

CHAPTER 907
Trees

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CROSS REFERENCES

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

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

Injury or destruction of trees and growing products—see GEN. OFF. 541.04

907.01 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein and when not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. "Shall" is mandatory and not merely directory.

- (a) "City" means the City of Springfield, Ohio.
- (b) "Park Board" means the Board of Parks and Recreation.
- (c) "City Forester" means the qualified designated official of the City assigned to carry out the execution of the chapter.
- (d) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind, public or private.
- (e) "Street or highway" means the entire width of every public way, easement, or right of way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic, and includes alleys.
- (f) "Park" includes all public parks having individual names.
- (g) "Public places" includes all other grounds owned by or under the control of the City.

- (h) "Property line" means the outer edge of a street or highway easement.
- (i) "Treelawn" means that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway used for vehicular traffic, usually the area between sidewalk and curb.
- (j) "Public trees" includes all shade and ornamental trees now or hereafter growing on any street or any public place.
- (k) "Shade or ornamental tree or shrub" means any and all woody vegetation.
- (l) "Principal thoroughfare" means any street upon which trucks are not prohibited.
- (m) "Property owner" means the person owning such property as shown by the County Auditor's plat of Clark County, Ohio.
- (n) "Tree work" means and includes planting, maintenance, protection and removal of trees.
- (o) "Dripline" means the approximately circular vertical extension to the ground of the outermost branches and leaves of the tree, as an indication of the spread of the root system.
(Ord. 75-272. Passed 9-23-75.)

907.02 CITY FORESTER.

There shall be a qualified City Forester, who shall be appointed by and serve at the pleasure of the Park Board.
(Ord. 75-272. Passed 9-23-75.)

907.03 DUTIES AND AUTHORITY.

As an employee of the Park Board, the City Forester shall perform all duties assigned by the Park Board, which duties include:

- (a) Enforce or cause to be enforced the provisions of this chapter.
- (b) Enforce arboricultural specifications and standards of practice as adopted by the Shade Tree Commission, which shall govern the selection, planting, maintenance, protection and removal of public trees and trees in other public places.
- (c) Issue a license to any person engaged in tree work within the City who fulfills the licensing requirements of the chapter.
- (d) Issue orders and permits for the planting, maintenance, protection and removal of trees as defined in Sections 907.06 and 907.08.
- (e) Investigate complaints from any person concerning the planting, maintenance, protection and removal of any tree.
- (f) Encourage and foster the planting of trees and other vegetation for the beautification of the City, and disseminate information to the public concerning proper selection and care of trees.
(Ord. 75-272. Passed 9-23-75.)

907.04 SHADE TREE COMMISSION.

(a) There shall be created a commission to be known as the Shade Tree Commission, comprised of twelve members, who shall serve without pay. Ten members, a majority of whom shall be residents of the City, shall be appointed by the City Commission. The eleventh member shall be the City Forester, who shall be an ex-officio member. The twelfth member shall be an ex-officio member, either the Service Director, the City Engineer or the City Traffic Engineer, as appointed by the City Manager. Only the ten members appointed by the City Commission to the Commission shall be entitled to vote. The ten members appointed by the City Commission shall serve for a three-year term, except that for the initial term, these members shall be appointed respectively: four one-year terms, three two-year

terms, and three three-year terms. Vacancies shall be filled for unexpired terms in the same manner as original appointments.
(Ord. 00-456. Passed 12-19-00.)

(b) The Commission shall elect a chairman who shall serve for a one-year term and not more than two consecutive terms, shall adopt its own procedures, and meet at least quarterly. All official meetings shall be public and all resolutions adopted shall carry at least six affirmative votes. The City Forester shall act as secretary for the Commission. The duties of the Commission shall be as follows:

- (1) To receive complaints from any person concerning the acts or failure to act of any other person within the provisions of the chapter; to conduct hearings for the purpose of determining the facts; to mediate and to attempt resolution of these complaints.
- (2) To deny, suspend or revoke licenses of any person engaged in tree work, on demonstration of proof satisfactory to the Commission that such action is warranted because of insufficient competence or failure to comply with the provisions of this chapter or other ordinances of the City.
- (3) To give testimony to any court of jurisdiction on request.
- (4) To establish reasonable criteria with the advice of the City Forester for the granting of licenses to persons wishing to engage in tree work.
- (5) To recommend legislation concerning the selection, planting, protection and removal of trees, including emergency legislation to require whatever measures are necessary to control insect and disease infestations that threaten the continued existence of tree species.
- (6) To adopt official reasonable arboricultural specifications and standards of practice, which shall be binding on all persons engaged in tree work.
- (7) To adopt a master Shade Tree Plan, with the advice of the City Forester. Such Plan shall be limited to public trees and other public places and shall provide a reasonable selection of trees suitable for each type of location. It may provide prohibitions against the planting of undesirable tree species.

(c) Nothing in this section shall act to prevent any person from pursuing his claim in a court of jurisdiction before, during or after an investigation by the Commission.
(Ord. 82-571. Passed 12-14-82.)

907.05 REGISTRATION LICENSE.

(a) No person shall solicit for or engage in tree work within the limits of the City without first obtaining from the City Forester a written license. Such licenses shall be granted by the City Forester upon the filing of proper application to be furnished by him, and furnishing satisfactory proof that such applicant is reasonably qualified by experience, training and reputation to engage in such tree work. A fee of fifty dollars (\$50.00) shall be charged for the issuance of such license and each such license shall be for a period of two years.

(b) Every such person, as defined, shall have at least one individual who is licensed to perform tree work within the City. If such licensee ceases to represent such person, then no person shall engage in tree work until another individual is licensed as provided herein. All tree work performed by such person shall be under the supervision or direction of such licensee.

(c) No license shall be valid until the applicant has proof of the following:

- (1) A bond in the amount of two thousand dollars (\$2,000) guaranteeing compliance with this chapter.
- (2) A liability insurance policy with limits of bodily injury, one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident and property damage of twenty-five thousand dollars (\$25,000). Such policy shall contain an endorsement that ten days notice shall be given the City in the event of cancellation. The bond and policy shall remain in effect during the license period. Noncompliance with this subsection shall be cause for immediate cancellation of any license.

(d) All tree work, performed by such persons having at least one individual who is licensed to perform tree work within the City, or private or public property, shall be performed according to the arboricultural specifications and standards of practice established by the Shade Tree Commission.

(e) Exclusions: The owner or occupant of any premises desiring to do tree work on such premises shall be exempted from these licensing provisions. However, the owner or occupant of any premises desiring to do tree work on public trees shall perform such tree work according to the arboricultural specifications and standards of practice established by the Commission. Employees of the City, when operating in the scope of their employment, shall be exempted from these licensing provisions.

(Ord. 75-272. Passed 9-23-75.)

907.06 PERMITS REQUIRED.

(a) No person shall plant or remove any public tree in the treelawn or other public place without first procuring a permit from the City Forester. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the Shade Tree Commission.

(b) No person shall excavate any ditches, trenches or do other subsurface work within the dripline of a public tree without first procuring a permit from the City Forester.

(c) No person shall by any type of construction reduce the size of a treelawn without first procuring a permit from the City Forester.

(d) Application for permits shall be made at the office of the City Forester no less than five days in advance of the time the work is to be done. In cases of emergency, the City Forester may waive this requirement. The City Forester shall issue the permit provided that in his judgment the proposed work gives reasonable protection to the public trees under the individual circumstances in the case.

(e) A person who removes or causes to be removed a public tree from the treelawn or other public place may be required as a part of the issuance of a permit to replace such tree at the appropriate planting time next following for the species selected.

(f) Exclusion: The Park Board shall be exempted from these permit provisions. All departments of the City shall be exempt from these permit provisions subject only to the notification procedures of Section 907.07(d).

(Ord. 75-272. Passed 9-23-75.)

907.07 PROTECTION OF TREES.

(a) In the erection, alteration or repair of any building, structure or other work, the owner, his agent or individual contractor shall take all measures necessary to prevent injury to public trees or trees growing in public places.

(b) No person shall deposit, place, store or maintain upon any treelawn or public place any stone, brick, sand, concrete or other materials which may impede the free passage of water, air or nutrients to the roots of any tree growing therein except by written permit of the City Forester.

(c) Unless specifically authorized by the City Forester, no person shall intentionally damage, cut, carve, transplant or remove any public tree; attach a rope, wire, nails, advertising posters or other contrivances to any public tree; allow any gaseous liquid or solid substance which is harmful to such public trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.

(d) All employees or agents of the City who plan, approve or execute any construction project that will affect any trees in a treelawn or other public place shall notify the City Forester of such project.
(Ord. 75-272. Passed 9-23-75.)

907.08 DANGEROUS TREES AND OBSTRUCTIONS.

The owner, or his agent, of every lot or parcel of land in the City upon which there exists a dead or dangerous tree shall, within fourteen days of delivery of a written notice of the City Forester cause such tree to be removed or pruned. The notice and written order may be served in person or left at the owner's usual place of residence. Service of the written notice and order may be by the City Forester or his agent. If the person to whom such notice is addressed cannot be found within the City, then such notice may be sent by registered or certified mail to the last known address of such person. If there is no last known address of such person or the mail is returned, a notice and order may be published once in a newspaper of general circulation within the City.

A dangerous tree shall be any tree that, in the opinion of the City Forester, represents a clear and present danger of falling because of its condition, or any tree that has dead, decayed or broken limbs or branches that create a danger or hazard to the life, safety or property of the people of this City.

A dangerous tree shall also include one that obstructs or shades streetlights, obstructs the passage of pedestrians on sidewalks or obstructs the view of any street or alley intersection. The minimum clearance of any overhanging tree branch or portion thereof shall be fifteen and one-half feet above the pavement of any sidewalk, alley, street or principal thoroughfare.

907.10 TRIMMING TREES NEAR STREETLIGHTS.

Any owner, occupant or agent of any premises shall trim and keep trimmed all trees growing near any streetlight so that no branches thereof shall be nearer horizontally than six feet to any such light or the post whereon it is placed.
(Ord. 90-626. Passed 11-27-90.)

907.11 FAILURE OF OWNER TO ACT.

If the owner or his agent fails to comply with any order of the City Forester as provided for in this chapter, the City Manager may order the work to be performed by the City

Forester and the cost thereof to be charged against the land as a Municipal lien or to be recovered in a suit at law against the owner.

(Ord. 75-272. Passed 9-23-75.)

907.12 APPEALS.

Any person affected by any rule or regulation prepared by the City Forester pursuant to this chapter may request and shall be granted a hearing before the Shade Tree Commission. Such appeal shall be requested in writing and the Commission shall have the power to reverse or affirm, in whole or in part, or modify such rule or regulation when, upon appeal, it clearly appears:

- (a) That the rule or regulation is not consistent with the provisions of this chapter.
- (b) That by reason of special conditions, undue hardship shall result from a literal application of such rules and regulations.

(Ord. 75-272. Passed 9-23-75.)

907.13 INTERFERENCE WITH CITY FORESTER.

No person shall hinder, prevent, delay or interfere with the City Forester or any of his designates while engaged in carrying out the execution or enforcement of this chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

(Ord. 75-272. Passed 9-23-75.)

907.14 MEMORIAL TREE FUND

(a) There is hereby established an "802 Memorial Tree Fund." Donations to the City for the purpose of the planting, replacement, maintenance, and care of trees within the City shall be deposited in the 802 Memorial Tree Fund. The City's Finance Director is hereby authorized to accept cash donations on behalf of the City for the aforesaid purposes and shall deposit such donations into the 802 Memorial Tree Fund. Funds appropriated from the City funds designated for capital improvements for the purpose of the planting, replacement, maintenance, and care of trees within the City may be deposited in the 802 Memorial Tree Fund. Funds deposited in the 802 Memorial Tree Fund shall be used to purchase memorial trees, provide materials necessary for planting and on-going maintenance of memorial trees, replacement of memorial trees, and the removal of memorial trees when they become too large, diseased, or otherwise dangerous.

(b) The City Manager shall establish a policy fixing the dollar amount of donations which the City will require to have each memorial tree planted. The donation amount shall be of a sum sufficient to provide for the purchase and planting of the memorial tree and for normal maintenance of the memorial tree for the expected useful life of the species of tree selected by the City Forester.

(Ord. 93-166. Passed 5-25-93.)

907.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter shall be fined not more than five thousand dollars (\$5,000) or imprisoned not exceeding sixty days, or both.

(Ord. 75-272. Passed 9-23-75.)