

First Reading: March 4, 2014
Second Reading: March 18, 2014

RESOLUTION 2014- 7

A RESOLUTION ADOPTING A TOWNSHIP STREET TREE POLICY

WHEREAS, Ohio Revised Code §5571.14 grants Township policies with respect to trees that are affecting public right-of-ways and Ohio Revised Code §550.87 authorizes the Township to deal with public nuisances; and

WHEREAS, Deerfield Township has adopted a limited home rule government and chooses to exercise its powers of local self-government within the unincorporated area of the Township to regulate Street Trees; and

WHEREAS, the Board of Trustees desires to enact a Street Tree Policy.

NOW THEREFORE BE IT RESOLVED, by the Board of Township Trustees of Deerfield Township, Warren County, Ohio:

SECTION 1. That the Board of Trustees adopts the Deerfield Township Street Tree Policy, which is attached to this resolution as Exhibit A.

SECTION 2. That the Township Administrator and/or the Director of Public Works is hereby authorized to oversee the administration of this policy.

SECTION 3. This Resolution shall be effective from the earliest date permitted by law.

VOTE RECORD:


Mr. Patterson Y

Mr. Romano Y

Mr. Corey Y

PASSED at the Meeting of the Board of Trustees this 18th day of March, 2014.


Pete Patterson, President


Christopher Romano, Vice President


Daniel J. Corey, Trustee

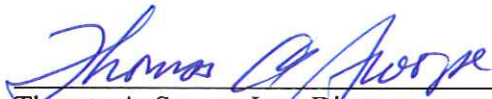
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Deerfield Township Fiscal Officer, this 18th day of March, 2014.



John R. Wahle, Fiscal Officer

APPROVED AS TO FORM



Thomas A. Swope, Law Director

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**DEERFIELD TOWNSHIP
STREET TREE POLICY**

SECTION 1: PURPOSE

The purpose of these rules and regulations are to establish criteria and procedures for inspection and maintenance of street trees in accordance with Sections 5571.14 and 505.87 of the Ohio Revised Code.

SECTION 2: DEFINITIONS

The terms used in this section shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

(a) "Owner" and/or "Property Owner" means:

(1) In the case of land, any Person who is recorded on the tax records as: the Owner of the land; or the Owner of land abutting an easement or right-of-way in which a street tree is located, or

(2) In the case of property other than land, any person who is in lawful possession thereof.

(c) "Person" includes any individual, corporation, society, association, condominium association, homeowner association, partnership or firm and the successor or the heir, executor, administrators or other legal representatives of a Person.

(d) "Street Tree" means any tree located near the public right of way that has potential to impact or encroach upon the public right of way maintained by Deerfield Township.

(f) "Director" means the Deerfield Township Road Public Works Director or his/her designee.

SECTION 3: STREET TREE TRIMMING OR REMOVAL PROCEDURE

A. Under the provisions of the Ohio Revised Code, Section 5571.14, the board of township trustees may, by resolution, order the trimming or removal of a Street Tree and may assess all, or any part of the cost against abutting Property Owners, provided that notice is given by publication for two successive weeks in a newspaper of general circulation within the county stating the intention of the board of township trustees to trim or remove the Street Tree, fixing a date for a hearing on them. In addition to the requirements of other applicable statutes or resolutions, every Property Owner of real estate in the Township abutting a roadway or public right-of-way, shall be required to maintain their Street Trees in good condition.

B. The Director shall establish a program for carrying out the provisions of this section. The Director is hereby further authorized to promulgate rules and regulations consistent with the requirements and provisions of this chapter to carry out the intent and purpose of this policy.

C. The Director shall inspect the Street Trees throughout the Township at reasonable intervals and require trimming or removal of those Street Trees in those areas of the Township where a danger or hazard exists to the public traveling within the public right of way.

(1) A Street Tree shall be trimmed or removed when the Director or his appointee determines any of the following conditions are present:

- a. The tree or branches interfere, obstruct, endanger, or have the potential to endanger travel on a public road within the Township; or
- b. More than 50% of the tree is damaged; or
- c. If there is trunk damage consisting of cracks and or seams, evidencing weakness in the tree trunk or major branches of the tree; or
- d. If there are dead branch stubs and large older wounds that suggest internal decay: where more than one-third of the interior of the tree is hollow or rotten; or
- e. if the tree has been determined to have a threatening fungus, disease, or invasive pest; or
- f. if the tree roots are weakened creating a lean of more than 15% from vertical; or
- g. if the tree is found to be structurally unsound due to damage from storm, extensive decay, or other reasons;
- h. if the tree obscures a stop sign, crosswalk sign, or other critical traffic sign; or
- i. if the tree blocks the line of sight at an intersection.

(2) Upon such determination, the Owner of the property shall be notified by personal service or by certified mail, return receipt requested, to make the necessary improvements. If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published in a newspaper of general circulation within the Township for two successive weeks. Said trimming or removal of the Street Trees shall be made within ninety days from the giving of notice when such notice is not returned undelivered or within sixty days following the period of publication or from the date of posting of notice on the property, unless extension(s) are granted by the Supervisor due to inclement weather or other unforeseen circumstance.

(3) Property Owners given notice to trim or remove a Street Tree shall have the following two options:

- a. The Property Owner may contract with a third party private contractor at his/her own expense to have the trimming or removal performed; or
- b. If, after the giving of the notice to the Property Owner, the trimming or removal of said Street Tree is not made by the Owner, the Director shall order the trimming and/or removal of the Street Tree under contract of the Township as hereinafter provided. The trimming or removal shall be supervised by the Director.

Upon completion of such work by the Township, a statement by the Fiscal Officer shall be forwarded to the Owner at his tax mailing address as shown in the records of Warren County by registered mail, return receipt requested. If any notice herein required to be given by registered mail, return receipt requested, is not delivered to such Owner or his agent as evidenced by the postal return thereon, it shall then be advertised in a newspaper of general circulation in the Township for a period of not less than once a week for two consecutive weeks. The statement shall include the cost of removal and/or trimming, the cost of the notices, and all other necessary expenses. The Owners shall thereafter have thirty days during which to pay such expense, and if it is not paid at the expiration of the thirty day period, the cost shall thereupon constitute a lien upon the lots and lands so benefited and a tax is levied therefore. The Fiscal Officer upon approval by the Board of

Trustees shall certify such tax lien to the County Auditor under Section § 5571.14 of the Ohio Revised Code.

D. This policy applies to all Street Trees outside of the public right of way, located on private property, but encroach upon or have the potential to endanger the public within the public right of way, to include all Property Owners, developers, homeowner associations, condominium associations and their respective successors and assigns, the Township and the County.

E. The Township will not replace Street Trees removed in accordance with this policy. If the Property Owners wish to replace trees required to be removed in accordance with this policy, they do so at their own risk and are solely responsible for the maintenance and liability associated with those trees.

F. In situations in which a trunk of a tree or shrub is located within the public right-of-way has the conditions or presents the problems described above in Section C(1), the Township will remove or trim the tree or shrub at public expense after giving seven (7) days notice of the adjoining Property Owner of its intent to remedy the situation.