

ORDINANCE 2011-05

**AN ORDINANCE ESTABLISHING A VILLAGE TREE COMMISSION
TO REGULATE THE PLANTING, CARE AND REMOVAL OF STREET TREES.**

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ADA, STATE OF OHIO:

SECTION 1. DEFINITIONS

- A. STREET TREES: "Street Trees" are herein defined as trees, shrubs, bushes and all woody vegetation on land lying within the right-of-ways and within the tree lawns on the Village.
- B. PARK TREES: "Park Trees" are herein defined as trees, shrubs, bushes and all 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 2. CREATION AND ESTABLISHMENT OF A VILLAGE TREE COMMISSION

- A. There is hereby created and established a Village Tree Commission for the Village of Ada, Ohio, which will consist of eleven (11) members, to be filled as follows:
 - 1. Mayor appoints one member of Council to serve on the commission.
 - 2. The Village Administrator shall be a member of the commission.
 - 3. Eight (8) residents of the Village of Ada shall be appointed by the Mayor with approval of Village Council.
 - 4. A Village Forester will be appointed by the Mayor with approval of Village Council.

SECTION 3. COMPENSATION

Members of the Tree Commission shall serve without compensation.

SECTION 4. DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Commission to study, investigate, advise, develop 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 to Village Council and upon their acceptance and approval shall constitute the official comprehensive Village tree plan of the Village of Ada, Ohio.

SECTION 5. OPERATION

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

SECTION 6. STREET TREE SPECIES TO BE PLANTED

The attached list constitutes the Official Street Tree species for the Village of Ada. No species other than those included in the list may be planted as Street Trees without written permission of the Ada Tree

Commission. Before planting any trees in street right-of-way please contact the Ada Water and Sewer Department so your tree can be added to Ada's Tree Inventory.

SECTION 7. SPACING

The spacing of street trees will be in accordance with the tree species size classes per the species list. No tree may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings or when approved by the Tree Commission.

SECTION 8. DISTANCE FROM STREET CORNERS AND FIREPLUGS

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of the nearest intersecting curbs or curb lines. No street tree shall be planted within 10 feet of any fire hydrant.

SECTION 9. DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the species list. No trees may be planted closer to any curb or sidewalk than the following; small trees, 2 feet; medium trees, 2 feet; large trees, 3 feet.

SECTION 10. UTILITIES

No street trees other than these species listed as small trees per the species list may be planted under or within 10 lateral feet of any overhead power line.

SECTION 11. 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 symmetry and beauty of such public grounds.

The Tree Commission may remove, cause or order to be removed, any tree or part thereof which is in an unsafe condition, or a sight hazard, 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. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees are in accordance with Sections 7 thru 11 of this ordinance.

SECTION 12. 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 obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Tree Commission.

SECTION 13. PRUNING, CORNER CLEARANCE

The 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 along the street from a street light or interferes with visibility of any traffic control device or sign.

SECTION 14. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Village shall have the right to cause removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and/or property, or creates a blight condition, harbor insects or disease which constitutes a potential threat to other trees within the Village. The Tree Commission will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after 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 the trees and charge the cost of removal on the owner's property tax notice.

SECTION 15. 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 16. ABUSE OR MUTILATION OF TREES

It shall be a violation of this ordinance to abuse, girdle, destroy, or mutilate any tree, shrub or plant in a public tree lawn or any other public place, or to attach or place any rope or wire (other than one to be used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots or leaves.

SECTION 17. INTERFERENCE WITH TREE COMMITTEE

No person shall prevent, delay, or interfere with the Tree Commission, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or trees on private ground, as authorized in this ordinance.

SECTION 18. ARBORISTS LICENSE AND BOND

No person or firm shall engage in business or occupation of pruning, treating, removing street or park trees, or grinding the stumps thereof, within the Village without first obtaining a license. The license shall be \$25.00 annually in advance. Before any license shall be issued, each applicant shall first file a certificate of liability insurance that verifies possession of general liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000) for bodily injury and five hundred thousand

dollars (\$500,000) for property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as described herein.

SECTION 19. NEW SUBDIVISION

In conjunction with Ordinance 81-2 a sub divider is required to provide all street trees required for the subdivision per the Tree Commission requirements. These trees shall be a minimum of one (1) inch in diameter and all planting will comply with this Ordinance.

SECTION 20. REVIEW BY VILLAGE COUNCIL

The Village Council shall have the right to review the conduct, acts and decisions of the Tree Commission. Any person may appeal any ruling or order of the Tree Commission to the Village Council who may hear the matter and make a final decision.

SECTION 21. 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 \$100.00. Each day the violation continues will be a separate offense.

SECTION 22. CONFLICT

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed: 05.03.11

Mayor

Clerk

(Modified from)
DR. L. C. Chadwick
Professor Emeritus
The Ohio State University
Columbus, Ohio

Large trees, 45 Feet and over

Acer platanoides.....	Norway Maple
Acer platanoides ‘Cleveland’.....	Cleveland Norway Maple
Acer platanoides ‘Emerald Queen’.....	Emerald Queen Norway Maple
Acer platanoides ‘Summershade’ (p.1748).....	Summershade Norway Maple
Acer rubrum.....	Red Maple
Acer rubrum ‘Autumn Flame’ (p. 2377).....	Autumn Flame Red Maple
Acer rubrum ‘October Glory’ (p. 2116) ..	October Glory Red Maple
Acer rubrum ‘Red Sunset’.....	Red Sunset Red Maple
Acer rebrum ‘Tilford’	Tilford Red Maple
Acer saccharum ‘Green Mountain’ (p. 2339).....	Green Mountain Sugar Maple
Fagus grandifolia.....	American Beech
Fagus sylvatica.....	European Beech
Ginkgo biloba ‘Autumn Gold’.....	Autumn Gold Ginkgo
Gleditsia triacanthos ‘Imperial’ (p. 605) .	Imperial Honey locust
Gleditslia triacanthos ‘Moraine’ (p. 836) ..	Moraine Honey locust
Gleditsia traicanthos ‘Skyline’ (p. 1619) .	Skyline Honey locust
Gymnocladus dioicus....	Kentucky Coffeetree
Liquidambar styraciflua	American Sweetgum
Liquidambar styraciflua ‘Burgundy’	Burgundy American Sweetgum
Metasequoia glyptostroboides.....	Dawn Redbud
Nyssa sylvatica	Black Tupelo
Platanus acerifolia.....	London Planetree
Quercus alba.....	White Oak
Quercus coccinea	Scarlet Oak
Quercus palustris.....	Pin Oak
Quercus palustris ‘Sovereign’ (p. 2662)..	Sovereign Pin Oak
Quercus rubra maxima .	Eastern Red Oak
Quercus shumardii	Shumard Oak
Sophora japonica.....	Japanese Pagodatree
Tilia euchlora.....	Crimean Linden
Tilia tomentosa	Silver Linden

Medium Trees, mostly 30 - 45 feet

Acer campestree	Hedge Maple
Aeculus carnea ‘Brioti’ ..	Ruby Red Horsechestnut
Betula maximowicziana	Monarch Birch
Cladrastis lutea.....	American Yellowwood
Eucommia Ulmoides.....	Eucommia Rubbertree
Gleditsia triacanthos ‘Sunburst’ (p. 1313)	Sunburst Honey locust
Ostrya virginiana	American Hophornbeam
Phellodendron amurense	Amur Corktree
Prunus sargentii	Sargent Cherry
Pyrus calleryana ‘Bradford’	Bradford Callery Pear
Quercus bicolor	Swamp White Oak
Sassafras albidum molle	Silky Sassafras
Tilia cordata	Littleleaf Linden
Tilia cordata ‘Chancellor’ (p. 2712)	Chancellor Littleleaf Linden
Tilia cordata ‘Greenspire’ (p. 2086).....	Greenspire Littleleaf Linden
Tilia cordata ‘Rancho’ (p. 2092)	Rancho Littleleaf Linden
Ulmus parvifolia	Chinese Elm
Zelkova serrata ‘Parkview’	Parkview Japanese Zelkova
Zelkova serrata ‘Village Green’ (p. 2337)	Village Green Japanese Zelkova

Weeping or Pendulous Types

Betula verrucosa ‘Gracilis’	Cutleaf European White Birch
Fagus sylvatica ‘Purpureo-pendula’	Weeping European Beech
Malus ‘Red Jade’ (p. 1497).....	Red Jade Crab Apple
Prunus subhirtella pendula.....	Weeping Higan Cherry

Columnar, Fastigate, or Narrow Pyramidal Types

Acer platanoides ‘Columnare’.....	Column Norway Maple
Acer rubrum ‘Armstrong’.....	Armstrong Red Maple
Acer rubrum ‘Bowhall’ ..	Bowhall Red Maple
Acer rubrum “Scanlon’ (p. 1722).....	Scanlon Red Maple
Acer Saccharum “Temple’s Upright’.....	Temple’s Upright Sugar Maple
Carpinus betulus ‘Fastigiata’	Pyramidal European Hornbeam
Corylus colurna.....	Turkish Hazel
Crataegus monogyna ‘Stricta’	Pyramidal Singleseed Hawthorn
Fagus sylvatica ‘Dawyck’	Dawyck European Beech
Liquidambar styraciflua ‘Festival’	Festival American Sweetgum
Maius baccata ‘Columnaris’	Columnar Siberian Crab Apple
Quercus robur ‘Fastigiata’	Pyramidal English Oak

Small Trees, mostly 10 – 30 feet

<i>Acer buergerianum</i>	Trident Maple
<i>Acer ginnala</i> ‘Flame’	Flame Maple
<i>Acer griseum</i>	Paperbark Maple
<i>Acer platanoides</i> ‘Globosum’	Globe Norway Maple
<i>Acer tataricum</i>	Tatarian Maple
<i>Amelanchier laevis</i>	Allegheny Serviceberry
<i>Amelanchier x gradiflora</i>	Autumn Brilliance Serviceberry
<i>Amelanchier grandiflora</i>	Princess Diana Serviceberry
<i>Cercis canadensis</i>	Eastern Redbud
<i>Cercis canadensis</i> ‘Withers Pink Charm’ .	Withers Pink Charm Redbud
<i>Chionanthus virginicus</i> ..	White Fringetree
<i>Cornus florida</i>	Flowering Dogwood
<i>Cornus florida</i> ‘Cherokee Princess’	Cherokee Princess Flowering Dogwood
<i>Cornus florida</i> ‘Cloud 9’	Cloud 9 Flowering Dogwood
<i>Cornus florida</i> ‘Fragrant Cloud’	Fragrant Cloud Flowering Dogwood
<i>Cornus kousa chinensis</i>	Chinese Kousa Dogwood
<i>Cornus officinalis</i>	Japanese Cornel Dogwood
<i>Crataegus lavalleyi</i>	Lavalle Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Crataegus toba</i>	Toba Hawthorn
<i>Crataegus</i> ‘Winter King’	Winter King Hawthorn
<i>Koelreuteria paniculata</i>	Panicked Goldenrain Tree
<i>Magnolia denudate</i>	Yulan Magnolia
<i>Magnolia loebneri</i> ‘Merrill’	MerrillMagnolia
<i>Magnolia soul angeana</i>	Saucer Magnolia
<i>Magnolia soul angeana</i> ‘Alexandrina’	Alexander Saucer Magnolia
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Malus</i> ‘Adirondack’	Adirondack Crab Apple
<i>Malus arnoldiana</i>	Arnold Crab Apple
<i>Malus atrosanguinea</i>	Carmine Crab Apple
<i>Malus</i> ‘Dorothea’	Dorothea Crab Apple
<i>Malus</i> ‘Jewelcole’	Red Jewel Crab Apple
<i>Malus</i> ‘Katherine’	Katherine Crab Apple
<i>Malus</i> ‘Radiant’	Radiant Crab Apple
<i>Malus</i> ‘Royal Ruby’	Royal Ruby Crab Apple
<i>Malus</i> Royalty.....	Royalty Crab Apple
<i>Malus sargentii</i>	Sargent Crab Apple
<i>Malus</i> ‘Snowdrift’	Snowdrift Crab Apple
<i>Malus</i> ‘White Angel’	White Angel Crab Apple
<i>Malus zumi calocarpa</i> ...	Redbud Crab Apple

Prunus serrulata 'Kwansan'Kwansan Oriental Cherry
 Prunus x cistena 'Schmidt'Big Cis Plum
 Prunus 'Franktrees' Mt. St. Helens Plum
 Pyrus calleryana 'Fauriei'Dwarf Callery Pear
 Sorbus alnifolia.....Korean Mountain Ash
 Syringa amurensis japonicaJapanese Tree Lilac
 Viburnum prunifoliumBlackhaw Viburnum
 Zelkova serrata 'Schmidt'Wireless Zelkova

PLEASE NOTE: OTHER SPECIES ARE PERMISSIBLE, WITH TREE COMMISSION APPROVAL.