

Ordinance 2023-11

Amending Ordinance 2020-15

Trees

909.01 Definitions.

909.02 Responsibility for trees, parks, and natural areas.

909.03 Street trees.

909.04 Hazard trees.

909.05 Parks and recreation.

909.06 Conservation areas.

909.07 Watershed Protection Area.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.20

Injury or destruction - see GEN. OFF. 541.06

909.01 DEFINITIONS.

- (a) Bole: The primary upright stem of a woody plant; also referred to as the “trunk”.
- (b) Hazard Tree: A tree that, through a combination of its condition and location, presents a hazard to life, safety, or property due to its potential to fall, drop branches, or cause damage through some other mechanism.
- (c) Lateral Strip: The area of land located between a public roadway and a sidewalk.
- (d) Noxious Weeds: Plant species with invasive, toxic, economically damaging, or other undesirable characteristics, as defined in OAC 901:5-37 Noxious Weeds.
- (e) Shrub: A perennial, woody-stemmed plant having a mature height of less than twelve (12) feet; and which may have one or multiple dominant stems.
- (f) Street Tree: Any tree growing within ten (10) feet of a public roadway, as measured from the center of bole to the edge of traveled way; or any shrub growing within ten (10) feet of a public roadway as measured from the outermost stem to the edge of the traveled way; or any tree or shrub a part of which overhangs a public roadway or sidewalk.
- (g) Tree: A perennial, woody-stemmed plant generally having a single dominant stem and a mature height of twelve (12) feet or greater.
(Ord. 2020-15. Passed 10-12-20.)
- (h) Trimming: Is removing overgrown branches from crops, such as trees, shrubs, and hedges.
- (i) Pruning: Is the process of removing dead, diseased or damaged branches, as well as shaping and thinning out tree.

909.02 RESPONSIBILITY FOR TREES, PARKS, AND NATURAL AREAS.

- (a) The Street Department Supervisor shall have primary responsibility for all issues pertaining to trees, parks, and natural areas within the Village.
- (b) The Mayor may appoint a Village Arborist to assist the Street Department Supervisor with issues relating to street and hazard trees within the Village.
 - (1) The Village Arborist may be a paid or volunteer employee, or a contractor.
 - (2) The Village Arborist shall be a certified forester, arborist, tree care professional, or other similarly qualified individual.

(Ord. 2020-15. Passed 10-12-20.)

909.03 STREET TREES.

- (a) Well-maintained street trees are desirable for their numerous beneficial aspects, including moderation of summer heat, reduction of winter wind speeds, improvement of air quality around roadways, and reduction in traffic noise; but such trees must be properly maintained.
- (b) Street Trees Over Public Roadways.
 - (1) To provide for the safe and unimpeded passage of emergency vehicles, any part of a tree overhanging a public roadway shall be trimmed and maintained to a minimum clear height of fourteen (14) feet over the traveled way.

- (2) Trimming and maintenance of street trees over public roadways shall be the responsibility of the tree's owner.

(c) Street Trees Over Sidewalks.

- (1) To provide for safe and unimpeded pedestrian travel, any part of a street tree overhanging a sidewalk shall be trimmed and maintained to a minimum clear height of eight (8) feet over the sidewalk surface.
- (2) Trimming and maintenance of street trees over sidewalks shall be the responsibility of the individual parcel owner where the sidewalk is located.

(d) Street Trees in the Lateral Strip.

- (1) In order to facilitate melting of snow and ice, drying of pavement, and reduction of leaf litter, no trees or shrubs shall be planted within the lateral strip area.
- (2) Trees or shrubs planted in the lateral strip prior to adoption of this section may be retained, but shall be properly maintained and all street tree planting needs to adhere to the Master Planting Design

(e) Injuring vines, bushes, trees, or crops on land of another

- (1) No person, without privilege to do so, shall recklessly cut down, destroy, girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land. (ORC 901.51)
- (2) Penalty for damaged trees
 - i- tree is less than 6 inches in diameter must pay replacement cost
 - ii - one new tree for each 3 inches in diameter
 - iii - only i or ii will be penalty

(f) Permitting and Licensing

- (1) Planting or removal of a street tree requires a permit
- (2) A tree service or commercial company will require a \$25 permit and shall follow Master Planting Design for what to plant and how to plant
- (3) Tree Service Companies must be registered with the Village (pruning certification is ISA licensing) and (tree removal must have workman's compensation and insurance
- (4) All street tree planting shall to adhere to the Master Planting Design

(Ord. 2020-15. Passed 10-12-20.)

909.04 HAZARD TREES.

The Street Department Supervisor or Village Arborist may condemn any street tree as a hazard tree.

- (a) The tree's owner shall be provided written notice of hazard tree condemnation, and the tree shall be flagged or otherwise marked to alert the public to the danger.
- (b) Any designated hazard tree shall be mitigated at the owner's expense through removal, trimming or other means to the satisfaction of the Street Department Supervisor or Village Arborist within One (1) Year of notification of hazard tree status to the tree's owner.
- (c) Hazard tree condemnation may be appealed to the Village Council.
- (d) The Village Council may, in cases of financial hardship, provide cost-share assistance for hazard tree mitigation.

(Ord. 2020-15. Passed 10-12-20.)

909.05 PARKS AND RECREATION.

(a) The Village of West Liberty establishes and maintains parks on Village-owned property for the health, well-being, recreation and enjoyment of Village residents and visitors, in accordance with Ohio R.C. 755.12.

(b) The following units comprise the West Liberty parks system:

- (1) Lions Park.
- (2) Dodge Park.
- (3) Sherman Ricketts Memorial Park.
- (4) Veterans Park

(c) Simon Kenton Rail Trail.

(1) The Village shall cooperate with other units of government and appropriate non-profit organizations for the maintenance, improvement and promotion of the Simon Kenton Rail Trail within the Village.

(2) In furtherance of this, the Village may contribute funding, in-kind support, and other appropriate assistance toward the trail.

(Ord. 2020-15. Passed 10-12-20.)

909.06 CONSERVATION AREAS.

(a) Conservation areas are areas of public or private land that are maintained in a natural or semi-natural state through active, planned management to provide ecological services such as:

- (1) Pollinator, bird or other wildlife habitat.
- (2) Improved groundwater infiltration or reduction of sediments in runoff.
- (3) Restoration of desirable native plant species and communities.
- (4) Other beneficial or recreational purposes.

(b) Conservation areas may have a variety of vegetative cover types, including but not limited to forest, woodland, grassland, and wetlands; and these cover types are expected to progress through a variety of successional stages over time and according to management practices.

(c) Bona fide conservation areas may be established and maintained within the Village under the following conditions:

- (1) The conservation area has a written management plan prepared or approved by a professional wildlife biologist, forester, conservationist or similarly qualified individual acceptable to the Mayor.
- (2) The boundaries of the conservation areas are clearly marked through painted blazes, signage, fencing, stakes, clearly delineated mowed firebreaks, or other suitable methods.
- (3) For privately-owned parcels less than one acre in size, the combined area of any designated conservation areas on the parcel may not exceed an area of fifty percent (50%) of the total parcel size.
- (4) For privately-owned parcels exceeding one acre in size, and for publicly-owned parcels of any size, designated conservation areas may be of any size, including the entire parcel.

(d) Conservation areas are not simply land that is allowed to go feral; areas within the Village that are in a ruderal and unmanaged condition shall not be extended recognition as conservation areas and must comply with all applicable laws and regulations.

(e) All normally-accepted natural resources management practices shall be allowable on designated conservation areas, to include the use of prescribed burning, mowing and pesticide use, so long as the practices are prescribed in the written management plan, and subject to any state or federal laws or regulations governing the practices.

(f) All designated conservation areas shall be maintained in a condition that does not post a threat to health and safety, to include reduction of wildfire hazard through maintained firebreaks, elimination of noxious weeds, mitigation of hazard trees, and any other hazards identified by Village authorities.

(Ord. 2020-15. Passed 10-12-20.)

909.07 WATERSHED PROTECTION AREA.

(a) The Village of West Liberty shall designate a Watershed Protection Area in areas upstream of the Village for purposes of:

- (1) Flooding prevention and mitigation of flood damage to the Village.
- (2) Protecting the Village's drinking water supply.
- (3) Providing outdoor recreation opportunities for Village residents and the general public, and
- (4) Other beneficial purposes.

(b) Within the designated watershed protection area and for any of the above-listed purposes, the Village may:

- (1) Acquire lands by outright purchase, or acquire development rights through purchase of easements on privately-owned parcels, or
- (2) Provide incentive or cost-share payments for agricultural and other landowners and operators to adopt recognized conservation practices conducive to the above purposes, provided the landowner or operator has a bona fide conservation plan in place for the lands in question through a state or federal natural resources agency.

(c) Acquisition of lands or interest in lands by the Village in the Watershed Protection Area shall be subject to the following:

- (1) The Village shall have prepared a conservation and management plan (or plans) for any such lands; said plan to be prepared by a qualified natural resource professional employed by the Logan County Soil and Water Conservation District (SWCD), a conservation agency of the State of Ohio or the United States federal government, or by an appropriately-qualified private contractor.
- (2) The conservation and management plan shall be updated when new lands or easements are acquired and shall be reviewed and updated at least once every five (5) years.
- (3) Lands and easement areas acquired may be maintained in any suitable natural or semi-natural vegetative cover type per the management plan, to include forest, woodland, grassland, or wetland, but may not be cultivated or developed for purposes or in ways not conducive to the purpose of the Watershed Protection Area.
- (4) Conservation practices recommended by State of Ohio or federal natural resources agencies may be implemented on the acquired or easement lands so long as the practices are conducive to the purposes of the Watershed Protection Area.
- (5) Acquired and easement lands in the Watershed Protection Area shall be open to the public for non-disruptive and non-destructive outdoor recreation purposes such as fishing, hiking, birding, hunting, and paddling so long as management and regulation of these purposes is outlined in the management plan.

(c) The Village of West Liberty Watershed Protection Area is hereby designated to include the following three United States Geological Survey hydrologic units:

- (1) 050800011501 Macochee Creek.
- (2) 050800011502 Headwaters Mad River.
- (3) 050800011504 Gladys Creek - Mad River.

1st Reading: July 31, 2023

Vote: Yeas: 6 Nays: 0

2nd Reading: 8-14-2023

Vote: Yeas: 6 Nays: 0

3rd Reading: 8-28-2023

Vote: Yeas: 6 Nays: 0

PASSED: 8-28-2023

SIGNED: Jill McKelvey

Mayor Jill McKelvey

ATTEST: Cindee M. Boyd

Cindee M. Boyd
Clerk/Treasurer

APPROVED: 8-28-2023

SIGNED: Jayne Griffith

President of Council
Jayne Griffith