

CHAPTER 945
Tree Planning and Management

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CROSS REFERENCES

Notice to cut weeds; abate nuisances - see GEN. OFF. 521.05

Injury or destruction of trees and growing products - see GEN. OFF. 541.06

945.01 DEFINITIONS.

As used in this Chapter, certain terms are defined as follows:

(a) "Public place" means any public street, public highway, public park or any property owned or held by the City within the boundaries of the City, including street tree lawns.

(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) "Safety-Service Director" or "Director" means the Director of Public Safety-Service of the City.

(e) "City" means the City of Rocky River.

(f) "Person" means and includes any person, corporation, firm or partnership. (Ord. 67-58. Passed 4-28-58.)

945.02 PLANTING IN TREE LAWN.

Trees may be planted in the tree lawn of a street or other public place by an abutting property owner, provided that such owner first makes application for and is granted permission by the Safety-Service Director to do so. Such planting shall be in accordance with and shall conform to the provisions of the Master Tree Planting Plan now on file in the Safety-Service Director's office, and which plan is hereby accepted and approved by Council. (Ord. 67-58. Passed 4-28-58.)

945.021 MASTER TREE PLAN REVISIONS.

(a) The Master Tree Planting Plan as now revised and amended is hereby approved and accepted by Council.

(b) The Director of Public Safety-Service shall continue to make periodic additions and revisions to such plan until the plan is again reviewed by Council. (Ord. 121-67. Passed 11-27-67.)

945.03 COMPLIANCE WITH MASTER PLAN; REMOVAL ORDER.

(a) No person shall plant or cause to be planted any tree in any public place including the tree lawn, contrary to any of the provisions of the Master Tree Planting Plan referred to in Section 945.02. Upon order of the Safety-Service Director, any such tree shall be immediately removed from the premises by the person planting same or causing such planting to be done.

(b) The planting of any tree as provided for herein shall be under the supervision of the Safety-Service Director, shall be expeditiously done and completed and all surrounding ground shall be restored to its former condition and grade. (Ord. 67-58. Passed 4-28-58.)

945.04 CONTROL OF TREES INVESTED IN DIRECTOR.

The Director is hereby given full jurisdiction, authority, control, supervision and direction of all trees which exist upon any private property in this City when, in his opinion, such trees constitute a menace to the public property, public safety or public welfare of this City (Ohio Revised Code, Section 927.15). The Director is also given full jurisdiction, authority and control in connection with the issuing of permits herein provided for. In the exercise of any or all of the powers herein granted, the Director 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 City, as he may from time to time determine. (Ord. 67-58. Passed 4-28-58.)

945.05 PERMISSION REQUIRED FOR REMOVAL OR TAMPERING.

No person shall plant, remove, destroy, cut, prune, fertilize, treat, break, climb, injure or spray any tree existing on any public place in this City, authorize or procure any person to do so, remove or tamper with any device placed for the protection of any such tree, attach any rope, wire, chain, sign or other device whatsoever either to such tree or to any device placed for the protection of such tree, or authorize or cause the same to be done without having first obtained permission from the Director to do so. (Ord. 67-58. Passed 4-28-58.)

945.06 DELETERIOUS SUBSTANCES NEAR TREES PROHIBITED.

No person shall permit any natural or artificial gas, salt, brine, 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 City in such a manner as to kill, injure, deface, destroy or affect the growth of such trees. (Ord. 67-58. Passed 4-28-58.)

945.07 STONE OR CONCRETE ON GROUND ADJACENT TO TREE TRUNK.

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 this City. (Ord. 67-58. Passed 4-28-58.)

945.08 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 this City 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. (Ord. 67-58. Passed 4-28-58.)

945.09 MOVING OF TREES; DEPOSIT OR BOND REQUIRED.

All moving of trees upon any public place in this City made necessary by the moving of a building or structure or any other private enterprise shall be done under the supervision of, with the permission of the Director 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 City such sum in cash as the Director 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, provided, however, that in lieu of such cash deposit the Director may, in his discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all the cost of such moving and replacing. (Ord. 67-58. Passed 4-28-58.)

945.10 TRIMMING OF TREES ON PUBLIC PROPERTY.

The Director shall keep all trees standing upon any public place in this City 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. (Ord. 67-58. Passed 4-28-58.)

945.11 TRIMMING OF TREES ON PRIVATE PROPERTY.

All trees, standing upon private property in this City, having branches projecting into public highways or public places shall be kept trimmed by the owner or occupant of such private property to such an extent that they will not interfere with pedestrian or vehicular traffic. (Ord. 185-62. Passed 11-12-62.)

945.12 CERTAIN TREES PROHIBITED.

No Silver Maple, Poplar, Box Elder, Basswood, Willow or Honey Locust shall be permitted upon any tree lawn in this City. The Director is hereby authorized to cause all such trees as shall be now existing to be forthwith removed.

Any Silver Maple, Honey Locust, Poplar, Basswood, Box Elder or Willow upon private property in this City, in close proximity to any public place in this City as will permit the roots of such tree to penetrate through or under the surface of any public place in this City, is hereby declared to be a public nuisance, and shall be abated forthwith by the Director. (Ord. 67-58. Passed 4-28-58.)

945.13 PRESERVATION AND REMOVAL OF TREES ON PUBLIC PROPERTY.

The Director shall have the right and duty to trim any tree existing on any public place in this City, so as to insure the public safety or to preserve the function or beauty of such public place. He 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 in this City or is infected with any injury, fungus, insect, or other pest or disease which cannot otherwise be controlled. (Ord. 67-58. Passed 4-28-58.)

945.14 DISEASED TREES; INSPECTION AND REMOVAL NOTICE.

The Safety-Service Director or his designated agent is authorized to inspect any tree within the City reported or supposed to be infected with Oak Wilt, Dutch Elm disease or the virus disease Phloem Necrosis, commonly known as Elm Blight. If upon such inspection the Safety-Service Director or his designated agent determines that such tree is infected with any of such diseases, he shall, if the tree is in any public street, ground or place within the City, immediately remove or otherwise dispose of 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 Safety-Service Director shall immediately serve a written notice upon the owner of such property that such tree, in his opinion, is so infected and that the same

must be removed and disposed of by such owner.
(Ord. 134-72. Passed 11-27-72.)

945.15 REPORT ON SPECIMENS FROM CONDEMNED TREE.

If the owner disagrees with the opinion of the Safety-Service Director as to the tree being diseased, specimens from such tree shall be forwarded by the Safety-Service Director to the Ohio State Experimental Station at Wooster, Ohio, for complete examination, diagnosis and report. The action of the Safety-Service Director under this provision shall await and be determined by such report.
(Ord. 158-58. Passed 7-28-58.)

945.16 REMOVAL BY CITY; RECOVERY OF COSTS.

If a diseased tree is not so removed or disposed of by the owner as herein provided within thirty (30) days after notice to remove, the Safety-Service Director shall cause such tree to be removed and disposed of, and the cost of such removal and disposal shall be reported to the owner of such property. If not paid within thirty (30) days thereafter, the owner shall be liable to the City for such cost to be recovered by the City in a civil action against such owner. (Ord. 185-62. Passed 11-12-62.)

945.17 OBSTRUCTION OF VIEW AT INTERSECTIONS PROHIBITED.

Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the City any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe other vehicles or pedestrians approaching or crossing such intersection. Any such hedge, tree, shrub or growth is declared to be a public nuisance and may be abated forthwith by the Director.
(Ord. 185-62. Passed 11-12-62.)

945.18 INTERFERENCE WITH DIRECTOR'S WORK PROHIBITED.

No person shall interfere with the Director 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 Director to be done hereunder.
(Ord. 67-58. Passed 4-28-58.)

945.99 PENALTY.

Whoever violates any provisions of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.
(Ord. 7-82. Passed 2-8-82.)