

**CITY OF DELAWARE
CITY COUNCIL CHAMBERS
CITY HALL
1 SOUTH SANDUSKY STREET
7:00 P.M.**

AGENDA

AUGUST 23, 2016

1. ROLL CALL
2. APPROVAL of the Motion Summary for the meeting held July 26, 2016 as recorded and transcribed.
3. PUBLIC COMMENTS
4. DISCUSSION of Street Tree Best Practices
5. ARBORIST REPORT
6. STAFF COMMENTS
7. MEMBER COMMENTS
8. PLAN REVIEWS
9. ADJOURNMENT

ITEM 2

SHADE TREE COMMISSION
July 26, 2016
MOTION SUMMARY

ITEM 1. Roll Call

Chairman Olen called the meeting to order at 7:00 p.m.

Members Present: Shannon Brewster, Jim Buck, Dave Carey (arrived at 7:15 p.m.), Tom Glissman (arrived at 7:08 p.m.), Tom Wolber, Councilmember George Hellinger, and Vice-Chairwoman Susan Wright

Members Absent: Chairman Paul Olen

Staff Present: Ted Miller (Parks and Natural Resource Director), Doug Richmond (City Arborist)

Motion to Excuse: Mr. Wolber moved to excuse Chairman Paul Olen, seconded by Councilman Hellinger. Motion approved by a 5-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of June 28, 2016 as recorded and transcribed.

Motion: Councilman Hellinger moved to approve the Motion Summary for the June 28, 2016 meeting, seconded by Mr. Wolber. Motion approved with a 7-0 vote.

Vice-Chairwoman Wright introduced Stan McDonald, representative of Delaware City Schools.

ITEM 3. PUBLIC COMMENTS

ITEM 4. ARBORIST REPORT

Mr. Richmond reviewed the arborist report and informed the Commission that six trees were removed. Mr. Richmond reviewed the backlog of trees that need to be planted. Mr. Richmond discussed the planned five year pruning cycle.

Discussion was held on the use of software to assist with a tree pruning schedule.

Vice-Chairwoman Wright voiced a concern regarding dying spruce trees in her neighborhood. Mr. Richmond discussed potential issues affecting spruce trees.

Mr. Richmond discussed plans to replace the three trees in the downtown area.

ITEM 5. STAFF COMMENTS

Mr. Miller provided an update on the recently held meeting with the Cheshire Crossing Home Owners Association. Mr. Miller informed the Commission that staff is researching city codes in other communities for potential changes and updates.

ITEM 6. MEMBER COMMENTS

Mr. Glissman voiced a concern regarding trees on U.S. 36 on possible power lines. Mr. Richmond discussed the role of AEP pruning trees around power lines.

Mr. Wolber discussed an article presented in The Delaware Gazette regarding Boardman Art Garden.

Mr. Buck requested information on the placement of Tree City U.S.A signage.

Vice-Chairman Wright requested an update on the Boardman Art Garden. Mr. Miller informed the Commission that the Northwest Neighborhood Association was meeting with a design consultant.

Ms. Brewster informed the Commission that she would be interested to volunteer on a Tree Stewardship program.

ITEM 7. PLAN REVIEWS

- a. Communities at Glenross Section 8-10-Plans are approved with tree species changes
- b. Henderson Trucking (Informational)
- c. Londontown Apartments
- d. Heatherton Section 6 (Informational)

ITEM 9. ADJOURNMENT

Motion: Mr. Wolber moved to adjourn the meeting, seconded by Mr. Buck. The Shade Tree Commission meeting adjourned at 7:47 p.m.

Chairman Olen

Clerk

ITEM 4



MEMORANDUM

TO: Shade Tree Commission
FROM: Ted Miller, Parks and Natural Resources Director
CC: Stacy Davenport; Doug Richmond, Linda Mathews
DATE: 8.10.16
RE: Parks and Natural Resources –Urban Forestry- Street Tree Best Practice

There has been some debate about the maintenance practice of pruning street tree in the City of Delaware. The City of Delaware policy is to maintain and have control of trees in the tree lawn or right of way. The current code is somewhat general when referring to this policy.

The Cheshire Crossing Subdivision has a HOA declaration that require each lot owner to care for street trees. The code is somewhat open to interpretation on if the City is required to care for the street trees or allow lot owners, with required permit, to care for street trees. Upon meeting with the HOA in July we were informed that the City Code supersedes the HOA declaration.

Past City policy has been to maintain and plant street trees. This practice allows the City to maintain a consistent look and seems to be preferred by most citizens. We wanted to research similar cities and determine how they maintain street trees.

Doug sent out the following email to Lisa Bowers (Tree City USA and ODNR) on 7.22.16:

Good morning Lisa. I had a question that I thought that you might be able to help out with or can ask amongst your network on how other communities handle their Street trees planted in the Right of Way. The question is, who's property is the street tree in their community and does the City maintain total control over the tree even if it is not the City's property? What measures do the citizens have in maintaining these trees. Do they have to apply for permits if they wish to prune, remove, plant a new tree, or just do away with the tree altogether. Or are their communities out there that have turned total control over to the property owners and how is that working? Thanks Lisa.

*Douglas Richmond
City Arborist*

The following includes an information request to other cities regarding care of street trees and it also compares similar city codes pertaining to street tree maintenance. The overwhelming response was very similar to the City of Delaware street tree policy.

Does the Shade Tree Commission see any reason to update the existing zoning code?

CITY OF DELAWARE CODE CHAPTER 907. - TREES AND SHRUBS⁴¹

(b) 907.01. - Definitions.

As used in this chapter:

- (a)"Tree lawn" 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 usually used for vehicular traffic.

(b)"Trees":

- (1)"Large tree" means any tree species which normally attains a full grown height in excess of fifty feet.
- (2)"Medium tree" means any tree species which normally attains a full grown height between twenty-five and fifty feet.
- (3)"Small tree" means any tree species which normally attains a full grown height of under twenty-five feet.

(Ord. 80-10. Passed 5-12-80)

(c) **907.02. - Control of trees in parkways; permit required.**

- (a) The City shall have exclusive jurisdiction and control over trees in the parkways of the City. All trees hereafter planted in the City shall conform to the Shade Tree Commission's list of desirable trees for planting in the City. Other species and varieties may be planted upon securing permission of the Shade Tree Commission.
- (b) The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets and other public places as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Manager may cause 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, 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 provided that the selection and location of such trees is in accordance with this chapter.
- (c) Any person may plant, remove or engage in maintenance of a tree or shrub on any public place, park or tree lawn if he receives written permission from the City Manager or his designated agent.
- (d) To obtain a permit, an application must be filed with the City specifying the species, cultivar or variety, size, grade, location, method of planting, method of support and pruning and other pertinent factors in regards to trees or shrubs concerned. The application may be approved or disapproved by the City Manager. If the application is approved, a permit shall be issued; however, the permit may be declared void if its terms are violated.

(Ord. 80-10. Passed 5-12-80)

• **907.05. - Trees overhanging street or sidewalk; duty to trim; height.**

No person, being the owner of or an agent having the care of any premises situated within the City abutting on any public street or highway, shall fail to trim and to keep trimmed all trees growing on such premises or between the same and the edge of the sidewalk, where branches of trees overhang any portion of such street or highway or overhang any part of the pavement or sidewalk or that part of such street or highway so abutting upon such premises. Such trees shall be trimmed and kept trimmed so that the lowest branch thereof is at least eight feet above the level of that part of such pavement or sidewalk and fourteen feet above the level of that part of such pavement on any street or highway so overhung by such branches.

(Ord. 80-10. Passed 5-12-80)

7.22.16 – Lisa Bowers - Tree City USA/Regional Urban Forester, ODNR Division of Forestry
According to the Ohio Revised code that I have attached the City/Village is responsible for the trees in the RIGHT-OF-WAY (ROW). Referring to the ORC, a negligent failure can and is interpreted as a

hazardous tree in the ROW. I do continue to relay this information and we teach it in detail in the Freshman class of Tree Commission Academy.

My communities in Central Ohio are all over the board with this issue and who takes responsibility.

I am sending your request to my City Forester and Village contact list serve so they can comment back to you and hopefully copy me. I would also be interested in their response.

Thanks for bring up this important topic.

2744.02 Governmental functions and proprietary functions of political subdivisions

(3) Except as otherwise provided in section 3746.24 of the Revised Code, political subdivisions are liable for injury, death, or loss to person or property caused by their negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads, except that it is a full defense to that liability, when a bridge within a municipal corporation is involved, that the municipal corporation does not have the responsibility for maintaining or inspecting the bridge.

7.22.16

STEVE COTHREL

Superintendent of Parks & Forestry | Parks and Recreation Department
The City of Upper Arlington

We are fairly strident in maintaining control of our street rights of way. We have had residents sue us to “gain control” and although we prevailed in court, we do not want to give people the idea that the ROW is anything but City property. Residents in UA must obtain a permit to plant, prune, remove etc. a tree in the ROW just as they must obtain a permit to excavate, pave, etc. in the ROW. The City actively manages street trees as valuable public infrastructure, so the need for residents to do tree work is minimal and we don’t issue too many permits per year. However we do have a few dozen residents who hold permits to treat ashes for EAB since we do not offer that service. We also issue permits every year to people who want to plant larger trees than we offer when we replace trees that were removed.

Our view is that a tree is a permanent feature tied to the land, so any tree planted on our land becomes ours to manage and control. Legally, we may not own the tree (depends on which court you ask?), but we can and must regulate its care & condition as long as it stands on our property. There are cities that have given residents the responsibility for some or all street trees. My impression is that it is not effective or popular. Tree care standards plummet, canopy gradually disappears, and bad planting decisions become rampant. In addition, residents become angry tree haters because the city forester must become an evil code compliance officer, sending out certified letters ordering residents to spend their own money to prune or remove dangerous trees on public property. This approach might cover the city’s rump under the Ohio Revised Code, but it gives residents a clear disincentive to have street trees, which in the long run is a community disaster.

City of Upper Arlington Code

§ 907.04 - REMOVAL, REPLANTING AND REPLACEMENT OF PLANTS ON PUBLIC PROPERTY.

(A) Wherever the city manager determines it is necessary to remove a tree, plant or shrub from a treelawn, the city’s right-of-way, or other public property in connection with the paving of a

sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, or to ensure visibility from any street, alley or driveway intersection, or because the tree, plant or shrub is dead, diseased or insect infested, or for emergency purposes, or any other reason, the city shall remove such trees, plants or shrubs and transplant when practical or replace trees that cannot be efficiently moved. The city manager's decision for removal may be based on a standardized approved document that sets forth the criteria for the removal of trees, plants or shrubs.

- (B) No person or property owner shall remove a tree or shrub from a treelawn, the city's right-of-way or other public property for the purpose of construction, or for any other reason without first filing an application and obtaining written approval from the city manager and without replacing the removed tree(s). Such replacement shall meet the standards of size, species and placement as provided for in an approval issued by the city manager. The person or property owner may be required to bear the cost of replacement of all trees removed. Failure to plant replacements per city standards shall result in replacement performed by the city, its employees, or agents, and the city may bill to the person or property owner responsible for replacement the actual cost of the work incurred by the city. If such billed costs are not paid, the collection of such unpaid amount shall be as prescribed in C.O. § 907.02(D).
- (C) The decisions and actions of the city manager pursuant to this section shall not be subject to appeal to the city tree commission or city council.
- (D) Notwithstanding any other provision of this chapter, the city reserves the absolute and unconditional right to remove any tree, plant, or shrub from the treelawn, the city's right-of-way, or other public property, regardless of who purchased or planted the tree, plant, or shrub.

(Ord. No. 114-2010, 3-16-2011; Ord. No. 89-2015, § 3, 2-22-2016)

• **§ 907.05 - PLANTING ON PUBLIC PROPERTY.**

- (A) Except as permitted by the city manager, the planting of trees or shrubs on public property, including the city's rights-of-way, shall be prohibited.
- (B) The planting of grass or groundcover within a treelawn or the city's right-of-way does not require the prior approval of the city manager. However, the city manager may cause the removal of any grass, groundcover, or other herbaceous plant in a treelawn or the city's right-of-way without obligating the city to reimburse the property owner or to replace the grass, groundcover, or other herbaceous plant that was removed.
- (C) Except as permitted by the city manager, the abutting property owner shall not allow nor fail to remove the natural propagation or volunteer growth of shrubs occurring within the treelawn or the city's right-of-way abutting his or her property.
- (D) Whenever any tree, shrub, or other plant shall be planted or permitted by the abutting property owner to remain in conflict with the provisions of state law or the ordinances of the city, the city manager may cause removal of the same without obligating the city to reimburse the property owner or to replace the trees, shrubs, or plants that were removed.
- (E) The decision and action of the city manager, pursuant to this section, shall not be subject to appeal to the city tree commission or city council.

(Ord. No. 89-2015, § 3, 2-22-2016)

7.22.16

Jodee Lowe

Urban Forestry Supervisor

City of Grove City

In Grove city, the strip of land between the curb and side walk belongs to the homeowner; However, this is a utility easement so they have to maintain the area (i.e. mow) but we have total control over the street trees-we plant, remove, prune-maintain the trees. We do ask that the homeowner mulch the tree properly and water it if it needs watered after the first year the tree has been planted (we water them for the first year). We fine our residents if they remove a healthy tree without our permission. This keeps my guys busy with the tree pruning and removals in the summer months and planting and watering in the spring and fall months.

Let me know if you want/need a copy of our city ordinance that states that the trees are the city's responsibility.

Grove City Code

1136.14 TREES ADJACENT TO PUBLIC STREETS OR WITHIN PUBLIC RIGHTS OF WAY.

- (a) Any property owner may plant or cause to be planted within the public street adjacent to the property they own those trees of 2" caliper or greater that have been approved or recommended by the Service Director, his designee or the Urban Forester. All trees shall be planted so as not to interfere with sight distances at intersections, the maintenance or operation of utilities and the paved street surfaces.
- (b) All trees planted within the public street, whether or not they are on the recommended and approved tree list of the Service Director, his designee or the Urban Forester, shall be subject to pruning and removal when it is determined by the Service Director, his designee, the Urban Forester or Director of Public Safety that trees constitute a health or safety hazard or when they have become unsightly, diseased or dead.
 - (1) Tree topping. No person shall, as a normal practice, top any tree within the public rights-of-way. 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 so as to remove the normal canopy and disfigure the tree.
 - (2) Height of limbs over sidewalks and streets. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than nine feet above the sidewalks. Tree limbs extending over the streets shall be trimmed to such an extent that no portion of the same shall interfere with the normal flow of traffic.

7.22.16

Matthew Ulrey

ISA Certified Arborist OH-1328AM

Parks & Urban Forest Manager

City of Westerville Parks & Recreation

Westerville does maintain decision making authority over street trees. We do, however, try to work with residents regarding the care of the tree and replacement selection when removal is necessary. We provide permits for residents who want to hire arborists to perform services beyond the level we provide or to plant street trees at new locations.

City of Westerville Code

907.05 REMOVAL, REPLANTING AND REPLACEMENT.

- (a) Wherever it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, the City shall replant such trees or shrubs, or replace them; provided, that it may be satisfied if an equivalent

number of trees or shrubs of the same size and approved species as provided for by the Shade Tree Commission are planted in an attractive manner on the adjoining property.

(b) No person or property owner shall remove a tree or shrub from a treelawn for the purpose of construction, or for any other reason without first filing an application and obtaining a permit from the City Manager or designee and without replacing the removed tree or shrub. Such replacement shall meet the standards of size, species and placement as provided for in a permit issued by the City Manager or designee. The person or property owner shall bear the cost of removal and replacement of all trees or shrubs removed. (Ord. 73-36. Passed 6-19-73.)

7.22.16

Drew Todd
Hilliard City Forester

In Hilliard, the City is responsible for trees within its rights-of-way. Most of the time, this is the tree lawn, the area between the curb and sidewalk. The City installs, maintains, and removes trees in this area. If an adjacent homeowner wishes to perform one or more of these actions, a permit from the City is required. If the tree is within the ROW, it is City property. Let me know if you have additional questions, I can help with.

City of Hilliard Code

Section 1125-7 Public Trees

A. Permits required.

1. Removal of public trees. A permit from the City Engineer, or designee, shall be obtained prior to the removal and/or replacement of any public tree or shrub. Permit fees shall be waived for private homeowners on single family lots. The person receiving the permit shall abide by the specifications and standards as detailed within the Design Manual.
2. Excavation near public trees. No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of 10 feet from any public tree or shrub without first obtaining a written permit from the City Engineer or designee.
3. Permit requirements.
 - a. Application for permits shall be made at the office of the City Engineer not less than two business days in advance of the time the work is to be done.
 - b. The City Engineer or designee shall issue the permit if the proposed work is in accordance with the specifications and standards as detailed within the Design Manual.
 - c. Permits shall contain a definite date of expiration and work shall be completed in the time allowed on the permit and in the manner as specified within the Design Manual.
 - d. Notice of completion shall be given within five days to the City Engineer or designee for inspection.

B. City rights and responsibilities.

1. The City shall have the right to plant, prune, maintain and remove public trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
2. The City Engineer or the zoning inspector may order the removal of any public tree that is deemed to be harmful to sewers, electric power lines, gas lines, water lines or other public improvements.
3. The City Engineer or the zoning inspector may order the removal of any public tree if deemed to be unhealthy or of any species susceptible to disease or infestation or as otherwise specified within the Design Manual.
4. Public trees removed in connection with maintaining or upgrading public facilities shall be

replaced by the City in a manner most closely resembling the original configuration and consistent with the standards within the Design Manual.

5. Pruning and maintenance of public trees after the one year warranty required for developers shall be the responsibility of the City. Public trees shall be pruned and maintained at a regular maintenance interval and in accordance to the standards and specifications as detailed within the Design Manual.

6. This section does not prohibit the planting, pruning or maintenance of public trees by private property owners provided that the work is in accordance with the provisions of this chapter and the Design Manual. Fees for all required permits shall be waived for private landowners on single family lots.

C. Interference with the City. No person shall hinder, prevent, delay or interfere with the City or any of its agents or contractors while engaged in the execution or enforcement of this chapter. However, 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.

D. Abuse of public trees.

1. Unless specifically authorized by the City Engineer or the zoning inspector, no person shall intentionally damage, cut, carve, transplant or remove any tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees or shrubs 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 tree or shrub.

2. If abuse of a public tree has occurred, the City shall have the authority to collect damages for replacement of the damaged trees. Any order issued by the City Engineer or zoning inspector shall be served by mailing a copy to the last known address of the property owner by certified mail providing the owner with 14 days to comply. Should the order be returned unclaimed, the City shall send the order via regular mail to the owner's last known address, and shall provide the property owner with 14 days from the date of mailing to comply with the order.

E. Penalty. Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (See Chapter 1141 for penalties, including those for Organizations). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person or organization that commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

7.22.16

DOUGLAS R. CRABILL
COMMUNITY DEVELOPMENT MANAGER
City of Urbana

During a previous administration, the City of Urbana took the direction that we would handle hazardous street trees through the public nuisance process. Within a couple of years and with a change in administration, we reverted back to contracting for hazardous tree removal. From an administrative standpoint, we found that we were better to maintain an updated street tree inventory and contract for removal. We have made solid progress since we reverted back to the city taking responsibility.

If the City is going to continue maintaining the street trees it would be beneficial to secure a sustainable fund that will support the number of street trees that we currently have and grow as development continues and subsequently the number of street trees grows. The Parks and Natural Resource

Department is in the process of preparing a street tree management plan that will examine the existing maintenance and street tree backlogs and how the City will be able to address these concerns and maintain a healthy tree population in the City.

City of Urbana Code

905.03 TREE PLANTINGS; DIRECTION, REGULATION, AND CONTROL OF TREES.

(a) The City Administrator shall direct, regulate, and control the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets and other public places in the City. He shall cause the provisions of this chapter to be enforced. In his absence, the duties shall be the responsibility of a qualified alternate designated by the City Administrator.

(b) The City Administrator shall have the authority to affix reasonable conditions to the granting of permits in accordance with the provision of this chapter and to insure safety and preserve the aesthetics of public places.

(c) The City Administrator shall have the authority to formulate a Master Street Tree Plan after a public hearing and after receiving the advice and approval of the Shade Tree Commission. The Master Street Tree Plan shall specify the species of trees to be planted on the streets and public places in the City. From and after the adoption and approval of such Plan by the Commission, or any amendment thereof, all plantings shall conform thereto. Such factors in determining the species of the trees for the various locations, and such Plan may be amended by the City Administrator, with the approval of the Commission, as circumstances require. The Commission also has the authority to develop a list of acceptable and unacceptable trees that can be revised as needed.

(d) The spacing of new trees shall follow the following regulations: sixty (60) ft. between large trees, forty (40) ft. between medium trees, twenty (20) ft. between small trees.

(e) The following minimum widths of tree lawns should be followed for tree planting: eight (8) ft. for large trees, five (5) ft. for medium trees, and three (3) ft. for small trees.

(f) Only small trees can be planted under overhead utilities.

(g) All new trees should be planted a minimum of ten (10) ft. from all signs, utility poles, driveways, and fire hydrants.

(h) All new trees should be planted a minimum of thirty (30) ft. from all intersections.

(i) All new trees should be planted a minimum of five (5) ft. from all underground utilities. (Ord. 4159. Passed 12-10-02.)

905.04 PERMITS REQUIRED.

(a) No person shall plant any tree on any street, tree lawn, or other public place, without first filing an application and procuring a permit therefore from the City Administrator at the City Building, Finance Office. Also, the person receiving the permit shall abide by all regulations, conditions, and specifications prescribed by the City Administrator.

(b) The application for the permit shall be in the form prescribed by the City Administrator and shall contain information as to the location, time, grade and species, cultivar, and method of planting. Also any other such information as the City Administrator finds reasonably necessary to issue a permit shall be included.

(c) Applications for permits, accompanied by a fee of five dollars (\$5.00) must be filed at the office of the Director of Finance not less than forty-eight hours in advance of the time the work is to be done. All such receipts shall be placed in the General Fund of the City.

(d) The City Administrator shall issue the permit provided for herein if, in his judgment, the proposed work is desirable and is in conformity with the Master Street Tree Plan and the proposed method and workmanship are of the satisfactory nature. The permit shall contain a definite date of expiration and the work shall be completed in the time allowed by the permit and in accordance with the provisions of this chapter and as the City Administrator may additionally prescribe. Any permit shall be void if its terms or the provisions of this chapter are violated.

(e) All permit holders shall advise the City Administrator within five days of the completion of the work under the permit in order that the Superintendent might inspect the work for compliance.

(f) Whenever any tree is planted or set out in conflict with the provisions of this chapter, the City Administrator may remove or cause the removal of the same and the cost thereof shall be assessed in accordance with the provisions of the Ohio Revised Code.

(g) When it is necessary to remove trees from a tree lawn in connection with the repair, replacement or construction of a sidewalk or street under a City program, the City shall replant or replace such trees. If conditions prevent planting on tree lawns, an equivalent number of trees otherwise in accordance with the Master Street Tree Plan, may be planted on an adjacent property. In addition, all utility and sidewalk contractors are required to have a permit if a tree will be impacted in any way.

(h) Utility companies shall provide written evidence to the City Administrator or his designee of adherence to established guidelines for pruning (as recommended by the American National Standards Institute (ANSI)), for line clearance work. These guidelines shall cover the following areas:

- (1) Tree trimming/pruning,
- (2) Tree removal,
- (3) Brushing,
- (4) Right-of-way, clearance for new transmission line, and
- (5) Chemical brush control and appropriate precautions.

Prior to scheduled line clearance of trees in the City, the utility company will obtain the permit and notify the City Administrator of the proposed time schedule.

(i) All departments of the City shall be exempt from these permit provisions, however, City staff will notify the City Administrator before work commences.

(j) Any person affected by any rule or regulation, prepared by the City Administrator, pursuant to this chapter must be appealed by a written request within ten (10) days of receipt of notice, and shall be granted a hearing before the Shade Tree Commission. The Commission shall have the power to reverse or affirm, in whole or in part, or modify such rule or regulation. If it is a matter of determining if the tree represents a clear and present danger of falling, and the tree creates a hazard to life, safety, and/or property to the citizens of Urbana, then the property owner, may at his own expense, bring in a certified arborist to verify his position.

(Ord. 4159. Passed 12-10-02.)

905.08 PROTECTION; PLANTING REQUIRED ON NEW STREETS.

(a) Along both sides of all newly created streets that are constructed in accordance with the public street standards, the developer and/or owner shall either plant or retain sufficient trees for every thirty (30) ft. of street frontage from the list of accepted trees.

(b) Every new development and/or new plat shall retain all existing trees with a trunk of eighteen inches in diameter or more unless the retention of such trees would unreasonably burden the development in the opinion of the City Administrator.

(c) No excavation or subsurface disturbance may be undertaken within the drip line of any tree with a trunk of eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12 ½) ft. (measured from the center of the trunk) of any tree with a trunk of eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably burden the development in the opinion of the City Administrator. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(d) The retention and/or protection of trees eighteen inches in diameter or more as provided in subsection (b) and (c) hereof unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer, in the opinion of the City Administrator.

(e) Whenever the developer or owner appeals to the City Administrator that this section places an unreasonable burden on the development, the City Administrator may allow replacement with like trees in

areas unaffected by the improvements, as an alternative to keeping the existing trees in question. (Ord. 4159. Passed 12-10-02.)

7.25.16

Don Hostetter, Chair

Granville Tree & Landscape Commission

Doug perhaps Granville, Ordinance No. 10-06, <http://www.granville.oh.us/ordinances-2006/2012/1/6/ordinance-10-06.html>, will give you some ideas on street trees in ROW's.

Granville Code

909.03 PROPERTY OWNER RESPONSIBLE FOR REMOVAL OF TREE ON PRIVATE PROPERTY.

The owner of any real estate within the Municipality shall be responsible for the removal of any trees located on the owner's property, excluding public right of way. If all or any portion of a tree on an owner's property is deemed unsafe or otherwise undesirable and overhangs a street or public property, the Manager or the Manager's designee may notify the owner in writing to remove that tree or portion thereof. If the owner does not comply within fifteen days after receipt of such notice, the Municipality may cause to be removed all, or the endangering portion of such tree, and assess the cost to the owner.

909.04 REMOVAL OF TREES WITHIN A PUBLIC RIGHT OF WAY; NOTICE; APPEAL.

(a) Any tree and/or portion thereof located within the public right of way shall be caused to be removed by the Municipality after notification to the abutting and adjacent property owners as provided in this Section that retention of the tree or portion thereof is deemed by the Municipality to be unsafe or not in the public interest. Any such removal shall be accomplished by the Municipality or its agents at the sole expense of the Municipality, and the Municipality shall determine the method of disposing of the cut wood, which wood shall be the property of the Municipality

(b) Notification. Unless the Village Manager should decide that immediate removal of a tree is required to protect the public health, safety, and welfare, the Manager or the Manager's designee shall notify abutting and adjacent property owners and/or residents within one hundred (100) feet, as measured along the street frontage, of the proposed tree removal. Notice to the abutting property owner(s) shall be given by the Manager or the Manager's designee in writing, while notice to the other adjacent property owners and/or residents shall be through postcards or door-hangings that include appropriate contacts for obtaining further information.

(c) Appeal. Any property owner or resident to whom notice is provided by this Section may object in writing to the proposed removal of the tree identified in the notice and request a hearing before the Village Manager or the Manager's designee. The written objection shall be delivered to the Village Manager within ten (10) days after notice of the proposed removal was first given by the Village staff.

(d) Hearing. The Village Manager or the Manager's designee shall reconsider the decision to remove the tree and shall evaluate the information from the property owners, affected residents, and the Village Service Department in light of the criteria for removal. The Village staff shall inform the objecting property owners or residents, either orally or in writing, of the determination of the Village regarding the tree after such reconsideration and shall provide the reasons supporting such determination. The Village staff shall use reasonable efforts and methods to provide notice of such determination before any removal of the tree, if removal is the final determination.

909.05 TREE REMOVAL CRITERIA

(a) Tree Removal Criteria. Loss of trees results in less shade, increased negative impacts due to air and noise pollution, reduced wildlife habitat, and a less attractive community. It is the intent of the Village to protect

the quality of life in the community by encouraging the conservation of tree resources. Therefore the following criteria have been established for evaluating whether a tree in the public right of way should be removed.

- (1) The tree is dead.
- (2) The tree is deemed hazardous, when the hazardous condition cannot be corrected through pruning or other reasonable arboricultural practices.
- (3) Persistent and uncontrollable insect, disease or fruiting problems.
- (4) The frequency and extensiveness of the tree's maintenance.
- (5) The proximity and quality of trees near to the one considered for removal.
- (6) The extent and frequency of damage the tree is causing to surrounding infrastructure such as sidewalks, streets, sewers, etc.
- (7) The feasibility and timeliness in which a replacement tree will be planted.
- (8) The amount of space allowable for tree growth.

909.06 MANAGER'S PERMISSION TO PLANT, REMOVE, TRIM, TOP OR TREAT TREES.

(a) No tree located on public property or on a public right of way shall be planted, removed, topped, trimmed or treated without first obtaining a written permit from the Manager or the Manager's designee. If any tree is removed, treated or trimmed as provided in this section at the expense of the abutting property owner, then such wood shall be the property of the abutting property owner. The property owner shall promptly remove or cause to be removed all wood from the public property or public right of way based upon recommendations from the Municipality.

(b) The Village Manager may condition the granting of a permit upon the payment of compensation for the tree removed, as reasonably determined by Village Manager, and/or the replacement of the tree removed by the planting of one or more trees of a specie and in a location approved by the Village Manager upon recommendation by the Tree and Landscape Commission.

8.9.16

James Wills

City of Springfield

Doug, this is James Wills from City of Springfield, Ohio. We do take full responsibility of our ROW trees and any trees on City property. <https://springfieldohio.gov/government/code-library/> website will get you to our ordinance. Our ordinance is old but still works for what we need now until we can get some updates on it. We have a full time forestry crew of six guys plus me. We also have 5-6 seasonal employees most of the year. I hope this helps answer your question. Feel free to reach out if you have any other questions. Thanks

City of Springfield Code

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.)

ITEM 5

**Arborist Report
Monthly Summary
Reporting Month- August 2016**

Activity completed in **August 2016**

I. Tree and Stump Removals

- **9** Trees were removed in August 2016 by City Staff or Contractors due to mortality issues and or Storm Damage. All 9 trees were Maple trees of different species and size. 4 Silver Maples had Carpenter Ants, 3 Sugar Maples were removed due to trees had a majority of dead limbs and posed a threat in school zones, and 2 were medium size Red Maples that looked like they had died due to lack of water. .

II. Tree Maintenance

- **467** street trees were pruned by City Staff in August 2016 for street, sidewalk, and signage clearance,

III. Inventories

- Current backlog of Street Trees to plant is 293 trees. This includes trees removed in 2013, 2014, 2015 and 2016.
- **A Plan of Action is being developed by Parks and Natural Resources and the City Finance Department to address this backlog for planting and pruning of street trees.**

IV. Issues/Projects/Concerns

- Ongoing project to shape street trees to allow for sidewalk and roadway clearance based on CSR request and areas needing the most attention. Work will continue on this project throughout 2016.
- Street Tree clearance pruning will continue in the Cheshire Crossing neighborhoods through the end of August when completion is expected on this project.
- The City of Delaware and the Columbus Zoo is continuing partnering together in providing browse for the Zoo animals. The Zoo has picked up **3** more loads of limbs the City has pruned in August. The City and the Zoo are working on a MOU at this time. **The trees that the City has been pruning for the zoo browse has been coordinated with the CSR requests for tree clearance pruning on Vista Ridge Dr, Indigo Blue Dr, Lake Street, and Executive Blvd. .**
- **Arborist Richmond is currently compiling planting list and location for new development Fall Planting. All new and replacement tree lists should be in developers hands by Sept 1, 2016 for Fall plantings.**

V. Staff

City Parks department staff will assist in street tree pruning operations as availability will allow.

ITEM 6

Customer Service Requests
July 2016

Requests for Inspection for Viability	7
Request for Pruning/Removals (full/branch)	25
Misc. Inspections/Special Projects	5
Total Service Requests	37