ORDINANCE 92-04

Passed: _____

AN ORDINANCE TO ESTABLISH A VILLAGE TREE COMMISSION TO PROMOTE, PROTECT AND PRESERVE THE PLANTING AND DEVELOPMENT OF TREES IN THE VILLAGE OF BUCKEYE LAKE; AUTHORIZING THE MAYOR TO MAKE APPOINTMENTS THERETO AND DEFINING THE RESPONSIBILITIES AND POWERS THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS CONCURRING THAT;

SECTION ONE: Creation and Establishment of a Village Tree Commission:
There is hereby created and established a Village Tree Commission for the Village of Buckeye Lake, Licking County, Ohio which shall consist of five members, citizens and residents of this Village, who shall be appointed by the Mayor.

SECTION TWO: Term of Office:
The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first Commission shall be for only one year and the term of two members of the first Commission shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. One member of the Commission shall be a Councilperson of the Village of Buckeye Lake.

SECTION THREE: Compensation:
Members of the Commission shall serve without compensation.

SECTION FOUR: Duties and Responsibilites:
It shall be the responsibility of the Commission to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Village Council and upon their acceptance and approval shall constitute the official comprehensive Village tree plan for the Village of Buckeye Lake, County of Licking, State of Ohio. The Commission, when requested by the Village Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION FIVE: Operation:
The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION SIX: Street Tree Species to be Planted:
The Commission shall prepare a list of trees which shall constitute the official Street Tree species for the Village of Buckeye Lake, County of Licking, State of Ohio. No species other than those included in this list may be planted as Street Trees without written permission of the Village Tree Commission.

SECTION SEVEN: Definitions:
Street trees: "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village.
Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

SECTION EIGHT: 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 Commission 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.

SECTION NINE: Tree Topping:
It shall be unlawful as a normal practice for any person, firm or Village department to top any Street Tree, Park Tree or other tree on public property. 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. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructures where other pruning practices are impractical may be exempted from this ordinance at the determination of the Village Tree Commission.

SECTION TEN: Pruning, Corner Clearance:
Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light or interferes with visibility of any traffic control device or sign.

SECTION ELEVEN: Dead or Diseased Tree Removal on Private Property:
The Village shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Village. The Village Tree Commission will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

SECTION TWELVE: Removal of Stumps:
All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION THIRTEEN: Interference with Village Tree Commission:
It shall be unlawful for any person to prevent, delay or interfere with the Village Tree Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

SECTION FOURTEEN: Review by Village Council:
The Village Council shall have the right to review the conduct, acts and decisions of the Village Tree Commission. Any person may appeal from any ruling or order of the Village Tree Commission to the Board of Zoning Appeals who may hear the matter and make final decision.

SECTION FIFTEEN: Abuse of Public Trees:
Unless specifically authorized by the Tree Commission, no person shall intentionally damage, cut, carve, transplant or remove any tree; 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 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.

SECTION SIXTEEN: Penalty:
Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed $1,000.00.

SECTION SEVENTEEN: Effective date:
This ordinance shall become effective from and after the earliest period allowed by law.

ATTEST:

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Antoinette Yarman - Clerk Treasurer Mayor - James F. Bartoe

Approved as to form:

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Harvey H. Shapiro
Law Director - Village of Buckeye Lake