

CHAPTER 921

Trees

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CROSS REFERENCES

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

Assessments for tree planting or maintenance - see Ohio R.C. 727.011

Injury or destruction - see GEN. OFF. 541.06

921.01 DEFINITIONS.

For the purpose of this chapter, the words in this section shall have the following meanings:

- (a) "Trees" when used by itself, means any woody plant which generally includes those having a single main stem which grows to a mature height of over ten feet.
- (b) "Trees, shrubs and evergreens" when used together means all woody vegetation including but not limited to all ground covers.
- (c) "Evergreen" means any tree that retains its green living foliage the entire year.
- (d) "Plant materials" means all trees, shrubs, evergreens and other plants.
- (e) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (f) "Property owner" shall be presumed to be any one or more of the following:
 - (1) The owner or owners in fee simple of a parcel of real estate including the life tenant or tenants, if any;
 - (2) Or the record owner or owners as reflected by the current records in the Franklin County Auditor's Office; or
 - (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.
- (g) "Public street" means all the land lying within the right-of-way or easement dedicated to the City.
- (h) "Public place" includes all other grounds owned by the City of Grandview Heights.
- (i) "Private property" means all real estate within the City of Grandview Heights except real estate that is owned, leased, controlled or occupied by the United States government, State of Ohio, Franklin County government, or the City of Grandview Heights.
- (j) "Public trees" includes all trees now or hereafter growing on any public street or public place.
- (k) "Shrub" means a low growing woody plant with several perennial stems instead of one trunk, producing branches, shoots, or multiple stems from or near the base or the plant.
- (l) "Director" means the Director of Parks and Recreation, Department of the City of Grandview Heights or any representative the Director so designates.
- (m) "Department" means the Parks and Recreation Department of the City of Grandview Heights.
- (n) "Landscape Advisory Board" means the board consisting of residents appointed by the Mayor to serve a two year term (beginning February) whose function is to provide recommendations, and guidance in the areas of urban forestry, land- scaping and horticulture.
- (o) "Planting materials" means plant materials, brick, stone, sand, lumber, concrete, asphalt or other materials.
(Ord. 94-10. Passed 4-4-94.)

921.02 MANAGEMENT AND PROTECTION OF PUBLIC PLANT MATERIALS.

The Department shall have charge, custody and control of trees, shrubs and evergreens planted or to be planted, in or on a public street or public place. The Department shall have authority to plant, prune, spray, remove and otherwise maintain such trees, shrubs and evergreens in the public street and public place. Such authority shall exist as long as it does not interfere with the public travel, peace, health and safety.

(Ord. 94-10. Passed 4-4-94.)

921.03 MANAGEMENT OF PRIVATELY OWNED PLANT MATERIALS.

(a) It shall be the duty of any property owner owning real estate bordering on any public street upon which such private property there may be plant materials, to prune or cause to be pruned such plant materials in such manner that

they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct view of any street or alley intersections, or generally obstruct vehicular traffic.

(b) Should any property owner, owning real estate property bordering on any public street fail to prune plant materials as herein provided above, the Mayor or his designee shall order such property owner within fifteen days after receipt of written notice to so prune such plant materials.

(1) The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail or personal service.

(2) When an owner to whom an order is directed shall fail to comply within the specific time, it shall be lawful for the City to prune such plant materials and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.

(c) The person to whom an order is directed may appeal the order of the Mayor or his designee by notifying the Mayor of such an appeal within the fifteen days after receipt of written notice. The Mayor or his designee will delay enforcement of the order until such time that the appeal may be presented to and decided by the Landscape Advisory Board.

(Ord. 94-10. Passed 4-4-94.)

921.04 REMOVAL.

(a) The Mayor may order to be removed, any tree 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.

The Service Director shall examine or cause to be examined every tree, 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 to or obstruction of such sewer, drain, manhole or public utility line, he shall give to the tree owner or the person having charge or control of said tree, including an executor or administrator of a deceased owner, written notice of his findings and an order that such person remove said tree or injurious part thereof within forty-five days. Service of such notice may be by personal service, residence service or by registered or certified mail, provided that such notice shall be deemed to be properly served upon such owner or person having charge or control of the tree, including an administrator or executor, if a copy thereof is sent by registered or certified mail to his last known address.

(b) The person to whom an order is directed may appeal the order of the Mayor or his designee by notifying the Mayor of such an appeal within the fifteen days after receipt of written notice. The Mayor or his designee will delay enforcement of the order until such time that the appeal may be presented to and decided by the Landscape Advisory Board.

(Ord. 94-10. Passed 4-4-94.)

921.05 DEAD OR DISEASED TREES.

(a) It is unlawful for any property owner to maintain or permit to stand on his property dead, diseased, damaged or alive, tree, shrub, evergreen or other plant material which is deemed by the Parks and Recreation Department to be a menace to the public health, safety and welfare. The Mayor or his designee shall order removal of such tree, shrub, evergreen or other plant material, by a letter sent certified mail, return receipt requested. A period of no more than fifteen days will be permitted to affect such removal. Failure to comply with the removal order shall result in the cost being assessed to the owner.

(b) The person to whom an order is directed may appeal the order of the Mayor or his designee by notifying the Mayor of such an appeal within the fifteen days after receipt of written notice. The Mayor or his designee will delay enforcement of the order until such time that the appeal may be presented to and decided by the Landscape Advisory Board.

(Ord. 94-10. Passed 4-4-94.)

921.06 ABUSE OR MUTILIZATION OF PUBLIC TREES.

It is unlawful for any person to damage, break, deface, injure, mutilate, kill, attach any rope, wire or other contrivance to any public tree or shrub, allow any gaseous liquid, or solid substance which is harmful to such public trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any public tree or shrub.

(Ord. 94-10. Passed 4-4-94.)

921.07 EXCAVATION PROHIBITED.

No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining written approval from the Mayor or his designee.

(Ord. 94-10. Passed 4-4-94.)

921.08 PLANTING MATERIALS PERMIT.

(a) It shall be unlawful for any person to plant or set out any tree, shrub or evergreen in or on any public street or public place without first obtaining a written permit from the Department. To obtain a permit, an application must be filed with the Department specifying the species, cultivar, or variety, size, grade, location, method of planting, method of support, and pruning of the trees, shrubs and evergreens concerned. The application may be approved or disapproved

by the Director. If the application is approved, a permit shall be issued; however, the permit may be declared void if its terms are violated.

(b) No person shall deposit, place, store, or maintain upon any public place of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air and fertilizer to the roots of any public tree growing therein, except by written consent of the Mayor or his designee.

(c) Applicant may appeal the disapproved application to the Mayor or his designee within fifteen days after notice. The Mayor or his designee will delay enforcement of the order until such time that the appeal may be presented to and decided by the Landscape Advisory Board.

(Ord. 94-10. Passed 4-4-94.)

921.09 ADOPTION OF RULES.

The Landscape Advisory Board, with the approval of the Mayor, may adopt rules consistent with this chapter which provide detailed guidelines for administration of this chapter.

(Ord. 94-10. Passed 4-4-94.)

921.99 PENALTY.

Any person, firm or corporation in violation or failing to comply with any provision of this chapter shall be deemed guilty of a misdemeanor.

(Ord. 94-10. Passed 4-4-94.)