

ORDINANCE 934-04
VILLAGE OF WILLIAMSBURG
TREE ORDINANCE

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100.01 DEFINITIONS

The following words, whenever referred to in this chapter, are defined as follows:

- (a) "Public place" means any public street, public highway, public park or any property owned or held by the Village, within the boundaries of the Village.
- (b) "Tree" means any tree.
- (c) "Arboriculture" or "tree preservation" means and includes the treating, spraying, pruning, maintaining and any other care or work intended for the strengthening of trees, and the removal and prevention of tree pests, blights and diseases of any and all kinds.
- (d) "Village Administrator" or "Administrator" means the Village Administrator of the Village.
- (e) "Village" means the Village of Williamsburg, Ohio.

100.02 AUTHORITY OF VILLAGE ADMINISTRATOR

The Administrator is hereby given full jurisdiction, authority, control, supervision and direction of all trees which now or which may hereafter exist upon any public place in this Village, and over all trees which exist upon any private property in this Village when, in his opinion, such trees constitute a menace to public property, public safety or public welfare of this Village. The Administrator is also given full jurisdiction, authority and control in connection with the issuing of permits hereinafter provided for. In the exercise of any or all of the powers herein granted, the Administrator shall have the authority to delegate all or such part of his power and duties with respect to supervision and control of trees to his subordinates and assistants in the employ of the Village as he may from time to time determine.

100.03 PERMIT REQUIRED

No person shall plant, remove, destroy, cut, prune, fertilize, treat, break, climb, injure or spray any tree existing on any public place in this Village, or authorize or procure any person to do so, or remove or tamper with any device placed for the protection of any such tree, or attach any rope, wire, chain, sign or other device whatsoever either to such tree or to any device placed for the

protection of the tree, or authorize or cause the same to be done, except having first obtained written permission from the Administrator to do so.

100.04 PLACING HARMFUL SUBSTANCES NEAR TREES

No person shall permit any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substances deleterious to trees to come in contact with the soil surrounding the roots of any tree upon any public place in this Village in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.

100.05 PLACING STONE OR CONCRETE NEAR TREES

No person shall place or maintain upon the ground in any public place any stone, concrete, brick or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree upon any public place in the Village, without first having obtained written permission from the Administrator. Unless otherwise provided for there shall be maintained about the base of the trunk of each such tree at least nine square feet of open ground for a tree three inches in diameter, and for every two inches of increase of such diameter, there shall be an increase of at least one square foot of open ground.

100.06 CARE OF TREES DURING BUILDING OPERATIONS

No person in charge of or responsible for the erection, alteration or removal of any building or structure in the Village shall permit any tree upon any public place in the vicinity of such operation to stand without a good and sufficient guard or protection as shall prevent injury, damage or defacement to such tree arising out of, in connection with, or by reason of, such operation. The quality of the guard or protection is to be determined by the Administrator.

100.07 MOVING OF TREES

All moving of trees upon any public place in the Village made necessary by the moving of a building or structure or any other private enterprise shall be done under the supervision and with the written permission of the Administrator, and at the expense of the applicant or person seeking the removal of such tree. Such applicant, as one of the conditions to obtaining such permission, shall deposit with the Village such sum in cash as the Administrator may determine and specify to cover all of the cost of moving and replacing such tree, if the conditions of such permission require the replacement thereof. However, in lieu of such cash deposit the Administrator may, in his/her discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all the cost of such moving and replacing.

100.08 TRIMMING OF TREES ON PUBLIC PROPERTY

The Administrator shall, and is hereby directed to, keep all trees standing upon any public place in the Village trimmed so that the branches of such trees projecting over any public sidewalk, private driveway or into any public street beyond the curb line shall not conflict with the public welfare.

Tree trimming crews that are clearing under power or phone lines must meet with the Administrator and get his approval before doing the work. The Administrator may request the complete removal (cutting to the ground) instead of trimming, especially if the result of the trimming will create an aesthetically displeasing tree.

100.09 TRIMMING OF TREES ON PRIVATE PROPERTY

All trees standing upon private property in the Village having branches projecting into public highways or public places shall, under the supervision of the Administrator, be kept trimmed by the owner or occupant of such private property to such an extent that the lowest branches of such trees

shall not come within seven feet of the ground where they overhang any public sidewalk, public place or public highway.

100.10 PROHIBITED TREES

No Tree of Heaven, *Ailanthus altissima*, Box Elder, *Acer negundo*, Honey Locust (with thorns) *Gleditsia triacanthos*, White Poplar, *Populus alba* shall be permitted upon any tree lawn in the Village, and the Administrator is hereby authorized to cause all such trees now existing to be removed.

Any Tree of Heaven, *Ailanthus altissima*, Box Elder, *Acer negundo*, native Honey Locust (with thorns) *Gleditsia triacanthos*, White Poplar, *Populus alba* upon private property in the Village, in such close proximity to any public place as will permit the roots of such tree to penetrate through or under the surface of any public place, is hereby declared to be a public nuisance, and shall be abated by the Administrator.

100.11 PRESERVATION AND REMOVAL OF TREES ON PUBLIC PROPERTY

The Administrator shall have the right and duty to trim any tree existing on any public place in the Village so as to insure the public safety or to preserve the function or beauty of such public place. He/she shall further have the right to remove any such tree, or any part thereof, which is in an unsafe condition or which, by reason of its location or nature, is injurious or detrimental to other public improvements, or is infected with any injury, fungus, insect or other pest or disease which cannot otherwise be controlled.

100.12 ENFORCEMENT; INTERFERENCE

No person shall interfere with the Administrator or his subordinates or assistants while engaged in or about the carrying out of the provisions of this chapter or the doing of any of the work ordered by the Administrator to be done hereunder.

100.13 PRESERVATION AND REMOVAL OF TREES AND SHRUBS ON PRIVATE PROPERTY

The Administrator is hereby authorized to cause to be inspected any tree or shrub in the Village reported or supposed to be infected, infested by any parasite or insect pest or in any way reported or supposed to be a menace to public property, public health, public safety or public welfare or a public nuisance. If, upon such inspection, the Administrator determines that such tree or shrub is infected or infested or is a menace to public property, public safety, public health or public welfare or is a public nuisance, he/she shall, if such tree is located on private property, immediately serve upon the owner of such property a written notice that such tree or shrub must be treated or removed within five days of the service of such notice. If such owner cannot be found, a copy of such notice shall be posted upon the affected tree or shrub. If such tree or shrub is not treated or removed within seven days after the service or posting of such notice, the Administrator shall cause such tree to be treated or removed, at his reasonable discretion, and, if removed, to be disposed of in accordance with current Village practices. The cost of such treatment or removal shall be assessed against the owner of the property in the same manner as in other cases of the abatement of nuisances, and, in default of the payment of such cost, the same shall be assessed against the property on which such tree or shrub is located. In the event that the Administrator determines that such tree or shrub constitutes an immediate danger to public property, public safety, public health or the public welfare, or constitutes a public nuisance so as to require immediate action, the Administrator, upon reasonable determination, shall be empowered to cause the immediate treatment or removal of such tree or shrub and assess such costs as set forth in this section.

100.14 INSPECTION; DESTRUCTION OF DISEASED TREES; COSTS

The Administrator is hereby authorized to cause to be inspected any tree or shrub within the Village reported or supposed to be infected with the Dutch elm disease or the virus disease phlegm necrosis commonly known as "elm blight". If, upon such inspection, the Administrator determines that such tree or shrub is infected with either of such diseases, he/she shall, if the tree is in any public street or grounds within the Village, immediately remove and burn the same in such manner as to prevent as fully as possible the spread of such disease. If such tree is located on private property, the Administrator shall immediately serve upon the owner of such property a written notice that such tree is infected and that the same must be removed and burned under the supervision of the Administrator within five days of the service of such notice. If such owner cannot be found, a copy of such notice shall be posted upon such infected tree. If such tree is not so removed and burned within seven days after the service or posting of such notice, the Administrator shall cause such tree to be removed and burned. The cost of such removal and burning shall be assessed against such owner in the same manner as in other cases of the abatement of nuisances, and in default of payment shall be assessed against the property on which such tree is located.

100.15 GIFT-A-TREE PROGRAM

There is hereby established in and for the Village a Gift-A-Tree Program which shall be administered by the Clerk Treasurer.

(a) The Clerk Treasurer shall establish a separate designated fund, maintained in accordance with applicable Village finance procedures, to receive cash donations to the Gift-A-Tree Program.

(b) Donations shall be recorded by the name of the donor, the date and the donation amount. All such donations shall be used solely for the purchase and placement of trees in the Village.

Donations may also include trees in lieu of money.

(c) All trees shall be purchased by the Administrator in accordance with appropriate ordinances of the Village. Siting, planting and maintenance of trees will be the responsibility of and at the sole discretion of the Administrator. The Administrator is hereby authorized to adopt rules and regulations as are necessary to implement this Program.

(d) Donations will be acknowledged by a personal letter to the individual honored, a representative of the individual memorialized, and the donor notified as appropriate. The Clerk Treasurer shall cause a Gift-A-Tree Program record book to be created, acknowledging donations, honorariums and memorials. Entered in the Gift-A-Tree Program record book will be individual donations of trees or moneys, which meet or exceed the currently established cost of the acquisition of a single tree. Donations will be accepted throughout the year and will be encouraged throughout the year to facilitate planning.

(e) The initial minimum donation for inclusion in the Gift-A-Tree Program record book shall be fifty dollars (\$50.00) per tree or the donation of a tree acceptable to the Administrator. Such amount may be amended from time to time by resolution of Council so that the Gift-A-Tree Program contribution is maintained at a level equivalent to the current cost of the acquisition and placement of individual trees. Donations of lesser amounts than the cost of a single tree, as currently established or as may be established by resolution of Council, may be accepted by the Clerk Treasurer, but will not be individually recorded in the Gift-A-Tree Program record book. Such donations may be from time to time, at the discretion of the Clerk Treasurer, added to the record book in groups representative of purchases of trees and their placement without regard to specific locations or designations.

100.15A TREE FUND

There is hereby established a special account to be known as the Tree Fund Account which account shall be maintained in accordance with regulations of the State Auditor and administered by the Clerk Treasurer.

Upon the application of a zoning permit for a new single family residential structure on any lot in a single family residential zoning classification, the owner or applicant of such building or structure shall pay an Urban Forestry Fee of seventy five (\$75.00) per lot to the Village of Williamsburg's Tree Fund. The service director, his designee or the Tree Board member(s), will cause to be purchased and planted from said fund, all required street trees and assume full responsibility for care, replacement, and maintenance.

This fund shall be used for the purpose of planting approved trees in tree lawns and for accessory materials to be utilized in the planting of such trees, and all surplus funds from this fund shall be deposited into the tree maintenance account.

100.16 PENALTY

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree, and each day during which the violation continues shall be deemed a separate offense.

Adopted September 9, 2004