

**BOARD OF TOWNSHIP TRUSTEES
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO**

The Board of Township Trustees met in regular session at 7:00 p.m. this 15th day of October 2009, with the following members present:

Albert F. Peter
Peggy D. Reis
Russell L. Jackson, Jr.

Ms. Reis introduced the following resolution and moved its passage:

**RESOLUTION
NO. 09-1015-07**

**ESTABLISHING A COMPREHENSIVE PUBLIC TREE MAINTENANCE PROGRAM FOR ANDERSON
TOWNSHIP**

WHEREAS, The Anderson Township Board of Township Trustees desires to develop a program for the purpose of replacing, maintaining and/or protecting public trees within Anderson 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 enhance the quality of life in the Township and help to complement the Township's Greenspace efforts, promote clean air and water, increase property values, reduce erosion or stormwater runoff, provide wildlife habitats, moderate temperature, lessen energy demands, beautify the community and business districts, and preserve 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;

NOW, THEREFORE, BE IT RESOLVED by the Anderson Township Board of Township Trustees, Hamilton County, Ohio, for the benefit and welfare of Anderson 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 Anderson 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 Anderson 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 or 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. TOWNSHIP MAY REMOVE

1. The Public Works Director 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. Trees, shrubs and other vegetation may be removed to provide for proper sight distance.
2. The Public Works Director shall examine or cause to be examined every tree within the public right of way, which the Township owns or retains an easement, and if found dangerous or causing damage or obstruction of sewer, drain, manhole or public utility line, the obstruction shall be removed

SECTION III. 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 including the stump and replace at that location or re-plant, on another right-of-way area, an equal number of trees from the Anderson Township List of Approved Street Trees.
2. No person or property owner shall remove a tree from any Township-owned property or Township right-of-way for any reason without recommendation and approval by the Public Works Director. Should approval be given for the removal, the person may be required to replant or replace an equal number of trees at the landowner's cost. The Public Works Director will recommend either the replacement or replanting of trees. 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 IV. 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 Anderson Township List of Approved Street Trees the location of said trees shall be approved by the Public Works Director prior to planting.
2. Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this Resolution, the Public Works Director may cause removal of the same without obligating the Township to replace the illegally planted tree(s).

SECTION V. ABUSE OR MUTILATION OF PUBLIC TREES

1. Unless specifically recommended by the Public Works Director and with approval by the Public Works Director, no person shall intentionally damage, cut, carve, top, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, squirrel / bird 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 Public Works Director.
3. In the event of damage caused by a motorized vehicle, Anderson 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 VI. 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 Public Works Director.

SECTION VII. 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 Public Works Director. The Township shall require the property owner to obtain consent from the Public Works Director. The person obtaining consent shall abide by the standards as set forth in this ordinance.

SECTION VIII. TREES IN NEW DEVELOPMENTS

The Township Street Tree Committee shall endorse the tree plan for any newly developed Township treelawns with approval by the Public Works Director required.

SECTION IX. TREE SPACING

The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Anderson 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 and approved by the Public Works Director.

SECTION X. DISTANCE FROM CURB AND SIDEWALK

The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size and classes in the Anderson 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 Street Tree Committee and approval by the Public Works Director.

SECTION XI. 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 (15) feet to any hydrant.

SECTION XII. UTILITIES

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

SECTION XIII. ADOPTION OF RULES

The Public Works Director 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 XIV. 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.

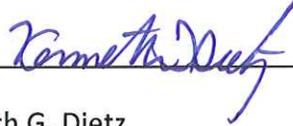
Mr. Jackson seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mr. Peter yes Ms. Reis yes Mr. Jackson yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 15th day of October, 2009, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 15th day of October, 2009



Kenneth G. Dietz

Township Fiscal Officer