



# ORDINANCE 2020-06 OF THE VILLAGE OF ASHVILLE



AN ORDINANCE AMENDING CHAPTER 521.11 WEEDS, LITTER, TREES  
(ORDINANCE 1991-18) AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Ashville, Ohio regulates by ordinance weeds, litter, and trees;  
and

WHEREAS, it becomes necessary on occasion to adjust those regulations.

WHEREAS, the following changes will be made to Chapter 521.

SECTION ONE - Changes to Chapter 521.11 and 522, see pages two (2) through fifteen (15)

SECTION TWO - That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, and shall go into full force and effect immediately upon its passage by Council.

Offered by: Nelson R. Embrey

Seconded by: Randy S. Loveless

Upon roll call on the adoption of the ordinance, the vote was as follow:

Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No  
Roger L. Clark   Nelson R. Embrey   Randy S. Loveless   R. David Rainey   Tracie N. Sorvillo   Darryl E. Ward

PASSED THIS 28<sup>th</sup> DAY OF SEPTEMBER, 2020

ATTEST:  
  
April D. Grube, Clerk-Fiscal Officer

DATE: 10/2/2020

APPROVED:  
  
Charles K. Wise, Mayor

DATE: 29 SEP 2020

Prepared:  
08/13/2020 Revised Date:

Review Date:

### CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 28<sup>th</sup> day of September 2020, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer  
(TITLE)



## CHAPTER 521: HEALTH, SAFETY AND SANITATION

### Modification of Chapter 521.11

#### § 521.11 Litter.

- (a) No owner, agent, lessee, tenant or occupant having charge of or responsibility for any lot or land within the Village shall cause or allow litter to be collected or to remain upon such land which constitutes or may cause a detriment to public health.

As used in this section, “litter” includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, oil, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, or anything else of an unsightly or unsanitary nature.

- (b) If it is determined by the Village Administrator or designee, that litter has accumulated on any premises in violation of subsection (a) hereof, the Village Administrator or designee shall issue a notice of violation by certified mail to the owner, agent, lessee, tenant or occupant that such litter must be collected and removed within fifteen days after service of the notice. If the owners or other such persons are nonresidents whose address is known, notice shall be sent to such address. If the address of such owners or other persons, whether residents or nonresidents, is unknown, then it shall be sufficient to publish such notice once in a newspaper of general circulation in the Village.
- (c) Upon failure to comply with the notice set forth in subsection (b) hereof within the time period stipulated, the Village Administrator or designee is authorized to enter upon such lots or lands and cause the litter to be collected and removed constituting a nuisance or endangering the public health, by the direct employment of Village laborers, or to authorize some person to perform the service on behalf of the Village.
- (d) Upon the performance of the labor as set forth in subsection (c) hereof, the Village Administrator or designee shall report the cost thereof to Council, including the cost of investigation, the cost of handling of nuisance complaints, and the cost of service and notification, and thereafter, upon approval of Council, the Village Fiscal Officer shall make a return of such costs, in writing, to the Auditor of Pickaway County, who shall enter the same upon the tax duplicate of the County, in accordance with the Ohio Revised Code. Such remedy shall be in addition to the penalty provided in subsection (i) hereof.
- (e) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance, to operate a junk yard, scrap metal processing facility, or similar businesses, or a permit or license issued pursuant to Ohio R.C. Chapter 3734, Sections 4737.05 to 4737.12, or Chapter 6111.
- (f) Any person who violates any provision of this section shall be guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues after the periods for compliance set forth in subsections (b) hereof.

## CHAPTER 522: TREES, WEEDS AND SHRUBS

Section

522.01	Purpose
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522.04	Tree Advisory Board
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522.17	Trees, hedges and shrubbery
522.18	Cutting and removal of weeds, grass and other overgrown vegetation
522.19	Destruction of shrubs, trees or crops

**Statutory reference:**

*Local authority to regulate trees, shrubs and the like, see O.R.C. § 715.20*

**§ 522.01 PURPOSE.**

- (A) To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the Village Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions. Trees and shrubbery growing within the public right-of-way are the responsibility of the abutting property owner for care and maintenance but remain there only by consent of the village. No such tree, if removed, may be replaced except by permission of the village.

**§ 522.02 AUTHORITY AND POWER.**

- (A) Delegation of authority and responsibility. The Village Administrator and/or their designee, hereinafter referred to as the "Village Administrator", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, village parks, and other public property with recommendation from Tree Advisory Board. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (B) Coordination among village departments. All village departments will coordinate as necessary with the Village Administrator and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Village Administrator.
- (C) Interference. No person shall hinder, prevent, delay, or interfere with the Village Administrator or their agents while engaged in carrying out the execution or enforcement of this Ordinance.

### § 522.03 ADMINISTRATION OF TREE PROVISIONS AND DEFINITIONS.

- (A) *Administration.* The Village Administrator and/or their designee with recommendation from Tree Advisory Board shall administer and enforce the provisions of this chapter and designate the Village department(s) which shall carry out any provisions requiring village action.
- (B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DAMAGE** – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**INTERSECTION TRIANGLE** - Is a sight triangle along the boundary of each of the intersecting curb lines. Sight triangles vary depending upon the type of street.

**NUISANCE** – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

**PARKWAY** – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**PERSON** - Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PROPERTY OWNER** - The person owning such property as shown by the County Auditor's Plat of the Village of Ashville, Pickaway County, Ohio, including the executor, administrator, or beneficiary of the estate of a deceased owner.

**PUBLIC PLACES(Property)** - Shall include all other grounds owned or controlled by the Village of Ashville.

**PUBLIC TREES** - Shall include all trees now or hereafter growing on any public places.

**RIGHT-OF-WAY** - A strip of land dedicated for use as a public roadway or dedicated for public use. In addition to the roadway, a right-of-way normally incorporates the curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**SHRUB** - A low growing woody plant with one or several perennial main stems producing branches, shoots, or multiple stems from or near the base of the plant and incapable of being pruned to provide at least six feet of clear branchless trunk within five years of planting.

**STREET** or **HIGHWAY** - The entire width of every public way, easement or right-of-way when any part thereof is open to the public, as a matter of right, for the purpose of vehicular and pedestrian traffic, and shall include alleys.

**TREE** - A tall growing woody plant with one or more perennial main stems or trunk which develops branches from the aerial section of the stem rather than from the base; capable of being pruned to at least six feet of clear branchless trunk below the crown within five years of planting.

**TREE TOP** or **TOPPING** - The non-standard practice of cutting back of limbs to stubs of three inches or more in diameter within a tree's crown to such a degree to remove the normal canopy and disfigure the tree.

**TREELAWN** - That part of a street or highway, lying between the sidewalk and that portion of the street or highway usually used for vehicular traffic.

## **§ 522.04 TREE ADVISORY BOARD.**

The Village Council hereby creates a “Tree Advisory Board,” hereinafter referred to as the “Board.”

- (A) Membership. The Board shall consist of seven members approved by Village Council. Members of the Board will serve without compensation.
- (B) Term of office. Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by Village Council.
- (C) Officers. The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- (D) Meetings. The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.
- (E) Duties. The Board shall act in an advisory capacity to the Village Administrator and shall:
  - (1) Coordinate and promote Arbor Day activities;
  - (2) Review and update a five-year plan to plant and maintain trees on village property;
  - (3) Support public awareness and education programs relating to trees;
  - (4) Review village department concerns relating to tree care;
  - (5) Submit an annual report of its activities to the Village Council;
  - (6) Assist with the annual application to renew the Tree City USA designation;
  - (7) Develop of a list of recommended trees for planting on village property, and a list of prohibited species; and
  - (8) Other duties that may be assigned by Village Council.

### **§ 522.05 TREE PLANTING, CARE, AND MAINTENANCE.**

- (A) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture, Exhibit One.
- (B) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (C) Preferred species list. The Village Administrator shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Village Administrator, see Exhibit Two.
- (D) Planting distances. The Village Administrator with the advice of the Tree Advisory Board shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility intersection triangle of a street or within ten (10) feet of a fire hydrant. At intersection triangle of roadways, no plant material with a mature height greater than thirty-six inches and less than eight feet shall be planted within the sight triangle along the boundary of each of the intersecting curb lines. Sight triangles vary depending upon the type of street. No plant shall be planted in such a location so as to create a conflict with the sight obstacle triangle
- (E) Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official village tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.
- (F) Planting trees near underground utility. All trees must maintain a distance of (5) lateral feet of any water, sewer, storm, gas, electric, cable, or any other utility found underground.
- (G) Protection of public trees during construction, and to protect the tree, including, but not limited to, placing barriers around the tree to prevent damage.
- (H) Trees and shrubbery growing within the public right-of-way are the responsibility of the abutting property owner for care and maintenance, but remain there only by consent of the village. No such tree, if removed, may be replaced except by permission of the village.
- (I) Each day's violation of this section constitutes a separate offense.
- (J) Whoever violates this section is guilty of a minor misdemeanor.

### **§ 522.06 VILLAGE APPROVAL PROCESS FOR TREES.**

- (A) No person shall hereafter plant any tree in a public place or street right-of-way without first obtaining written Village Approval. Village Approval shall also be obtained for the pruning, trimming or cutting down of trees on public streets or in public places. However, the agent of the Village shall not be required to obtain an Approval for this purpose.
- (B) The Village Approval obtained under the provisions of this chapter shall be in accordance with provision found in a Schedule, see Exhibit Three. Each Village Approval shall be valid for a period of 30 days from the date of issuance. However, such Approval may be revoked by the Village, when it is determined that any Village Approval holder is operating in violation of this chapter.
- (C) Each day's violation of this section constitutes a separate offense.
- (D) Whoever violates this section is guilty of a minor misdemeanor.

### **§ 522.07 PROHIBITED TREES.**

- (A) Any tree not on the approved tree list for planting within public right-of-way shall not be used for planting along public streets or on private property so as to constitute a nuisance to any public streets, sidewalks or ways. No tree of any type shall be planted which is diseased.
- (B) Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this chapter, the village may cause removal of the same without obligating the village to replace the illegally planted tree(s).
- (C) Each day's violation of this section constitutes a separate offense.
- (D) Whoever violates this section is guilty of a minor misdemeanor.

### **§ 522.08 LOCATION OF TREES.**

- (A) No tree shall be planted in the strip between the street and sidewalk where such strip is less than four-foot extra small tree, six-foot small tree, eight-foot medium tree, and ten-foot wide large tree, see Exhibit Two.
- (B) No public tree shall be planted closer than 35 feet from any street corner, measured from the point nearest the intersecting curbs or curb lines. No public tree shall be planted closer than ten feet to any fire hydrant.
- (C) (1) The distance public trees may be planted from curbs or curblines and sidewalks shall be not less than two feet and shall be within a ten-foot tree lawn, see Exhibit Two.  
(2) Except in special plantings designed or approved by the Planning Commission with recommendation by the Tree Advisory Board.
- (D) (1) The spacing of public trees shall not be within 30 feet of each other at the time of planting.  
(2) Except in special plantings designed or approved by the Planning & Zoning Board with recommendation by the Tree Advisory Board.
- (E) The Tree Advisory Board shall review and make recommendations to the Planning & Zoning Board the tree plan for any newly developed Village tree lawns in new subdivisions.
- (F) Each day's violation of this section constitutes a separate offense.
- (G) Whoever violates this section is guilty of a minor misdemeanor.

### **§ 522.09 TREE REMOVAL.**

- (A) Any tree on public property which is diseased or is a nuisance or a hazard to public safety may be removed by order of the Village Administrator, or their designee or on request of the abutting property owner at village expense. Any trees listed in § 522.07 growing on public or private property which interfere with sewer lines or constitute a public nuisance or a hazard, or any trees on private property which overhang a public street or sidewalk which constitute a public nuisance or hazard may be ordered removed by the Village. Where such trees are on private property, removal shall be at the property owner's expense.
- (B) 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.
- (C) The village may inspect trees 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 damage or obstruction of such sewer, drain, manhole or public utility line, he/she 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 45 days.
- (D) Whenever it is necessary for the Village to remove a tree from Village right-of-way, the Village shall remove such trees and replace them or plant, on another right-of-way area, 25% of those removed, with a minimum of one. Roadway projects are exempt.
- (E) No person or property owner shall remove a tree from the right-of-way for any reason without approval from the Village. Should approval be given for the removal, the person shall be required to replant or replace 25% of those removal, up to two inch caliper, at the adjacent property owner's cost. The Village must approve the replacement or replanting. Failure to plant replacements shall result in replacement by the Village at the adjacent property owner's cost.
- (F) Each day's violation of this section constitutes a separate offense.
- (G) Whoever violates this section is guilty of a minor misdemeanor.

### **§ 522.10 PROTECTION OF PUBLIC TREES.**

- (A) No person shall abuse trees or mutilate any tree or shrub on a public street or other public place, or attach any rope or wire, other than one used to support a young or broken tree, sign, poster, handbill or anything to such trees. Utility companies shall be responsible for keeping overhead lines from coming in contact with trees and from allowing gaseous substances to cause damage to trees.
- (B) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Village Administrator.
- (C) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree.
- (D) No person shall deposit, place, store, or maintain upon any public place of the Village, any stone, brick, sand, concrete, or other materials within the dripline of the tree.
- (E) It shall be unlawful for any person, firm or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Village Administrator.
- (F) Each day's violation of this section constitutes a separate offense.
- (G) Whoever violates this section is guilty of a minor misdemeanor.



### **§ 522.11 TREE TRIMMING.**

- (A) Any tree growing on public property or a street right-of-way shall be kept trimmed by the abutting property owner so as to allow a minimum of eight feet of clearance where it overhangs a sidewalk, sidepath or bikeway and 12 feet where it overhangs a street.
- (B) Any tree growing on private property which overhangs a public street, sidewalk, sidepath or bikeway shall be kept trimmed by the property owner so as to allow a minimum of eight feet of clearance where it overhangs a sidewalk, sidepath or bikeway and 12 feet where it overhangs a street.
- (C) It shall be the duty of any property owner owning or occupying property bordering on right-of-way upon which property there may be trees or shrubs, to prune or cause to be pruned, such tree or shrub in a manner that they will not obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.
- (D) It shall be the duty of any person owning or occupying property bordering on right-of-way upon which there are any trees or shrubs which are designated by the Village as dead, dying, diseased, or hazardous or deemed a menace to the health, safety, and welfare, to remove or cause to be removed said tree(s) and/or shrub(s).
- (E) Whoever violates this section is guilty of a minor misdemeanor.

### **§ 522.12 ADJACENT OWNER RESPONSIBILITY.**

- (A) The owner of land adjacent to any village street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the adjacent parkway area.
- (B) No property owner shall allow a tree, or other plant growing on their property or within the adjacent parkway to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Village Administrator shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost to the property owner.

### **§ 522.13 CERTAIN TREES DECLARED A NUISANCE.**

- (A) Any tree, or limb thereof, on private property determined by the Village Administrator to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.
- (B) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Village may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Village Administrator within the written notification period.

## **§ 522.14 COMPLIANCE AND APPEAL.**

- (A) If any property owner fails to comply with a notice or order of the Village to trim or remove a tree on private property or public right-of-way, as provided herein, the Village shall cause such tree to be removed or trimmed and the cost shall be assessed against the real estate of the property owner or the property owner abutting public right-of-way. Section 727.01, and 723.01, Revised Code
- (B) Any person directly affected by a decision, notice or order issued under this code shall have the right to appeal. This will be to the Village Council Service Committee in conciliation with the Village Tree Advisory Board, provided that a written application for appeal is filed within 15 days from the date of the decision, notice or order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals heard by the Village Council Service Committee shall be submitted on forms provided by the Village.
- (C) In either of the above situations, the Village shall send a written notice to the property owner indicating the required action (pruning or removal) to be taken. A period of 30 days from date of this notice shall be permitted for the property owner to affect the indicated action. Should the property owner or occupant fail to comply, it shall be lawful for the Village to enter upon the property and cause such action. The property owner or occupant shall be charged the actual cost of the work plus administrative fee and payment shall be made within 30 days or the actual cost of the work plus administrative fee shall be assessed to the property taxes.

### § 522.15 WEEDS AND GRASS.

- (A) No owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same is improved, unimproved, vacant or occupied, shall permit any weeds or grass to grow thereon to a height exceeding ten inches, except for the following conditions:
- (1) All vacant lots or parcels of land, five acres or more in area, must be mowed over its entire area on at least two occasions every calendar year, the first mowing to occur on or before May 15<sup>th</sup> and the second mowing to occur between September 1<sup>st</sup> and October 15<sup>th</sup>.
  - (2) All vacant lots or parcels of land, five acres or more in area, in any zoning district, abutting or adjacent to developed areas, shall at all times be cut and maintained with a mowed fifty foot setback from the front property line and any developed areas, at a height not to exceed eight (8) inches, and shall, in addition, be mowed over its entire area on at least two occasions every calendar year, the first mowing to occur on or before May 15<sup>th</sup> and the second mowing to occur between September 1<sup>st</sup> and October 15<sup>th</sup>.
- (B) The owner, occupant or person having the charge or management of any lot or parcel of land abutting public right-of-way shall be responsible for cutting and/or removing all grass and weeds over eight (8) inches in the area between the curb and sidewalk, or between the edge of the pavement and the property line where there is no curb or sidewalk, or the area between the center line of an unimproved alley or street and the property line.
- (C) For the purpose of this section, the term **WEEDS** means any vegetation commonly referred to as a weed and shall also include, but not limited to, grasses, annual plants and vegetation; however, this term shall not include cultivated vegetation such as flowers, ornamental plants, trees, shrubs, agricultural crops and gardens that are reasonably maintained.
- (D) Each day's violation of this section constitutes a separate offense.
- (E) Whoever violates this section is guilty of a minor misdemeanor.

### § 522.16 NOXIOUS WEEDS.

- (A) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same is improved, unimproved, vacant or occupied, shall cut and destroy all noxious weeds.
- (B) For the purpose of this section, **NOXIOUS WEEDS** shall mean those plant species including, but not limited to, those listed in Chapter 901:5-37 of the Ohio Administrative Code and thistles, burdocks, jimson weeds, ragweeds, milkweeds, mulleins, poison ivy, poison oak, poison sumac, or other plant species of rank growth which may potentially create, directly or indirectly, an unhealthy or unsafe condition.
- (C) Each day's violation of this section constitutes a separate offense.
- (D) Whoever violates this section is guilty of a minor misdemeanor.

**Statutory reference:**

*Notice to owner to cut noxious weeds or remove litter - service, see R.C. § 731.51*

**§ 522.17 TREES, HEDGES AND SHRUBBERY.**

- (A) All trees, hedges, shrubbery or other vegetation shall be kept properly maintained and shall not be permitted to become overgrown or unsightly, constituting a blighting factor to adjoining property.
- (B) Each day's violation of this section constitutes a separate offense.
- (C) Whoever violates this section is guilty of a minor misdemeanor.

**§ 522.18 CUTTING AND REMOVAL OF WEEDS, GRASS AND OTHER OVERGROWN VEGETATION.**

- (A) The owner of any lot or parcel of land situated within the corporate limits that is determined to be out of compliance with §§ 522.15, 522.16 or 522.17, whether the same is improved or unimproved vacant or occupied, within five days written notice to do so, shall cause to be cut and/or to remove, weeds, noxious weeds, grass, trees, shrubbery or other overgrown vegetation upon such lot or parcel or upon any street, public place or tree lawn abutting such lot or parcel.
- (B) (1) Those properties found to be in violation of §§ 522.15, 522.16 or 522.17 shall have a written notice conspicuously placed on the premises for a period of five days. Said notice shall contain the following information:
  - a. The nature of the code violation;
  - b. An order to cut or remove the weeds or grass within five days;
  - c. A statement indicating that should the property owner fail to comply with the order, the Village will cause the weeds or grass to be cut or removed at the owner's expense, and the Village will place a lien on the property; and
  - d. Contact information of the appropriate Village agency.(2) Such notice shall remain on the property until the property is brought into compliance with §§ 522.15, 522.16 or 522.17. Removal of the notice before the property is brought into compliance shall constitute a violation of this section.
- (C) In the event that the owner does not comply with the provisions of this section, the Village Manager is authorized to enforce the provisions of this section, and cut and/or remove such weeds, noxious weeds, grass, trees, shrubbery or other overgrown vegetation.
- (D) The Village may collect the cost by including administrative and related cost, to be certified to the County Auditor to be entered upon the tax duplicate and there shall be a lien upon such land and collected as other taxes and returned to the Village.
- (E) Whoever violates or fails to comply with this section is guilty of a minor misdemeanor.
- (F) A separate offense is deemed committed each day on which a violation occurs or continues.

**§ 522.19 DESTRUCTION OF SHRUBS, TREES OR CROPS.**

- (A) No person, without privilege to do so, shall recklessly cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land.
- (B) No person shall plant, prune, brace, cable, spray, or otherwise perform work on a tree in a treelawn or other public place without first obtaining the prior approval. The Village shall require the property owner to obtain a Village Approval. The person obtaining Village Approval shall abide by the standards as set forth in this chapter.
- (C) In addition to any penalty provided, whomever violates this section is liable and treble damages for the injury caused.
- (D) Whoever violates this section is guilty of a minor misdemeanor.

Reference5

70630 *Injuring vines, bushes, trees, or crops on land of another, see R.C. § 901.51*

American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations"

Will add as an Exhibit

*Exhibit Two*

No species other than those included in this list may be planted as Street Trees without written permission of the Village Tree Advisory Board.

<b>Extra Small Trees</b>	<b>Small Trees</b>	<b>Medium Trees</b>	<b>Large Trees</b>
<i>Pendulum weeping Japanese Pagodatree (15-20)</i>	<i>Summer Sprite Tree (25)</i>	<i>Persian Parrotia (30)</i>	<i>His Majesty Cork Tree (40)</i>
<i>Red Buckeye (15-20)</i>	<i>Wireless Zelkova (25)</i>	<i>Trident Maple (30)</i>	<i>American Hop</i>
<i>Allegheny Serviceberry (15-25)</i>	<i>Japanese Tree Lilac (25)</i>	<i>Carolina Silverbell (35)</i>	<i>Hornbeam (40)</i>
<i>Pagoda Dogwood (15-25)</i>	<i>Paperbark Maple (25)</i>	<i>Goldenrain Tree (30-35)</i>	<i>Chinese Elm (40)</i>
<i>Eastern Redbud (20)</i>	<i>City Sprite Tree (25)</i>		<i>Frontier Elm (40)</i>
<i>Dwarf Chinkapin Oak (20)</i>	<i>Thornless Cockspur</i>		<i>Thornless Honeylocust(45)</i>
<i>Apricot Tree (16-20)</i>	<i>Hawthorne sp.(20-30)</i>		<i>Chinkapin Oak (45)</i>
<i>Kousa Dogwood (20-25)</i>	<i>Amur Maackia (25)</i>		<i>American Yellowwood (30-50)</i>
			<i>Kentucky Coffeetree (5)</i>
			<i>Sugar Maple (50)</i>
			<i>Japanese Pagoda Tree(50)</i>
			<i>Shingle Oak (50)</i>
			<i>Pioneer Elm (40-60)</i>
			<i>Magnifica Hackberry(50-60)</i>
			<i>Bloodgood London</i>
			<i>Planetree (60)</i>
			<i>Japanese Zelkova (50-70)</i>

\* Please note: The above species are offered as size class examples only and may not be suitable for planting in your area. Please check with local sources to develop a species list.

**Spacing -** The spacing of Street Trees will be in accordance with the four species size classes listed above, and no trees may be planted closer together than the following:

Extra Small Trees, 15-20  
Small Trees, 20-25 feet;

Medium Trees, 25-40 feet;  
and Large Trees, 40-50 feet;

except in special plantings designed or approved by a landscape architect.

**Distance from Curb and Sidewalk -** 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 the above Table, and no trees may be planted closer to any curb or sidewalk than the following: Extra Small Trees 2 feet, Small Trees, 3 feet; Medium Trees, 4 feet; and Large Trees, 5 feet.

**Distance from Street Corners and Fire Hydrant -** No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fire hydrant.

**Utility -** No Street Trees other than those species listed as Extra Small or Small Trees in above Table may be planted under or within 15 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, storm, transmission line or other utility.

**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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Village Tree Advisory Board may remove or cause or order 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 does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Chapter 522.

Fee Schedule

*Currently No Fees.*