

## ORDINANCE NO. 22-16

### AN ORDINANCE AMENDING SECTIONS 557.01, 557.02, 557.19 AND 557.99 OF CHAPTER 557 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON

WHEREAS, the City has adopted Chapter 557 of the codified ordinances regulating the location and removal of Street Trees in the City of Port Clinton, and

WHEREAS, this council finds and determines that amendments should be made to certain of the sections of codified ordinance Chapter 557 governing Street Trees in the City of Port Clinton.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** Sections 557.01, 557.02, 557.19, and 557.99 of the codified ordinances as enacted by Ordinance 12-87 are hereby amended to read as follows:

#### **557.01 DEFINITIONS.**

(a) "Street Trees" means trees, shrubs and all other woody vegetation on land lying between property lines on either side of all streets, avenue or ways within the City.

(b) "Park Trees" means trees, shrubs and all other woody vegetation in public parks and all areas owned by the City, or to which the public has free access as a park.

(c) A Tree Lawn means the area between a curb or edge of a street, road, avenue, alley or way within the City and the right-of-way line of such street, road, avenue, alley or way.

#### **557.02 CREATION OF CITY TREE COMMISSION.**

There is hereby established a City Tree Commission for the City, which shall consist of five members who shall be appointed by the Mayor, with the approval of council. Members of the commission shall be residents of the City, or individuals owning and operating a business located within the City, or individuals employed in the City. The Mayor and the Director of Safety and Service, or their representative, shall be ad hoc members of the Commission.

#### **557.19 REMOVAL OR MUTILATION OF TREES.**

Unless specifically authorized by a duly issued Permit to Remove, no person shall remove, destroy or mutilate any tree, shrub or other plant in a Tree Lawn or any other public place, or attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots or leaves.

Street trees may be removed by filing an application for a permit for removal with the

City Tree Commission and obtaining a permit in writing authorizing the removal of a Street Tree. Applications for the removal of Street Trees shall be available in the City's Safety-Service Director's office. A violation of this section is subject to the penalties described in Section 557.99.

**557.99 PENALTY.**

Whoever violates or refuses to comply with any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not less than one hundred fifty (\$150.00) per occurrence, nor more than five hundred dollars (\$500.00) per occurrence, plus any court and legal costs incurred by the City. Each tree affected by a violation of this chapter shall constitute a separate offense. In addition, the person shall replace the tree with a size and species recommended by the Tree Commission. Every person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any such provision is committed or continued.

**Section 2.** Existing sections 557.01, 557.02, 557.19 and 557.99 of the Codified Ordinances as currently enacted are hereby repealed.

**Section 3.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2016

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_,  
2016  
\_\_\_\_\_  
Mayor