

RESOLUTION NO. 08-08, 2008
COLUMBIA TOWNSHIP, HAMILTON COUNTY, OHIO

**ESTABLISHING A COMPREHENSIVE STREET TREE MAINTENANCE
PROGRAM FOR COLUMBIA TOWNSHIP**

WHEREAS, The Board of Trustees for Columbia Township desires to develop a program for the purpose of replacing, maintaining and/or protecting public trees within Columbia Township; and

WHEREAS, the Township, with the aid of urban foresters has conducted and catalogued a survey of street trees to identify their species, size, location and condition in order to begin a systemic program for maintaining and protecting public trees: and

WHEREAS, such trees are an asset of vital importance to Columbia Township for maintaining its high quality residential characteristics and business districts and for preserving the beauty of the public rights-of-way through appropriate landscaping and streetscaping; and

WHEREAS, it is necessary for the beautification and environmental quality of the Township to establish a means of planting, maintaining and preserving trees in the public rights-of-ways and on all Township properties; and

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of Columbia Township, Hamilton County, Ohio, for the benefit and welfare of Columbia Township and its citizens that:

SECTION I. DEFINITIONS

1. "*Person*" means any person, firm, partnership, association, corporation, company, or organization of any kind.
2. "*Street or Highway*" means the entire width of every public way, easement of 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.
3. "*Public Places*" shall include all other grounds owned by Columbia Township.
4. "*Property Line*" means the outer edge of a street or highway.
5. "*Treelawn*" means that part of a street or highway, lying between the boundary of the right-of-way and that portion of the street or highway usually used for vehicular traffic.
6. "*Property Owner*" means the person owning such property as shown by the County Auditor's Plat of Columbia Township, Hamilton County, Ohio, including the executor, administrator, or beneficiary of the estate of a deceased owner.
7. "*Tree*" means a tall growing woody plant with one of 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.

8. "*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.
9. "*Public Trees*" shall include all shade and ornamental trees now or hereafter growing on any public places.
10. "*Right-of-Way*" means any portion of the public way, street, alley, or sidewalk.
11. "*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 II. DUTY OF PRIVATE PROPERTY OWNER

1. It shall be the duty of any property owner owning 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 shade or obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.
2. It shall be the duty of any person owning property bordering on right-of-way upon which property there are any trees or shrubs which are designated by the Township Arborist as dead, dying, diseased, or hazardous or deemed a menace to the health, safety, and welfare of the people of Columbia Township, to remove or cause to be removed said tree(s) and/or shrub(s) upon approval by the Road Superintendent.
3. In either of the above situations, the Township 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 fail to comply, it shall be lawful for the Township Administrator or his agent to enter upon the property and cause such action. The property owner shall be charged the actual cost of the work which shall be repaid to the Township within 45 days or thereafter assessed to the property taxes.

SECTION III. TOWNSHIP MAY REMOVE

1. The Road Superintendent may remove or cause or order 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.
2. The Road Superintendent shall examine or cause to be examined every tree within 40 feet of any sanitary or storm sewer, drain, manhole, or other 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 the findings and an order that such person remove said tree or injurious part thereof within forty- five (45) days. Service of such notice shall be by certified mail.

SECTION IV. TOWNSHIP RESPONSIBILITY

1. Whenever it is necessary for the Township to remove a tree from Township right-of-way, the Township shall remove such trees and replace them or plant, on another right-of-way area, an equal number of trees from the Columbia Township List of Approved Street Trees.
2. No person or property owner shall remove a tree from the right-of-way for any reason without recommendation from the Township Arborist and approval by the Road Superintendent. Should approval be given for the removal, the person shall be required to replant or replace an equal number of trees at the landowner's cost. The Township Arborist must recommend the replacement or replanting with approval by the Road Superintendent. Failure to plant replacements shall result in replacement by the Township and the actual cost to the Township shall be billed to the property owner which shall be repaid to the Township within 45 days or assessed to the property owner's property taxes.

SECTION V. TREES PERMITTED ON PUBLIC PROPERTY

1. All tree species and size planted on public property or in the public right-of-way shall be selected from the Columbia Township List of Approved Street Trees.
2. Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this Resolution, the Road Superintendent may cause removal of the same without obligating the Township to replace the illegally planted tree(s).

SECTION VI. ABUSE OR MUTILATION OF PUBLIC TREES

1. Unless specifically recommended by the Township Arborist and with approval by the Road Superintendent, no person shall 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; allow any gaseous, liquid, or solid substance to come in contact with them; set fire or permit fire to burn when the fire or heat thereof shall injure any portion of any tree or shrub.
2. No person shall excavate any ditches, tunnels, trenches, or alley or drive within a radius of ten feet from any public tree or shrub without obtaining approval from the Road Superintendent.
3. In the event of damage caused by a motorized vehicle, Columbia Township shall determine the value of the tree(s) involved based upon the Council of Tree and Landscape Appraisers, *Guide for Plant Appraisal* and seek restitution from the responsible party or his or her insurer for the value of the tree.

SECTION VII. PLACING MATERIALS ON PUBLIC PROPERTY

No person shall deposit, place, store, or maintain upon any public place of the Township, 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 approval of the Township Arborist and written consent of the Road Superintendent.

SECTION VIII. PLANTING AND MAINTENANCE OF TREELAWNS

No person shall plant, prune, brace, cable, spray, or otherwise perform work on a tree in a treelawn or other public place without first obtaining the prior consent of the Township Arborist and approval by the Road Superintendent. The Township shall require the property owner to obtain a permit from the Road Superintendent. The person obtaining the permit shall abide by the standards as set forth in this ordinance.

SECTION IX. TREES IN NEW DEVELOPMENTS

The Township Arborist shall endorse the tree plan for any newly developed Township treelawns with approval by the Road Superintendent required.

SECTION X. TREE SPACING

The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Columbia Township List of Approved 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 recommended by the Township Arborist and approval by the Road Superintendent.

SECTION XI. DISTANCE FROM CURB AND 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 Columbia Township List of Approved Street Trees and no trees may be planted closer to the curb or sidewalk than the following:

Small trees:	1.5 feet	(minimum of a 3.0 foot wide tree lawn)
Medium trees:	2.5 feet	(minimum of a 5.0 foot wide tree lawn)
Large trees:	3.5 feet	(minimum of a 7.0 foot wide tree lawn)

Except in special plantings designed or recommended by the Township Arborist and approval by the Road Superintendent.

SECTION XII. 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 tree shall be planted closer

than ten (10) feet to any fire hydrant.

SECTION XIII. UTILITIES

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

SECTION XIV. ADOPTION OF RULES

The Road Superintendent or Township Administrator, with the approval of Township Trustees, may adopt rules consistent with this Resolution, which shall provide detailed guidelines for the administration of this Resolution.

SECTION XV. PENALTY

Any person violating or failing to comply with any provision of this Resolution shall be subject to any required restitution for damages incurred by the Township or any special assessments levied as provided for herein.

Motion to accept Resolution made by: Mrs. Hughes

Seconded by: Mr. Power

VOTE:

TRUSTEE	Voting	Signature	Date
Stephen Langenkamp, President	_____	_____	_____
Marty Power, Vice-President	_____	_____	_____
Susan Hughes, Trustee	_____	_____	_____

ATTEST:

Paul C. Davis, Fiscal Officer