

VILLAGE OF RIPLEY, OHIO

ORDINANCE NO. 1179

AN ORDINANCE REGULATING PUBLIC TREES
WITHIN THE VILLAGE OF RIPLEY, OHIO

BE ORDAINED by the Council of the Village of Ripley, Brown County, Ohio, a majority or more of all members thereof concurring as follows:

SECTION 1: TITLE

This Ordinance shall be known as the "Village of Ripley, Ohio Tree Ordinance", and may be so cited and pleaded.

SECTION 2: PURPOSE

The purpose of the Village of Ripley Tree Ordinance is to provide for the regulation of trees on public property within the Village of Ripley.

SECTION 3: DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- B. "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.
- C. "Public Places" shall include all other grounds owned by the Village of Ripley.
- D. "Property Line" means the outer edge of a street or highway.
- E. "Tree Board" means the Tree Board created, organized and operating pursuant to the provisions of the Village of Ripley, Ohio Tree Board Ordinance enacted as Ordinance No. 1166 on April 12, 2005, or as amended.
- F. "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.

G. "Property Owner" means the person owning such property as shown by the County Auditor's Plat of the Village of Ripley, Brown County, Ohio, including the executor, administrator, or beneficiary of the estate of a deceased owner.

H. "Tree" means 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.

I. "Shrub" means 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.

J. "Public Trees" shall include all shade and ornamental trees now or hereafter growing on any public places.

K. "Right-of-Way" means any portion of the public way, street, alley, or sidewalk.

L. "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.

SECTION 4: DUTY OF PRIVATE PROPERTY OWNER

A. 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 shade or obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.

B. It shall be the duty of any person owning or occupying property bordering on right-of-way upon which property there are any trees or shrubs which are designated by the Tree Board as dead, dying, diseased, or hazardous or deemed a menace to the health, safety, and welfare of the people of Ripley, to remove or cause to be removed said tree(s) and/or shrub(s).

C. If the property owner is unable to carry out the required pruning, the Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

SECTION 5: VILLAGE MAY REMOVE

A. The Village Administrator 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.

B. The Village Administrator shall examine or cause to be examined, every tree 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 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 forty five (45) days.

SECTION 6: VILLAGE RESPONSIBILITY

A. Whenever it is necessary for the Village to remove a landscape tree from Village right-of-way, the Village shall remove such trees and replace them or plant, on another right-of-way area, an equal number of landscape trees to the satisfaction of the Tree Board.

B. No person or property owner shall remove a tree from the right-of-way for any reason without approval from the Tree Board. Should approval be given for the removal, the person shall be required to replant or replace an equal number of trees at the landowner's cost. The Tree Board must approve the replacement or replanting. Failure to plant replacements shall result in replacement by the Village and treble the actual cost to the Village shall be billed to the property owner.

SECTION 7: TREES PROHIBITED ON PUBLIC PROPERTY

The following shall not be placed on public property without specific consent of the Tree Board:

Acer saccharinum (Silver Maple)
Acer negundo (Boxelder)
Aesculus (Horsechestnut, Buckeye)
Ailanthus altissima (Tree of Heaven) Catalpa Species (Catalpa)
Elaeagnus angustifolia (Russian Olive)
Fruit trees cultivars bred for fruit production
Ginkgo biloba (Female) (Female Ginkgo)
Populus (Cottonwood, Poplar)
Pyrus calleyana "Bradford" (Bradford Callery Pear)
Robinia pseudoacacia (Black Locust)
Salix (Willow)
Sorbus aucuparia (European Mountain Ash)
Shrubs
Ulmus pumila (Siberian Elm)
Ulmus rubra (Red Elm)

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this Ordinance, the Village Administrator may cause removal of the same without obligating the Village to replace the illegally planted tree(s).

SECTION 8: ABUSE OR MUTILATION OF PUBLIC TREES

A. Unless specifically authorized by the Tree Board, 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 9: PLACING MATERIALS ON PUBLIC PROPERTY

No person shall deposit, place, store, or maintain upon any public place of the Village, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written consent of the Tree Board.

SECTION 10: PLANTING AND MAINTENANCE OF TREELAWNS

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 of the Tree Board.

The Village shall require the property owner to obtain a permit from the Village Administrator. The person obtaining the permit shall abide by the standards as set forth in this Ordinance.

SECTION 11: TREES IN NEW SUBDIVISIONS

The Tree Board shall approve the tree plan for any newly developed Village treelawns.

SECTION 12: TREE SPACING

The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Ripley Tree Board's list of Street Trees and no trees may be planted closer together than the following:

Small Trees	twenty (20) feet
Medium Trees	thirty (30) feet
Large Trees	forty (40) feet

Except in special plantings designed or approved by the Village Tree Board.

SECTION 13: DISTANCE FROM CURB AND SIDEWALK

The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Ripley Tree Board'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 three foot wide treelawn)
Medium trees	three (3) feet	(minimum of a five foot wide treelawn)
Large trees	four (4) feet	(minimum of a seven foot wide treelawn)

Except in special plantings designed or approved by the Village Tree Board.

SECTION 14: DISTANCE FROM THE STREET CORNERS AND FIRE HYDRANTS

No public tree shall be planted closer than thirty-five (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 (10) feet to any fire hydrant.

SECTION 14: UTILITIES

No public trees other than those species referred to as Small Trees in Ripley Tree Board's list of Street Trees may be planted under or within twenty five (25) lateral feet of any overhead utility wire.

SECTION 15: ADOPTION OF RULES

The Tree Board, with the approval of Village Council, may adopt rules consistent with this Ordinance, which shall provide detailed guidelines for the administration of this Ordinance.


SECTION 16: PENALTY

Any person violating or failing to comply with any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not less than Twenty Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) per violation, in addition to any required restitution for damages incurred by the Village or any special assessments levied as provided for herein.

SECTION 17: EFFECTIVE DATE

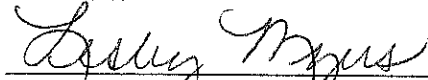
This Ordinance shall be in full force and effective from and after the earliest date allowed by law.

Passed and adopted at a legally convened meeting of Council held on March 28, 2006.



Tom Leonard, Mayor

ATTEST:


Lesley Myers, Clerk/Fiscal Officer