

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE REPEALING ORDINANCE NO.
47-08 AND ESTABLISHING A TREE
COMMISSION ORDINANCE AND ENACTING
SECTIONS 153.01, 153.02, 153.03, 153.04,
153.05, 153.06, 153.07, 153.08, 153.09 OF THE
CODIFIED ORDINANCES OF GENOA.

WHEREAS, Village Council has deemed it necessary to provide a procedure for appointing membership and a chairperson for the Tree Commission, and establishing duties, procedures and guidelines for the Tree Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GENOA, OTTAWA COUNTY, OHIO:

SECTION 1. That Section 153.01 of the Codified Ordinances of Genoa shall be amended and now shall read as follows:

153.01 ESTABLISHED.

- (a) Council hereby establishes a Tree Commission in the Village. The Tree Commission will endeavor to maintain annually the Village as a Tree City USA community. Tree Commission shall be comprised of five (5) Village resident members who shall be appointed by the Mayor and approved by Council, to serve three-year terms. The Commission may add associate members, with the consent of Council.
- (b) Appointments to the Commission shall be for three (3) year terms, provided that the term for one (1) of the members appointed to the first Commission shall be for one (1) year and one (1) of the members appointed to the first Commission shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of said term by the Mayor with Council approval.
- (c) The Tree Commission members shall serve without compensation.
- (d) The Tree Commission shall choose its own officers for one (1) year terms, shall establish written rules and regulations, and shall keep written minutes of its proceedings. A simple majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports, and recommendations of the Commission shall be in writing and be considered public records and be on file in the Office of the Fiscal Officer as is customary for the retention of documents.
- (e) The Mayor, with majority consent of Council, shall remove any member who is absent without justifiable excuse for three (3) consecutive meetings of the Tree Commission.
- (f) Meetings shall be held monthly.
- (g) Council Liaison shall be assigned, by the Streets and Sidewalks Committee of Council, to attend the meetings of the Tree Committee.
- (h) Definitions

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- (1) "Arborist" one who posses the technical skills, through experience and related training, to care for individual trees and related woody plants in the residential, commercial, and public landscape.
- (2) "Associate Member" will be non-voting member and assigned defined tasks to be completed in a specified period of time, not to exceed one (1) year, unless extended by Council. Once the task is completed, the associate member position will be discontinued.
- (3) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (4) "Property Line" means the outer edge of a street or highway.
- (5) "Property Owner" means the person owning such property as shown by the County Auditor's Plat of the Village of Genoa, Ottawa County, Ohio, including the executor, administrator, or beneficiary of the estate of a deceased owner.
- (6) "Public Places" shall include all other grounds owned by the Village of Genoa.
- (7) "Public Trees" shall include all shade and ornamental trees now or hereafter growing on any public places.
- (8) "Right-of Way" means any portion of the public way, street, alley, or sidewalk.
- (9) "Shrub" a woody, perennial plant differing from a perennial herb in its persistent and woody stem, and less definitely from a tree in its lower structure and the general absence of a well defined stem.
- (10) "Street or Highway" means the entire width of every public way, easement of 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.
- (11) "Tree" a perennial plant, typically large and with a well defined stem or stems carrying a more or less definite crown-*note* sometimes defined as attaining a minimum diameter of 5 in (5") or (12.7 cm) and a minimum height of 15 ft (15') or (4.6 m) at maturity, with no branches within 3 ft (1m) of the ground.
- (12) "Treelawn" means that part of a street or highway, lying between the property line and that portion of the street or highway usually used for vehicular traffic.
- (13) "Tree Topping" means the severe cutting back of limbs to stubs of three (3) inches or more in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Tree Commission should reference the (ANSI 2133.1 – 2000) document as it applies to Tree Topping.

SECTION 2. That Section 153.02 of the Codified Ordinances of Genoa shall be amended and now shall read as follows:

153.02 TREE COMMISSION RESPONSIBILITIES AND DUTIES.

- (a) The Tree Commission shall regulate the planting, trimming and preservation of shrubs and shade trees in streets, alleys, and public grounds and places, and provide for the planting, removal, trimming and preservation of such trees and other ornamental shrubbery.

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- (b) The Tree Commission shall develop a written plan for the care, preservation, pruning, planting and removal of trees and shrubbery in Village rights-of way and public places. The written plan will be prepared with the assistance of an "Arborist". Such plan shall be presented to Council and upon Council's approval shall constitute the "Comprehensive Tree Plan" for the Village. A priority list for trimming and pruning may be updated monthly for months of May through October. The prioritized list for tree removal shall be updated as required.
- (c) The Tree Commission shall maintain a list of tree species that may be planted on Village rights-of-way and public places. No species other than those included in such list shall be planted in Village rights-of-way and public places without the recommendation of the Tree Commission and the approval of Council. This list shall be updated as needed and upon Council's approval, shall constitute the "Street Tree Species List" for the Village of Genoa.
- (d) The Tree Commission shall create an inventory of trees and shrubs on Village rights-of-way and public places. Said inventory shall be updated as needed and submitted to Council for approval. Once approved by Council, it shall constitute the "Tree and Shrub Inventory" for the Village. Said Inventory shall include a rating system for the proactive trimming and removal of each tree and shrub.
- (e) The Tree Commission shall establish procedures for maintaining trees and shrubs in the Village rights-of-way and public places. Upon the approval of Council, said procedures shall constitute the "Tree and Shrub Maintenance Procedures" for the Village. Once adopted by Council, the Tree Commission; the Public Works Department; and certified contractors shall have the right to prune and maintain trees and shrubs in the Village rights-of-way and public places in accordance with the "Tree and Shrub Maintenance Procedures."
- (f) The Tree Commission, when requested by Council, shall consider, investigate and make recommendations on any issue coming within the scope of its work.
- (g) The Tree Commission shall submit reports, commission meeting minutes, requisitions, and requests for service or reimbursement requests through Council Liaison or, in the absence of the Liaison, the Village Administrator.
- (h) The Tree Commission shall maintain records of the Memorial Tree Grove. The Fiscal Officer will forward promptly all names for which a donation has been received.
- (i) The Tree Commission will coordinate with the Village Sidewalk Inspector/Village Administrator regarding the removal of trees causing sidewalk damage and/or the relocation of the sidewalk per Sidewalk Policy Ordinance 56-99.
- (j) The Tree Commission shall coordinate Arbor Day ceremonies annually.

SECTION 3 That Section 153.03 of the Genoa Codified Ordinance is hereby enacted and shall read as follows:

153.03 PROCEDURES FOR TREE PLANTING

- (a) Whenever trees or shrubs are to be planted in the Village rights-of-way or public places, the following procedures shall be followed:
 - (1) Tree Commission in consultation with the Streets and Sidewalk Committee/Council Liaison shall determine the appropriate location(s) for planting based on the Village's "Comprehensive Tree Plan."
 - (2) Tree Commission in consultation with the Streets and Sidewalk Committee/Council Liaison shall determine the size of the tree or shrub to be

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planted based on site obstruction, overhead utility lines, treelawn site, spacing of other trees or shrubs, and any other criteria necessary to ensure compliance with the Village's "Comprehensive Tree Plan."

- (3) Tree Commission shall obtain clearance from Ohio Utility Protection Service (OUPS) for proposed planting(s).
- (4) Tree Commission shall place a stake in the location where the tree or shrub is being proposed for planting.
- (5) Tree Commission shall prepare specifications and scopes of service for the Mayor and/or Village Administrator to request a minimum of two (2) bids for the tree or shrub order. Tree Commission shall review bids with the Village Administrator, and the Village Administrator shall recommend to Council, which bid should be accepted.
- (6) Tree Commission shall obtain approval and purchase order from the Village Administrator, prior to Village Administrator issuing a notice of award/notice to proceed. Village Administrator shall advise selected subcontractor that the following information shall be provided:
 - Company name,
 - Address,
 - Tax identification number,
 - Executed W-9, and
 - Proof of insurance,prior to the issuance of the notice of award/notice to proceed and payment of any invoice submitted.
- (7) The successful bidder shall notify Ohio Utility Protection Service (OUPS) before planting.
- (8) The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Genoa Tree Commission's list of Street Trees and no trees may be planted closer together than allowed for the size of the tree and spacing between other trees, except in special plantings designed or approved by the Tree Commission.
- (9) The distance public trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes in the Genoa Tree Commission's list of Street Trees and no trees may be planted closer to the curb or sidewalk than the following:
 - Small trees: two (2) feet (minimum of a four foot wide treelawn)
 - Medium trees: three (3) feet (minimum of a six foot wide treelawn)
 - Large trees: four (4) feet (minimum of an eight foot wide treelawn)Except in special plantings designed or approved by the Tree Commission.
- (10) No public tree shall be planted closer than thirty-five (35) feet from any street corner (where the curb return intersects or becomes tangent with the curbs along the street). In the absence of curbing Village Administrator is to establish curb lines. No public tree shall be planted closer than ten (10) feet to any fire hydrant.
- (11) No public trees other than those species referred to as Small Trees in the Genoa Tree Commission's list of Street Trees may be planted under or within twenty-five (25) feet of any overhead utility wire.

SECTION 4. That Section 153.04 of the Genoa Codified Ordinances is hereby enacted and shall read as follows:

153.04 PUBLIC TREE CARE

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- (a) The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way and all public places, as may be necessary to ensure safety or to preserve or enhance the symmetry and beauty of all public grounds.
- (b) No person shall remove or plant any tree or shrub on Village property without permission of the Tree Commission. Tree Commission shall evaluate the removal or planting and present a recommendation to Council. Upon approval by Council, the Village Administrator may be directed to complete the work.
- (c) Notwithstanding the above section, the Mayor or Village Administrator may, in an emergency, cause to order the removal of 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 safety or public improvements.
- (d) Tree Commission may recommend to Council the removal of any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewer lines, electric power lines, gas lines, water lines, or other public improvements, or is infected with any disease, insect or other pest.

SECTION 5. That Section 153.05 of the Genoa Codified Ordinances is hereby enacted and shall read as follows:

153.05 APPROVAL REQUIRED TO REMOVE TREES OR PLANTS ON PUBLIC AREAS.

- (a) No person shall remove, cut above the ground, or otherwise disturb any tree or shrub in the Village rights-of-way or on other public places without first obtaining written approval from the Mayor or Village Administrator and Chair of the Tree Commission.
- (b) The Streets and Sidewalk Committee of Council shall approve the tree plan provided by the Tree Commission for any newly constructed Village tree lawn.

SECTION 6. That Section 153.06 of the Genoa Codified Ordinances is hereby enacted and shall read as follows:

153.06 ABUSE OR MUTILATION OF PUBLIC TREES

- (a) Unless specifically authorized by the Tree Commission and Village Council, no person shall intentionally damage, cut, carve, top, transplant, or remove any tree, attach any rope, wire, nails, advertising posters, squirrel feeder, or other contrivance to any tree or shrub; allow any gaseous, liquid, or solid substance to come in contact with them; set fire or permit fire to burn when the fire or heat thereof shall injure any portion of any tree or shrub.
- (b) No person shall excavate any ditches, tunnels, trenches, or alley or drive within a radius of ten feet from any public tree or shrub without obtaining approval from the Village Administrator.

SECTION 7. That Section 153.07 of the Genoa Codified Ordinances is hereby enacted and shall read as follows:

153.07 INTERFERENCE WITH VILLAGE TREE COMMISSION

No person shall prevent, delay or interfere with the Village Tree Commission or any person authorized by the Village, while engaging in and about the planting, cultivation, mulching, and pruning of any trees or shrubs in Village rights-of-way and on other public places as authorized in this Chapter.

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SECTION 8. That Section 153.08 of the Genoa Codified Ordinances is hereby enacted and shall read as follows:

153.08 REVIEW BY COUNCIL

Village Council shall have the right to review the conduct, acts and recommendations of the Tree Commission. Any person may appeal any ruling or recommendation of the Tree Commission to Council, which shall hear the matter and make a final decision, by a majority vote.

SECTION 09. That section 153.09 of the Genoa Codified Ordinances is hereby enacted and shall read as follows:

153.09 TREES ON PUBLIC PROPERTY

(a). List of Approved and Prohibited Trees: It shall be the responsibility of the Tree Commission to maintain a current list of Approved and Prohibited trees and act in accordance of these lists when determining the planting and removal of any and all trees within the Public right-of-way.

Section 10. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of it's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Village of Genoa, and the State of Ohio.

Section 11. This Ordinance shall take effect at the earliest date allowed by law.

First reading _____
Second reading _____
Third Reading _____

Passed Yeas _____ Nays _____

Attest:

Fiscal Officer

President of Council

Mayor

Fiscal Officers Certificate As To Publication

This is to certify that publication of the foregoing was duly made as provided in Ordinance 8-90 adopted by the following method.

By posting certified copies thereof in six (6) public places specified in Codified Ordinance No. 105-01 and by Ordinance No. 32-05, said posting having been accomplished on the following date: _____, 200__.

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Fiscal Officer

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