

Trees

- 913.01** Purpose.
- 913.02** Applicability.
- 913.03** Authority and power.
- 913.04** Operation.
- 913.05** Duties and responsibilities.
- 913.06** Establishment of Fund.
- 913.07** Commission as trustee.
- 913.08** Public tree care.
- 913.09** Private trees.
- 913.10** Adjacent landowner responsibility.
- 913.11** Insurance and certification.
- 913.12** Public utility companies.
- 913.13** Construction, tree protection and compensation.
- 913.14** Landscaping.
- 913.15** Sap collection.
- 913.16** Emergencies.
- 913.17** Harm.
- 913.99** Violation and penalty.

CROSS REFERENCES

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

913.01 PURPOSE.

It is the purpose of this chapter to promote and protect public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs, and other plants within the Village of Burton.
(Ord. 2406-21. Passed 6-21-21.)

913.02 APPLICABILITY.

This chapter provides full power and authority over all trees, shrubs and other plants located within the Village right of way and on all municipal properties; and to trees, shrubs and other plants on private property that constitute a hazard or threat as described herein. The Village right of way is any portion of the public way, street, alley or sidewalk.
(Ord. 2406-21. Passed 6-21-21.)

913.03 AUTHORITY AND POWER.

There is hereby created and established a Tree Commission for the Village, appointed by the Mayor with confirmation by Council, to consist of no less than three members, one of whom is a member of Burton Village Council. All shall serve without compensation.
(Ord. 2406-21. Passed 6-21-21.)

913.04 OPERATION.

The Tree Commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of members shall be a quorum for the transaction of business.
(Ord. 2406-21. Passed 6-21-21.)

913.05 DUTIES AND RESPONSIBILITIES.

It shall be the duty of Tree Commission to:

- (a) Uphold the Tree Ordinance.
- (b) Act in an advisory capacity to Village Council and the community at large.
- (c) Develop, administer and update written plans for the preservation and maintenance of the Village's trees and urban forest.
- (d) Request and allocate funds to carry out its purpose and responsibilities with a priority on public safety.
- (e) Promote and advocate for the health, preservation and benefits of trees and the urban forest. (Ord. 2406-21. Passed 6-21-21.)

913.06 ESTABLISHMENT OF FUND.

A rotary trust fund account, within the various funds of the Village, known as the "Tree Commission Fund Account" is hereby established which is to be utilized for the receipt of licenses, fees, bond and grant monies, damages, penalties, donations and the like. Disbursement shall be at the discretion of the Commission.
(Ord. 2406-21. Passed 6-21-21.)

913.07 COMMISSION AS TRUSTEE.

Tree Commission may act as trustee for any property, assets or funds donated to the Village for the planting, care, and maintenance of public trees, provided the donor designates or provides for the designation of the Commission as such trustee. In such an event, the Commission shall have those powers and duties necessary to carry out the purpose of the trust.
(Ord. 2406-21. Passed 6-21-21.)

913.08 PUBLIC TREE CARE.

The Village shall have the right to plant, maintain and remove any tree, shrub or other plant in the Village right of way or on municipal property as may be necessary to:

- (a) Ensure public safety.
- (b) Preserve or enhance plant health.
- (c) Preserve or enhance public health, environmental services and economic viability.
- (d) Preserve or enhance the beauty of public sites.

The Village may remove, or cause to be removed, any municipal tree or part thereof, which is an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, or other public improvements; is affected by any serious disease, insect or fungus; or is considered invasive.
(Ord. 2406-21. Passed 6-21-21.)

913.09 PRIVATE TREES.

- (a) Owners of trees and plants on private property shall prune or remove said plants so that they do not obstruct or threaten safe

passage of the Village right of way or municipal property, or threaten the health of the urban forest.

(b) Tree Commission or its designee has the authority to enter onto private property whereon there is located a tree or plant that is suspected to be a public nuisance or threat and to order its removal if necessary, at the expense of the owner. This includes but is not limited to dead or dying trees and limbs that threaten public safety, trees or limbs that obstruct the right of way or line of sight, trees infected with insects or disease that constitute a threat to the urban forest, and invasive species.
(Ord. 2406-21. Passed 6-21-21.)

913.10 ADJACENT LANDOWNER RESPONSIBILITY.

No person shall plant, remove, cut above or below ground, or disturb any plant in the Village right of way or on municipal property without first filing a Tree Work Permit with the Tree Commission. All work shall be performed in accordance with current International Society of Arboriculture Best Management Practices and ANSI Z-133 Tree Care Standards. Permits expire six months from date of approval. A new permit needs to be filed for any additional work performed within that time period which was not specified on the original permit. (Ord. 2406-21. Passed 6-21-21.)

913.11 INSURANCE AND CERTIFICATION.

Any person or firm engaged in the business of municipal tree management, maintenance or removal shall be approved by Tree Commission and before commencing work, shall file evidence verifying:

- (a) Workers' Compensation coverage.
- (b) Liability insurance coverage in the minimum amounts of one million dollars (\$1,000,000) for bodily injury and one million dollars (\$1,000,000) for damage to property to cover and save harmless the Village and its agents from all suits, claims or actions for personal injury, death, or property damage; and
- (c) Certification by the International Society of Arboriculture for anyone engaged in pruning, cabling or other maintenance.
(Ord. 2406-21. Passed 6-21-21.)

913.12 PUBLIC UTILITY COMPANIES.

Public utility companies shall notify the Village prior to pruning or disturbing any public tree for the purpose of maintaining safe line clearance above or below ground, and shall carry out all such work in accordance with current best management practices and standards. If accepted arboricultural standards are not followed, the Village may immediately file a complaint with the Public Utilities Commission.
(Ord. 2406-21. Passed 6-21-21.)

913.13 CONSTRUCTION, TREE PROTECTION AND COMPENSATION.

Prior to the commencement of any construction, excavation, or soil disturbance within the dripline (the outermost circumference of a tree canopy where water drips from and onto the ground) of any tree within the Village right of way or on municipal property, whether undertaken by private landowner or the Village of Burton or its assignees, written notice shall be given to Tree Commission such that the Commission or its assignees may enter into an agreement with the parties responsible for the construction, which requires:

- (a) Protection of trees during construction.
- (b) Replacement of trees after construction.
- (c) Compensation for damaged or removed trees.
(Ord. 2406-21. Passed 6-21-21.)

913.14 LANDSCAPING.

When property is annexed to the Village, or when the development of new subdivisions or commercial property occurs, Tree Commission or its assignees shall review landscaping plans and may require appropriate landscape buffers to be planted in areas adjacent the streets, parking lots, and other areas.
(Ord. 2406-21. Passed 6-21-21.)

913.15 SAP COLLECTION.

Tapping of Village trees for the purpose of maple syrup production may be done by the Burton Chamber of Commerce and its assignees. Tapping shall be conducted with due regard for the viability and health of the tree and in accordance with current conservative tapping guidelines. Collection of sap shall be done with due regard for the health and viability of the tree roots growing in the soil.
(Ord. 2406-21. Passed 6-21-21.)

913.16 EMERGENCIES.

In the case of officially declared emergencies such as storms or other disasters, the requirements of this chapter shall be waived so that they in no way would hinder public and/or private work to restore order to the Village.
(Ord. 2406-21. Passed 6-21-21.)

913.17 HARM.

No person shall willfully or inadvertently harm any tree or plant in the Village right of way or on municipal property. Such action includes but is not limited to any unauthorized removal, scraping or cutting including topping, girdling, striking a tree with a tool or vehicle, misapplying mulch or poisoning.
(Ord. 2406-21. Passed 6-21-21.)

913.99 VIOLATION AND PENALTY.

Any person or firm violating or failing to comply with any provisions of this chapter may be subject to a fine of no less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000) per violation in addition to any restitution for damages incurred by the Village or a third party. (Ord. 2406-21. Passed 6-21-21.)
