

**VILLAGE COUNCIL  
VILLAGE OF ALEXANDRIA  
LICKING COUNTY, OHIO**

**ORDINANCE NUMBER 2024-09**

**AN ORDINANCE ESTABLISHING AND DESIGNATING  
RESPONSIBILITY FOR MANAGING TREES**

**WHEREAS**, it is the desire and intent of the Village Council to enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property; and

**WHEREAS**, the Village Council desires to delegate the authority and responsibility for managing public trees, establish practices governing the planting and care of trees on public property, and make provision for the emergency removal of trees on private property under certain conditions;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ALEXANDRIA, LICKING COUNTY, OHIO**, with at least a majority of its members elected thereto concurring:

**SECTION ONE: Definitions.**

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

**Damage** – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**Nuisance** – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

**Parkway** – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**Public property** – all grounds and rights-of-way (ROWs) owned or maintained by the Village.

**Public tree** – any tree or woody vegetation on village-owned or village-maintained property or rights-of-way.

**Top or Topping** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**SECTION TWO. Authority and power.**

(a) Delegation of authority and responsibility. The Manager of the <sup>Maintenance</sup> ~~Service~~ Department and/or their designee, hereinafter referred to as the "Manager", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, village parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

(b) Coordination among village departments. All village departments will coordinate as necessary with the Manager and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Manager.

(c) Interference. No person shall hinder, prevent, delay, or interfere with the Manager or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

### **SECTION THREE. Tree planting and care standards.**

(a) Standards. All 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 tree care 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) Preferred species list. The Manager shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Manager.

(d) Planting distances. The Manager shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.

(e) Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official village tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

### **SECTION FOUR. Prohibition against harming public trees.**

(a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Manager.

(b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

(c) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Manager.

(d) Any person, firm, corporation, or village department performing construction near any public tree(s) shall consult with the Manager and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

(e) Each violation of this section as determined and notified by the Manager shall constitute a separate violation, punishable by fines and penalties under Section Eight, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

### **SECTION FIVE. Adjacent owner responsibility.**

(a) The owner of land adjacent to any village street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.

(b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Manager shall notify the property owner to prune or remove the tree or plant. If the



owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost to the property owner.

**SECTION SEVEN. Certain trees declared a nuisance.**

(a) Any tree, or limb thereof, on private property determined by the Manager to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.

(b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Village may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Manager within the written notification period.

**SECTION EIGHT. Violations and penalty.**

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

**SECTION NINE. Appeals.**

Appeals to decisions by the Manager, or to penalties imposed after violations of this ordinance, shall be heard by Village Council.

**SECTION TEN. Savings and repeal.**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

**SECTION ELEVEN. Severability.**

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect

**SECTION TWELVE: Repeal of Inconsistent and Conflicting Measures.**

All prior legislation, or any parts thereof, which is/are inconsistent or in conflict with this measure is/are hereby repealed as to the inconsistent or conflicting parts thereof.


**SECTION THIRTEEN: Compliance.**

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council, and that any and all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**SECTION FOURTEEN: Effective Date.**

This Ordinance will take effect at the earliest time allowed by law.

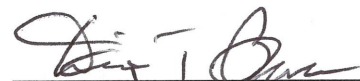
Passed on: 11-18-2024

  
Mayor Sean Barnes

Attest:

  
Caroline Gissinger, Fiscal Officer

Approved as to Form:

  
David T. Ball, Esq., Village Solicitor

PROS-21-11