

REQUESTED BY: CITY MANAGER, SCOTT BAUER

DATE OF FIRST READING: 7/18/23 WAIVE RULES? YES ✓ NO
FINAL ACTION DATE: 9/19/23 VOTE: ✓ YES NO

SUSPENSION OF TWO READING RULE:

YES	NO
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ADOPTION OF RESOLUTION:

YES	NO
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DENISE LINGO
ROBERT PARSONS
JOE ROETTING
KISHA DOSA
CORDEL GEORGE
PAUL YOUNG III
PEGGY RISSEL

TOTALS

Mr. C. George Made a motion to adopt this Ordinance and
Mr. D. George seconded the motion.

ORDINANCE NO. 23-2016

AN ORDINANCE ADDING CHAPTER 101- CITY OF MOUNT HEALTHY TREE ORDINANCE TO THE MT. HEALTHY CODE OF ORDINANCES

WHEREAS, as the City established the Urban Tree Commission via City Ordinance #11-1622 passed on December 6, 2011 and referenced in Article 33, Section 2 and Article 6, Section 10 of the City's Code of Ordinances; and

WHEREAS, as the Urban Tree Commission has requested that the City Manager introduce to City Council for consideration additional proposed tree planting and care standards to supplement Title XIII, Chapter 131, Section 21 Injuring Vines, Bushes, Trees, or Crops and any other current existing City laws, ordinances, and/or resolutions; and

WHEREAS, updating the City's Code of Ordinances and adding tree planting and care standards will benefit the health, safety, and general welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

Section 1. That Chapter 101 is hereby to be added under Title IX General Regulations of the City's Code of Ordinances as set forth per the attached *EXHIBIT A*.

Section 2. That Council finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting and that all deliberations of Council which resulted in the passage of this Ordinance were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code. That this Resolution shall be in full force and effect from and after the first date provided by law.

Passed this 19th day of SEPTEMBER, 2023.

Ron Bittner
President of Council

Attest: Teddea Smith
Clerk of Council

Approved this 24th day of September, 2023.

James
Mayor

Approved as to form:

Scott A. Sollmann

Scott A. Sollmann (0081476)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 707-4249
City of Mt. Healthy Law Director

EXHIBIT A

City of Mount Healthy Public Infrastructure Tree Ordinance

Recommend chapter 101 under Title IX: General Regulations

TREE PLANTING AND CARE STANDARDS.

This chapter provides governance of trees planted on public lands within the City of Mount Healthy, Ohio. Its purpose is to establish policies and regulations that will promote and protect the urban forest infrastructure of Mount Healthy.

(a) Standards for planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all arboriculture Best Management Practices (BMPs) published by the International Society of Arboriculture.

(b) Requirements of Franchise Utility Companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

(c) Prohibited Species List. The Mt. Healthy Urban Tree Commission shall provide to the City Manager an official list of tree species prohibited from planting on public property.

(d) Planting Distances. No street tree shall be planted within 20 feet of street intersections, within 25 feet of a stop sign, within 15 feet of a fire hydrant and within 10 feet of a driveway.

(e) Planting Trees Under Electric Utility Lines. Only trees projected to reach a maximum of 25 feet in height at maturity may be planted under any overhead distribution utility wire carrying 7.2 KV or more.

(f) Protection of Public Trees During Construction. Any person, firm, corporation, or city department performing construction near any public tree must employ industry-accepted appropriate measures (as specified in ANSI A-300) to protect the tree. Critical Root Zone (as defined in ANSI A300) measures shall be employed by placing barriers around the tree to a minimum of 75% of the CRZ to prevent damage. Any and all construction, demolition or remaining street construction materials shall be removed by the contractor. There shall be no concrete equipment washing in public right of way, tree lawns or medians. Any public trees damaged or destroyed due to contractor negligence shall be treated or removed at the contractor's expense.

PROHIBITION AGAINST HARMING PUBLIC TREES.

(a) It shall be unlawful for any person, firm, or corporation to recklessly cause direct or indirect damage to a tree or other planting in the public way or on public land through any of the following means: topping, girdling, cutting, carving, transplanting, removing, attaching rope, wire or nails or advertising posters; pouring harmful liquids or harmful chemicals on the tree or other planting or in or near CRZ; setting fire to or near a tree or other planting; impeding water, air or fertilizer to a tree or other planting.

(b) Trees severely damaged by storms and needing to be trimmed or removed in the interest of public safety are exempted from this section. Trees damaged by insects, diseases or certain trees under utility wires or other obstructions may be removed with the approval of the City Manager or his designee. Contractors involved in utility line pruning are exempted from this section; however, line pruning must be done in accordance with the guidelines set forth in the publication standard.

(c) No person or property owner shall remove a public tree for any reason without approval from the City Manager.

VIOLATIONS AND PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and subject to a fine not to exceed five hundred dollars per first offense.