

VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 1184

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

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

**SECTION 1: TITLE**

This Ordinance shall be known and as the “Village of Georgetown Tree Ordinance,” and may be so cited and pleaded.

**SECTION 2: PURPOSE**

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

**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 organizations of any kind.
- b. “**Property Line**” means the outer edge of a street or highway.
- c. “**Property Owner**” means the person owning such property as shown by the County Auditor’s Plat of the Village of Georgetown, Brown County, Ohio, including executor, administrator, or beneficiary of the estate of a deceased owner.
- d. “**Public Places**” shall include all other grounds owned by the Village of Georgetown.
- e. “**Public Trees**” shall include all shade and ornamental trees now or hereafter growing on any public places.
- f. “**Right of Way**” means any portion of the public way, street, alley, or sidewalk.
- g. “**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.
- h. “**Street**” or “**Highway**” means the entire width of every public way, easement or 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.
- i. “**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.

- j. **“Tree Lawn”** 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.
- k. **“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 A 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 obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.
- b. It may 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 Commission as dead, dying, diseased, or hazardous or deemed a menace to the health, safety and welfare of the people of Georgetown, to remove or cause to be removed said tree(s) and/or shrub(s).
- c. In either Section 4(a) or (b) above, upon the recommendation of the Tree Commission, the Village Administrator shall send a written notice to the property owner indicating the required action (pruning or removal) to be taken. A period of thirty days from receipt of this letter shall be permitted for the property owner to affect the indicated action. Should the property owner or occupant fail to comply, the Village of Georgetown may enter upon the property and cause such action. The cost to undertake such action may be billed back to the property owner or occupant and may be assessed by the Village Council to the property owner’s taxes for failure to make payment.

#### **SECTION 5: VILLAGE REMOVAL**

- a. The Village Administrator may remove or cause 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 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. Such notice shall be delivered as provided for by Section 4(c) herein.

## **SECTION 6: VILLAGE RESPONSIBILITY**

- a. Whenever it is determined to be necessary for the Village to remove a tree from Village right of way, as recommended by the Tree Commission and approved by the Village Administrator, the Village may remove such trees and replace them or plant, on another right of way area, an equal number of trees to the satisfaction of the Tree Commission. Such a determination is to be made by the Village Administrator based upon the appropriation for such actions made by the Village Council each year.
- b. No person or property owner shall remove a tree from the right of way for any reason without the recommendation of the Tree Commission and approval of the Village Administrator.

## **SECTION 7: TREES PROHIBITED ON PUBLIC PROPERTY**

The following shall not be planted on public property without the specific consent of the Tree Commission:

*Acer saccharinum* (Silver Maple)  
*Acer negundo* (Boxelder)  
*Aesculus* Species (Horsechestnut, Buckeye)  
*Catalpa* Specis (Catalpa)  
*Elaeagnus anjustifolia* (Russian Olive)  
*Fraxinus* Species (Ash)  
Fruit tree cultivars bred for fruit production  
*Ginkgo biloba* (Female) (Female Ginkgo)  
*Populus* Species (Cottonwood, Poplar)  
*Pyrus calleryana* (Callery Pear)  
*Robinia pseudoacacia* (Black Locust)  
*Salix* Species (Willow)  
*Sorbus aucuparia* (European Mountain Ash)  
*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 Commission, no person may 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 on any public trees; allow any gaseous, liquid or solid substance to come into contact with

them; set fire or permit fire to burn when the fire or heat thereof shall injure any portion of the tree or shrub.

- b. No person shall excavate any ditches, tunnels, trenches, or alley or drive within a radius of ten (10) 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 Commission.

**SECTION 10: PLANTING AND MAINTENANCE OF TREELAWNS**

No person shall plant, prune, 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 Commission. The Village shall require the property owner to obtain permission from the Village Administrator. The person obtaining permission shall abide by the standards set forth in this Ordinance.

**SECTION 11: TREES IN NEW SUBDIVISIONS**

The Tree Commission 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 Village Tree Commission'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 Commission.

**SECTION 13: DISTANCE FROM CURB TO 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 Georgetown Tree Commission’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 (3) foot wide treelawn)
Medium Trees	three (3) feet	(minimum of a five (5) foot wide treelawn)
Large Trees	four (4) feet	(minimum of a seven (7) foot wide treelawn)

**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 trees shall be planted closer than ten (10) feet to any fire hydrant.

**SECTION 15: UTILITIES**

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

**SECTION 16: ADOPTION OF RULES**

The Village Tree Commission, 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 17: VARIANCES**

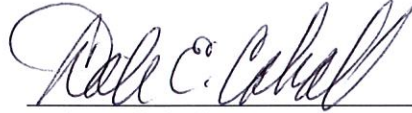
Variations to the requirements of this Ordinance may be provided with the recommendation of the Tree Commission and approval of the Village Administrator. If a variance is issued or denied it may be appealed to the Village Council who shall have the final decision regarding the issuance of any variances to this Ordinance.

**SECTION 18: PENALTIES**

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 of not less than (\$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 by Village Council as provided herein.

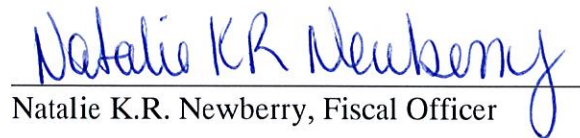
This Ordinance shall be in full force and effect from and after the earliest date allowed by law.

PASSED AND ADOPTED at a legally convened meeting of Council held on the 10<sup>th</sup> day of November, 2016.



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Dale E. Cahall, Mayor

ATTEST:



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Natalie K.R. Newberry, Fiscal Officer

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