining public utilities or making other public improvements either on the private property or adjacent to it. The Village shall not be held responsible for future maintenance and offers no guarantees of plant survival after the initial planting.

9. **Public Nuisance.** Any tree or shrub or part thereof growing upon private or public property which is: interfering with the use of any public area; infected with an infectious plant disease; or endangers the life, health, or safety of persons or property is declared a public nuisance.

10. **Abatement of Nuisance.**

A. **Trees and Shrubs on Public Areas.** If the Village Service Director shall determine, with reasonable certainty upon inspection or examination, any public nuisance tree or shrub, as herein defined by section 9, exists in or upon any public area in the Village, he shall immediately cause it to be treated, trimmed, removed, or otherwise abated in such manner as to destroy or prevent the spread of the nuisance. The manner in which the nuisance shall be abated, shall be determined by the Village Service Director who may be advised by the Village Tree Commission.

B. **Trees and Shrubs on Private Premises.** If the Service Director shall determine with reasonable certainty upon inspection or examination that any public nuisance shrub or tree, as herein defined by section 9, exists in or upon any private premises, he shall in writing notify the owner or tenant having charge of such premises. Within 30 days after the issuance of said notice, said person shall cause the treatment, trimming, or removal and destruction of trees or shrubs destroyed pursuant to this chapter. In case the owner or tenant having charge of such premises shall refuse or neglect to comply with the terms of the written notice within 30 days after receiving it, the Service Director shall cause the removal, treatment or trimming of said nuisance tree or shrub. The expense thereof shall be a charge upon the real property of which said tree or shrub is located pursuant to applicable Village ordinances.

11. **Interference with the Village Service Director.** No person shall prevent, delay, or interfere with the Village Service Director or any persons under his employment in the execution or enforcement of this Chapter.

12. **Appeal from Order of the Village Service Director.** A person who receives an order from the Village Service Director and objects to all or part thereof, may, within 8 days of receipt thereof, notify the Village Tree Commission and Village Service Director, in writing, of the nature of the objection and request a hearing thereon. Within eight days of the receipt of such notice of appeal, the Village Tree Commission shall schedule a hearing before said Commission, to hear the objection. The hearing shall be held within eight days of notice to the appellant. The Village Service Director shall be present at such hearing. The appellant is entitled to representation by counsel. Within eight days after such hearing the Village Tree Commission shall, in writing, notify the appellant and the Village Service Director of its decision. The Village Tree

## 12. (cont)

Commission may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this ordinance.

13. *Master Street Tree Plan.* The Master Street Tree Plan shall consist of Village-wide, street-by-street written evaluation of all space and site factors such as nature of the soil, environmental hazards, proximity to the utilities, roadway, sidewalks, private premises, historical factors, and any other site specific variables which will aid in the determination of the tree species best suited to a particular planting site in regard to growing habits, shape, form, health, disease and pest resistance, and general tree maintenance. The evaluation of these factors shall be made by the Village Tree Commission.

14. *Arboricultural Specifications and Standards.* The following specifications and standards are hereby established for the planting, trimming and removal of trees and shrubs in the streets, parks and public areas in the Village:

## A. Planting

- (1) All trees will be not less than 1 3/4 inches in caliper (ANSI Z 60.1-1990 American Standard for Nursery Stock)
- (2) No tree shall be planted closer than two feet from the curb line or outer line of the sidewalk. All trees shall be planted in line with each other and at a spacing of between 30 and 100 feet from each other depending on the species of the tree.
- (3) Where the soil is poor quality or does not have proper pH balance, good soil shall be provided in an amount sufficient to insure proper growth.
- (4) No tree shall hereafter be planted at or within twenty feet of an intersection.

## B. Trimming

- (1) All trees and shrubs, on public or private property, which have branches overhanging a public street, shall have said branches trimmed to a clearance height of fourteen feet; all trees and shrubs, on public or private property, which have branches overhanging a public sidewalk shall have said branches trimmed to a clearance height of ten feet. The Village Service Director may waive the provisions of this section for newly planted trees if he determines they do not interfere with the public travel, obstruct the light of any street light, or endanger public safety. Any tree or shrub not trimmed as herein provided shall be subject to the provisions of Section 10 of this Chapter.

(2) All dead wood, stubs, broken branches, badly formed branches, disease-infected and insect infested branches and branches interfering with public travel, removed during the trimming operation, with the consideration given to the symmetry and beauty of the tree or shrub.

- C. Removing. All public trees and shrubs which are marked for cutting shall be completely removed from the growing site and disposed of in an authorized manner. The stump shall be ground down to a depth suitable for future planting of trees or turf.

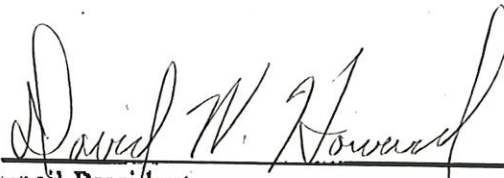
*X* 15. **Authority of Village Service Director to Enter Private Premises.** The Village Service Director or his representatives, after giving advance notice to the owner or tenant having charge, shall have the authority to enter upon private premises at reasonable times for the purposes of examining and inspecting any suspected <sup>public</sup> nuisance tree or shrub. All nuisance trees and shrubs to be removed under the provision of Section 10 of this Chapter may be appropriately marked by the Village Service Director.

16. **Severability.** If any provision of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not invalidate any other provision of this ordinance. The Council of the Village of Richfield declares they would have adopted each and every provision of this ordinance separately regardless of the possible invalidity of any part thereof.

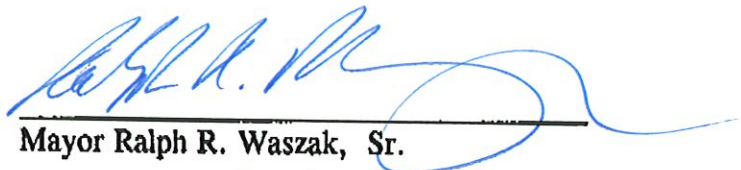
17. **Cost of Planting, Removing, Maintaining, and Protecting Trees and Shrubs.** The entire cost of planting, removing, maintaining, and protecting trees and shrubs on all public areas of the Village, when done by the Service Department employees or their contractors at the direction of the Village Service Director, shall be borne by the Village out of the Service Department budget and from funds donated or granted specifically for this purpose. When a private party other than the Village plants, removes, maintains or protects trees and shrubs, pursuant to Sections 6 and 7 of this chapter, the party shall incur all expenses.

18. **Emergency Clause.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and provided this Ordinance receives the affirmative vote of two-thirds of the members of Council, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 2, 1993



Council President  
David W. Howard



Mayor Ralph R. Waszak, Sr.

Dated: 11/4/93

Attest:



Clerk of Council  
May N. (Peggy) Malone