ORDINANCE NO.: 2018-25 *(AMENDED NOVEMBER 13, 2018)* Transportation, Connectivity
SPONSOR: MAYOR NEUGEBAUER and Storm Water
INTRODUCED: OCTOBER 23, 2018 **ASSIGNED TO:** _____

AN ORDINANCE ESTABLISHING A CITY TREE ADVISORY COMMISSION FOR THE REGULATION OF PUBLIC PROPERTY TREES. , *AND DECLARING AN EMERGENCY.*

WHEREAS, the City of Green desires to create and establish a City Tree Advisory Commission that will study, investigate, plan, advise, report and recommend to the City Director of Public Service and the various departments of the City, any action, program, plan or legislation which the Committee shall determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal, or disposition of trees or shrubs in the public ways, streets, alleys, and upon any properties owned, leased, or in any manner controlled by the City; and

WHEREAS, the City Tree Advisory Commission will work with various city departments and educational institutions in Green (public and private) to conduct educational and outreach programs about the importance of trees; and

WHEREAS, the City Tree Advisory Commission will host an Arbor Day Foundation/Celebration Program each year, involving school children in Green in order to maintain Tree City USA status; and

WHEREAS, the City Tree Advisory Commission shall recommend for approval by Green City Council such rules and regulations as the board shall deem advisable and necessary in order to perform its duties; and

WHEREAS, the City Tree Advisory Commission will assist the properly constituted officials, as well as City Council and the citizens of the City, in the dissemination of news and information regarding the selection, planting, establishment, protection, and maintenance of trees within the corporate limits of the City and to make recommendations from time to time to City Council relative to desirable legislation concerning the tree program and tree related activities on city property; and

WHEREAS, the City Tree Advisory Commission will provide regular and special meetings at which the subject of trees, insofar as it relates to the city, may be discussed by members of the tree board and, when requested by the tree board, officers and personnel of the city, and all other persons interested in the tree program. The Commission shall also adopt procedures as it may deem necessary for holding and conducting its regular and special meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:
Definitions. As used in this chapter, these terms are defined as follows:

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land that is within the City right-of-way be it an alley, street, or easement for transportation purposes.

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

SECTION TWO:
City Council desires to create and establish a City Tree Advisory Commission as a subcommittee to the Living Green Task Force for the City of Green. The Commission shall consist of no more than three (3) members from the Living Green Task Force. The Commission will also include the Director of Public Service or designee and the staff certified arborist. Ad hoc members may include a Park Board Member and a Green City Council Member.

SECTION THREE:
Members of the Commission shall serve without compensation.

SECTION FOUR:
It shall be the responsibility of the Commission to study, investigate, and develop and/or update annually, and recommend a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.

SECTION FIVE:
No species of Street Trees other than those included on the official annual tree list as on file in the Service Director's office may be planted without the permission of the City Tree Advisory Commission. The planting of public trees shall be regulated by the rules established by the Director of Public Service. These regulations will be reviewed on an annual basis.

SECTION SIX:
The City shall have the right to plant, prune, maintain and or 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 ground.

SECTION SEVEN:
It shall be unlawful as a normal practice for any person, firm, or city 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 are impractical may be exempted from this Ordinance as recommended by the City Tree Commission.

SECTION EIGHT:
Every owner of any tree overhanging any street or right-of-way within the City 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 shall be a clear space of 8 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 City shall have the right after prior notifications to property owner 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. Property owners may be assessed for any necessary work.

SECTION NINE:
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 disease which constitute a potential threat to other trees within the City. The Director of Public Service will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense with in sixty (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.

SECTION TEN:
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 ELEVEN:
It shall be unlawful for any person to prevent, delay or interfere with the City Tree Advisory Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Ordinance.

SECTION TWELVE:
Green City Council shall have the right to review the conduct, acts and decisions of the City Tree Advisory Commission. Any person may appeal from any ruling or order of the City Tree Commission to City Council who may hear the matter and make a final decision.

SECTION THIRTEEN:
The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION FOURTEEN:
City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason the City Tree Advisory Commission may be established. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: November 27, 2018

Molly Kapeluck, Clerk of Council

Chris Humphrey, Council President

APPROVED: Nov. 28, 2018

Gerard M. Neugebauer, Mayor

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ENACTED EFFECTIVE: November 28, 2018

ON ROLL CALL: Babbitt -Aye Dyer -Aye Humphrey -Aye Shaughnessy -Aye
Speight -Aye Yeargin -Aye Young -Aye Adopted 7-0

Suburbanite publication on November 30 and December 7, 2018

Molly Kapeluck, Clerk of Council

11/06/2018 ~~10/18/2018~~ Approved as to form and content by William G. Chris, Director of Law, Interim