

**TIPP CITY, OHIO
CODE OF ORDINANCES**

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**Tipp City, Ohio
2017**

Municipal Officials

Mayor	Patrick Hale
City Manager	Timothy Eggleston
Finance Director	John Green
Law Director	Jonathan B. Freeman
Clerk of Council	Janice M. Bates
Police Chief	Eric L. Burris
Fire Chief	Steve Kessler
Assistant City Manager	Bradley C. Vath
Director of Municipal Services and Engineering	John Donnelly
EMS Chief	Jeff Calicoat

Council Members

Joseph E. Gibson, Council President

Carrie Arblaster	Katelyn Berbach
John Kessler	Tom Merritt
Matt Owen	

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Cross-reference:

Destruction of vines, shrubs, trees, or crops, see § 131.21

GENERAL PROVISIONS

§ 97.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees, in public parks having individual names, and all areas owned by the city, or to which the public has free

access as a park.

STREET TREES. Trees, on land lying between property lines, on either side of all streets, avenues, or ways within the city.

(1974 Code, § 100.01) (Ord 17-83, passed 7-11-1983; Am. Ord. 8-17, passed 5-1-2017)

§ 97.02 PERMIT REQUIREMENT.

Any property owner desiring to plant or remove street trees or park trees (other than pruning per § 97.30) is required to submit an application to the Tree Board for approval.

(1974 Code, § 100.02) (Ord. 22-92, passed 4-6-1992; Am. Ord. 29-93, passed 9-20-1993)

CITY TREE BOARD

§ 97.10 CREATION; MEMBERSHIP.

There is hereby created and established a City Tree Board which shall consist of 3 members, citizens and residents of this city, who shall be appointed by City Council.

(1974 Code, § 100.10) (Ord. 17-83, passed 7-11-1983)

§ 97.11 TERM OF OFFICE; COMPENSATION.

(A) The term of the 3-person City Tree Board to be appointed by City Council shall be for a term of 3 years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion.

(B) Members of the Board shall serve without compensation.

(1974 Code, § 100.11) (Ord. 17-83, passed 7-11-1983; Am. Ord. 8-17, passed 5-1-2017)

§ 97.12 POWERS AND DUTIES.

It shall be the responsibility of the City Tree Board to study, investigate, and counsel; develop or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal unless the tree is deemed a hazard, or disposition of trees in parks, along streets, and in other public areas. The plan will be presented annually to the City Council, and upon their acceptance and approval shall constitute the official comprehensive city tree plan. The Board, when requested by City Council, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work. The Tree Board shall adopt standards and/or guidelines in order to carry out their duties herein.

(1974 Code, § 100.12) (Ord. 17-83, passed 7-11-1983; Am. Ord. 8-17, passed 5-1-2017)

§ 97.13 OPERATION OF BOARD.

The City Tree Board shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. A majority for the members shall be a quorum for the transaction of its business.

(1974 Code, § 100.13) (Ord. 17-83, passed 7-11-1983)

§ 97.14 INTERFERENCE WITH BOARD PROHIBITED.

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and

about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter.

(1974 Code, § 100.14) (Ord. 17-83, passed 7-11-1983) Penalty, see § 97.99

§ 97.15 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the Board to the City Council, who may hear the matter and make final decision.

(1974 Code, § 100.15) (Ord. 17-83, passed 7-11-1983)

TREE REGULATIONS

§ 97.24 REFORESTATION.

(A) The planting, maintenance, or removal of trees on public property and/or within the city right-of-way will be done by the Department of Municipal Services and Engineering or its duly assigned agents in accordance with policies and standards adopted by the Tree Board, City Departments, and this chapter.

(B) The city shall notify the property owner 14 calendar days prior to planting a tree in the right-of-way. A property owner may submit an application to the Tree Board requesting that a tree not be planted in the city right-of-way and stating the reasons why within 14 calendar days from the date of the notice. Failure to file an application for relief will constitute approval to plant the tree. The Tree Board shall act upon the request prior to the replanting of the tree. Should the Tree Board deny the request, the property owner may appeal to the City Council as allowed under § 97.15.

(Ord. 8-17, passed 5-1-2017)

§ 97.25 STREET TREE SPECIES TO BE PLANTED.

The official street tree species list for the city is maintained by the City Tree Board and is available upon request. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board. Any other variety of species will be reviewed by the Tree Board prior to any permit being issued.

(1974 Code, § 100.25) (Ord. 17-83, passed 7-11-1983; Am. Ord. 22-92, passed 4-6-1992; Am. Ord. 16-01, passed 9-17-2001; Am. Ord. 40-08, passed 10-20-2008; Am. Ord. 21-13, passed 9-16-2013) Penalty, see § 97.99

§ 97.26 SPACING.

The spacing of street trees will be in accordance with the tree species size classes adopted under § 97.25, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed and approved by the Board.

(1974 Code, § 100.26) (Ord. 17-83, passed 7-11-1983; Am. Ord. 8-17, passed 5-1-2017) Penalty, see § 97.99

§ 97.27 DISTANCE FROM STREET CORNERS, FIRE HYDRANTS, AND UTILITIES.

(A) No street tree shall be planted closer than 25 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet of any fire hydrant.

(B) No street tree other than those species listed as small trees in § 97.25 may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

(1974 Code, § 100.27) (Ord. 17-83, passed 7-11-1983; Am. Ord. 22-92, passed 4-6-1992; Am. Ord. 8-17, passed 5-1-2017) Penalty,

§ 97.28 PUBLIC TREE CARE.

(A) The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds.

(B) The Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

(1974 Code, § 100.98) (Ord. 17-83, passed 7-11-1983; Am. Ord. 22-92, passed 4-6-1992) Penalty, see § 97.99

§ 97.29 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property without prior written approval of the City Tree Board. **TOPPING** is defined as the severe cutting-back of limb to stubs larger than 3 inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the City Tree Board.

(1974 Code, § 100.29) (Ord. 17-83, passed 7-11-1983; Am. Ord. 19-87, passed 5-4-1987; Am. Ord. 22-92, passed 4-6-1992) Penalty, see § 97.99

§ 97.30 PRIVATE TREE MAINTENANCE.

(A) Every owner of any tree overhanging any street, public space, or right-of-way within the city, shall prune the branches, so that the branches shall not obstruct the light from any streetlight clear sight distance of any street intersection, any traffic sign, so that there shall be a clear space of 8 feet above the surface of the sidewalk and 15 feet above the surface of the street. The owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public.

(B) The city shall have the right to prune any tree or shrub on private property that projects into the right-of-way or public property when it interferes with the proper spread of light along the street from a streetlight interferes with visibility of any traffic-control device or sign, or interferes with or a danger to pedestrian travel.

(1974 Code, § 100.30) (Ord. 17-83, passed 7-11-1983; Am. Ord. 8-17, passed 5-1-2017) Penalty, see § 97.99

§ 97.31 REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY.

(A) The city shall have the right to cause removal of any dead or diseased trees or part thereof on private property within the city, when the trees constitute a hazard to life or property, or harbor insects or disease which constitute a potential threat to other trees within the city.

(B) The City Tree Board will notify the property owner in writing that such tree(s) shall be removed at their own expense within 60 days after the date of service of notice. The notice shall contain language informing the property owner the specific reason for the removal and they may appeal the decision to the City Council within 30 days of the notice as provided for in § 97.15.

(C) In the event of failure of property owner(s) to comply with the notice, the city shall seek relief in a court having jurisdiction to remove the tree(s). The city may place an assessment upon the property for the cost of the removal which shall include the labor, equipment costs, and fees for the disposal of the materials or through any other means deemed necessary for the collection of the costs for removal of the trees.

(1974 Code, § 100.31) (Ord. 17-83, passed 7-11-1983; Am. Ord. 30-93, passed 9-20-1993; Am. Ord. 8-17, passed 5-1-2017) Penalty, see § 97.99

§ 97.32 REMOVAL OF STUMPS.

All stumps shall be removed 6-inches below the surface of the ground, so that the top of the stump shall not project above the surface of the ground. The area shall be restored with top soil, mulch or straw, and grass seed.

(1974 Code, § 100.32) (Ord. 17-83, passed 7-11-1983; Am. Ord. 8-17, passed 5-1-2017) Penalty, see § 97.99

§ 97.33 PLANTING OF TREES ON PRIVATE PROPERTY BY THE CITY.

The city may plant trees on private property if funding is available, to replace trees that the city has removed as part of a street or electric project, and/or in lieu of planting a replacement tree in the city right-of-way with the conditions that:

(A) The property owner gives written permission for the city to enter upon, work in, and use the property owner's land to plant the replacement trees.

(B) The property owner signs a waiver of liability absolving the city of any liability, damages, or other actions for the planting of the trees on private property.

(C) The property owner shall take full and complete responsibility for the perpetual care and maintenance of the trees planted by the city.

(D) The location of the tree being planted on private property will be determined by both the city and private property owner to best suit the individual situation and trees being planted.

(E) The distance between the curb and sidewalk will not support proper tree growth.

(F) The distance between from the back of the curb or edge of pavement to within 5 feet of the property line will not support proper tree growth.

(Ord. 16-01, passed 9-17-2001; Am. Ord. 8-17, passed 5-1-2017)

§ 97.34 TREE ROOT REMOVAL GUIDELINES.

It shall be the policy and guidelines of the city that if a tree root is removed for the installation of curbs, sidewalks, aprons, or other utilities, and the root is greater than 3 inches in diameter, the tree shall be removed. Roots removed less than 3 inches in diameter will not mandate the removal of the tree.

(Ord. 16-01, passed 9-17-2001)

§ 97.99 PENALTY.

Any person violating any provision of this chapter shall be deemed guilty of a minor misdemeanor.

(1974 Code, § 100.99) (Ord. 17-83, passed 7-11-1983)

Statutory reference:

State penalty for minor misdemeanor, see R.C. § 2929.21