

## **ORDINANCE 2021-01**

### **AN ORDINANCE AMENDING CHAPTER 147 OF THE CODIFIED ORDINANCES OF ADA (ORIGINALLY ORDINANCE 2011-05) WHICH ESTABLISHES A VILLAGE TREE COMMISSION AND REGULATES THE PLANTING, CARE AND REMOVAL OF TREES WITHIN THE VILLAGE.**

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ADA, STATE OF OHIO:**

#### **SECTION 1. DEFINITIONS**

- A. **STREET TREES:** "Street Trees" are herein defined as trees, shrubs, bushes, and all woody vegetation on land lying within the rights-of-way and within the tree lawns in the Village.
- B. **PARK TREES:** "Park Trees" are herein defined as trees, shrubs, bushes, and all woody vegetation in 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**

- A. There is hereby created and established a Village Tree Commission for the Village of Ada, Ohio, to be filled as follows:
  - 1. Mayor appoints one member of Council to serve on the Ada Tree Commission.
  - 2. The Village Administrator, or designee, shall be a member of the Ada Tree Commission.
  - 3. Eight (8) residents of the Village of Ada shall be appointed by the Mayor with approval of Village Council.
  - 4. A Village Forester will be appointed by the Mayor with approval of Village Council.

#### **SECTION 3. COMPENSATION**

Members of the Ada Tree Commission shall serve without compensation.

#### **SECTION 4. DUTIES AND RESPONSIBILITIES**

It shall be the responsibility of the Ada Tree Commission to study, investigate, advise, develop, 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. Such plan will be presented to Village Council and upon their acceptance and approval shall constitute the official comprehensive Village tree plan of the Village of Ada, Ohio.

#### **SECTION 5. OPERATION**

The Ada Tree Commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. Five (5) members present shall be a quorum for the transaction of business.

## **SECTION 6. STREET TREE SPECIES TO BE PLANTED**

The Ada Tree Commission shall establish and maintain a list of recommended species and varieties of trees to be planted within the rights-of-way and within the tree lawns in the Village. No species, other than those included in the list, may be planted as Street Trees without written permission of the Ada Tree Commission. Residents shall contact the Village Administrative Offices to receive permission prior to planting any trees within the rights-of-way and/or tree lawns in the Village.

## **SECTION 7. SPACING**

The spacing of street trees will be in accordance with the tree species size classes per the species list. No tree may be planted closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings or when approved by the Ada Tree Commission.

## **SECTION 8. DISTANCE FROM STREET CORNERS AND FIREPLUGS**

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

## **SECTION 9. DISTANCE FROM CURB AND SIDEWALK**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species list. No trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, two (2) feet; large trees, three (3) feet.

## **SECTION 10. UTILITIES**

No street trees other than these species listed as small trees per the species list may be planted under or within 10 lateral feet of any overhead power line.

## **SECTION 11. 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 ensure public safety or to preserve or enhance symmetry and beauty of such public grounds. Trees planted by in Village property will be a minimum of one and three-fourths (1.75) inches in diameter.

The Ada Tree Commission may remove, cause or order to be removed, any tree or part thereof which is in an unsafe condition, or a sight hazard, 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 that the selection and location of said trees are in accordance with Sections 7 thru 11 of this ordinance.

## **SECTION 12. 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 inches in diameter within the tree's crown to such a degree 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 at the determination of the Ada Tree Commission.

### **SECTION 13. PRUNING, CORNER CLEARANCE**

The owner of any tree overhanging any street or right-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 shall be a clear space of eight feet (8) 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 streetlight or interferes with visibility of any traffic control device or sign.

### **SECTION 14. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

The Village shall have the right to cause removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and/or property, or creates a blight condition, harbor insects or disease which constitutes a potential threat to other trees within the Village. The Ada 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 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 the trees and charge the cost of removal on the owner's property tax notice.

### **SECTION 15. 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 16. ABUSE OR MUTILATION OF TREES**

It shall be a violation of this ordinance to abuse, girdle, 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 to be used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or cause or permit any wire charged with electricity to come in contact with any such tree, 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 17. INTERFERENCE WITH THE ADA TREE COMMISSION**

No person shall prevent, delay, or interfere with the Ada Tree Commission, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying, or removing of any street trees, park trees or trees on private ground, as authorized in this ordinance.

**SECTION 18. VILLAGE TREE CARE LICENSE FEE AND BOND**

No person or firm shall engage in business or occupation of pruning, treating, removing trees, or grinding the stumps thereof, within the Village without first obtaining a license. The license shall be \$25.00 annually in advance. Before any license shall be issued, each applicant shall first file a certificate of liability insurance that verifies possession of general liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000) for bodily injury and five hundred thousand dollars (\$500,000) for property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as described herein.

**SECTION 19. NEW SUBDIVISION**

In conjunction with Ordinance 81-2, a sub divider is required to provide all street trees required for the subdivision per the Tree Commission requirements. These trees shall be a minimum of one and three fourths (1.75) inches in diameter and all plantings will comply with this Ordinance.

**SECTION 20. REVIEW BY VILLAGE COUNCIL**

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

**SECTION 21. 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. Each day the violation continues will be a separate offense.

**SECTION 22. CONFLICT**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed: May 18, 2021

David C. Retter  
Mayor

ATTESTED BY:  
Patty J. Mavri  
Village Fiscal Officer