

Jason Jacobs, At-Large/President of Council
Georgia Awig, At-Large
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Eric Shaffer, Ward 2
Bruce F. Abens, Ward 3
Clifford Winkel, Ward 4/President Pro-Tem
Kevin Corcoran, Mayor



Committee of the Whole
CITY HALL COUNCIL CHAMBERS
AGENDA OF APRIL 21, 2025
6:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

NEW BUSINESS

- O 2025-50 An Ordinance replacing Chapter 1030 *Street Trees* with new Chapter 1030 *Trees* and repealing Chapter 1032 *Master Tree Plan* of the North Ridgeville Streets, Utilities and Public Services Code.
(Introduced by Mayor Corcoran; First Reading on 03-17-2025)
- O 2025-65 An Ordinance suspending City of North Ridgeville Noise Ordinance No. 634.01(c)(7) for Hammond Construction and its subcontractors in order to avoid costly delays for the construction of a school transportation and maintenance facility and a new high school for the North Ridgeville School District.
(Introduced by Mayor Corcoran; First Reading on 04-07-2025)

ADJOURNMENT

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

CHAPTER 1030. STREET TREES

1030.01 Definitions

As used in this chapter:

- (a) "Arboriculture" and "tree preservation" mean and include the treating, spraying, pruning, maintaining and any other care or work intended for the strengthening of trees and the removal and prevention of tree pests, blights and diseases of any and all kinds.
- (b) "City" means the City of North Ridgeville.
- (c) "City Arborist" means the Safety-Service Director or such person specially designated as City Arborist.
- (d) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (e) "Public place" means any public street, public highway, public park or any property owned or held by the City within the boundaries of the City.
- (f) "Street tree" and "tree" mean a tree in a public place, except where otherwise indicated.

(Ord. 290-65, 9-7-65)

1030.02 City arborist

- (a) Establishment; Appointment. There is hereby established the office of City Arborist, who shall be appointed by the Mayor and who shall, by virtue of his or her office, be the City Arborist.
- (b) Scope of Authority. The City Arborist is hereby given full jurisdiction, authority, control, supervision and direction of all trees which now or which may hereafter exist upon any public place in the City, and over all trees which exist upon any private property in the City when such trees constitute a menace to the City.
- (c) Issuance of Permits. The City Arborist is given full jurisdiction, authority and control in connection with the issuing of permits as provided for in this chapter.
- (d) Delegation of Powers and Duties. In the exercise of any or all of the powers herein granted, the City Arborist shall have the authority to delegate all or part of his or her power and duties, with respect to the supervision and control of trees, to his or her subordinates and assistants in the employ of the City as he or she may, from time to time, determine.
- (e) Authority and Duty to Order Trimming, Preserving or Removal of Trees on Private Property. The City Arborist shall have the authority, and it shall be his or her duty, to order the trimming, preservation or removal of trees or plants upon private property when he or she shall find such action necessary for the public safety or to prevent the spread of disease or insects to public trees and places.

(Ord. 290-65, 9-7-65)

1030.03 Conformity with master tree plan

No person shall plant, transplant or move any public tree on or to any street of the City except to a location where it will be in conformity with the Master Tree Plan, as provided in Chapter 1032 and the species or variety therein designated.

(Ord. 290-65, 9-7-65)

1030.04 Tree planting along newly opened and improved thoroughfares (repealed)

Editor's note(s)—(Section 1030.04 was repealed by Ordinance 3568-00, passed May 1, 2000)

1030.045 Retention and preservation of trees and woodlands

Developers shall retain and preserve as many healthy trees and woodlands as possible within their subdivisions and developments.

(Ord. 3568-00, 5-1-00)

1030.05 Permits for planting, removing, pruning, etc.

- (a) Required. No person shall plant, remove, destroy, cut, prune, fertilize, treat, break, climb, injure or spray any tree existing on any public place in the City, or authorize or procure any person to do so, remove or tamper with any device placed for the protection of any such tree, attach any rope, wire, chain, sign or other device placed for the protection of such tree, or authorize or cause the same to be done, without having first obtained a written permit therefor from the City Arborist to do so.
- (b) Contents; Protection of New Trees. Such permit, when granted for the planting of any tree to be located on any public place in the City, shall designate the species of tree to be planted, the required spacing and the required minimum planting size, as specified in the Master Tree Plan for the City, as it may be amended from time to time. All newly planted trees, whether installed by the abutting property owner or contractor, shall be supported by a ninety-six inch iron fence post placed on the street side of the tree. No person shall guy any tree less than four inches in caliper with wires or rope. For trees over four inches in caliper, special permission must be obtained and the permittee must assume liability for accidents occurring therefrom.
- (c) Application Data. The application for the permit herein required shall state the number and kind of trees to be trimmed, sprayed, preserved, removed or planted, the kind of treatment to be administered, and such other information as the City Arborist shall find reasonably necessary for a fair determination of whether a permit should be issued hereunder.
- (d) Standards for Issuance. The City Arborist shall issue the permit provided for herein when he or she finds that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory.
- (e) Supervision of Work. The City Arborist shall have the authority, and it shall be his or her duty, to supervise all work done under a permit issued in accordance with the provisions of this chapter.
- (f) Conditional Permits. The City Arborist shall have the authority to affix reasonable conditions to the granting of a permit hereunder.
- (g) Exemptions. No permit shall be required to cultivate, fertilize or water public trees or shrubs. The City Arborist may authorize any person to do any work or act described in subsection (a) hereof without a written permit whenever he or she determines that such work or act will not be detrimental to the public interest and will be in accordance with the spirit and other requirements of this chapter.

(Ord. 290-65, 9-7-65)

1030.06 General tree and shrub regulations

- (a) Injuring Trees and Shrubs. No person shall, without the consent of the owner in the case of a private tree or shrub, or without a written permit from the City Arborist in the case of a public tree or shrub, do, or cause to be done by others, any of the following acts:
 - (1) Secure, fasten or run any rope, wire, sign or other device or material to, around or through a tree or shrub;
 - (2) Break, injure, mutilate, deface, kill, destroy or permit any fire to burn where it will injure, any tree or shrub;
 - (3) Permit any toxic chemical, gas, smoke, salt, brine, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub;
 - (4) Excavate any ditch, tunnel or trench or lay any drive within a radius of ten feet from any tree or shrub;

- (5) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs which may be injured or defaced by, or where such injury or defacement may arise out of, in connection with or by reason of, such an operation. The quality of such guard shall be determined by the City Arborist.
 - (6) Knowingly permit any unprotected electric service wires to come in prolonged contact with any public tree or shrub; or
 - (7) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
- (b) Trimming of Trees on Public Property. The City Arborist shall, and he or she is hereby directed to, keep trimmed all trees standing upon any public place in the City so that the branches of such trees projecting over any public sidewalk or private driveway or into any public street beyond the curb line shall not conflict with the public welfare.
 - (c) Trimming of Trees on Private Property. All trees standing upon private property in the City, having branches projecting into public highways or public places, shall, under the supervision of the City Arborist, be kept trimmed by the owner or occupant of such private property to such an extent that the lowest branches of such trees shall not come within nine feet of the ground where they overhang any public sidewalk or public place, or fourteen feet over a public highway.
 - (d) Obstruction of View at Intersections; Declaration of Public Nuisance. Notwithstanding any other provision of this chapter, no person shall maintain, plant or permit to remain, on any private or public premises situated at the intersection of two or more streets or alleys in the City, any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe other vehicles or pedestrians approaching or crossing such intersection. Any such hedge, tree, shrub or growth is hereby declared to be a public nuisance.

(Ord. 290-65, 9-7-65)

1030.07 Certain species declared public nuisances; abatement

Any silver maple, honey locust, poplar, basswood, box elder, catalpa or willow upon private property in the City, in such close proximity to any public place in the City as will permit the roots of such tree to penetrate through or under the surface of any public place in the City, is hereby declared to be a public nuisance and may be abated by the City Arborist as provided in Sections 1030.02(e) and 1030.08.

(Ord. 290-65, 9-7-65)

1030.08 Authority of city arborist to trim and remove trees; infested or infected trees declared public nuisances

The City Arborist shall have the right and duty to trim any tree existing on any public place in the City so as to insure the public safety or to preserve the function or beauty of such public place. He or she shall further have the right to remove any such tree, or any part thereof, which is in an unsafe condition; which, by reason of its location or nature, is injurious or detrimental to other public improvements in the City; or which is infested with any injury, fungus, insect or other pest or disease which cannot otherwise be controlled. Such an infested or infected tree is hereby declared to be a public nuisance.

(Ord. 290-65, 9-7-65)

1030.09 Orders to trim, preserve or remove

- (a) Written Order of City Arborist. When the City Arborist finds it necessary to order the trimming, preservation or removal of trees or plants upon private property, as authorized in Sections 1030.02(e) and 1030.06(c), he or she shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or other person responsible for its existence.

- (b) Method of Service. The written order required herein shall be served in one of the following ways:
- (1) By making personal delivery of the order to the person responsible;
 - (2) By leaving the order with some person of suitable age and discretion upon the premises;
 - (3) By affixing a copy of the order to the door at the entrance of the premises in violation;
 - (4) By mailing a copy of the order to the last known address of the owner of the premises, by registered mail; or
 - (5) If unable to make contact by the above methods, then by publishing a copy of the order in a local newspaper once a week for three successive weeks.
- (c) Time Limit for Compliance. The order required herein shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or public property, the City Arborist shall have the authority to require compliance immediately upon service of the order.
- (d) Appeals. A person to whom an order is directed shall have the right, within seven days of the service of such order, to appeal to the Board of Zoning and Building Appeals, which shall review such order within ten days and file its decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within ten days after an appeal has been determined.
- (e) Failure to Comply; Remedy of City. When a person to whom an order is directed fails to comply within the specified time, the City Arborist shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose.
- (f) Levying of Special Assessments. If the cost of remedying a condition is not paid within thirty days after receipt of a statement therefor from the City Arborist, such cost shall be levied against the property upon which such hazard exists as a special assessment. The levying of such assessment shall not affect the liability of the person to whom the order is directed to the fine as herein provided. Such special assessment shall be collected in the manner provided in the Ohio Revised Code, with a forfeiture of five percent and interest for failure to pay at the time fixed by the assessing ordinance.

(Ord. 290-65, 9-7-65)

1030.10 Placing of impervious materials adjacent to trees

No person shall place or maintain upon the ground any stone, concrete, brick or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree upon any public place in the City, without first having obtained written permission. Unless otherwise provided, there shall be maintained about the base of the trunk of each such tree at least nine square feet of open ground for each three inches in diameter of the tree. For every two inches of increase of such diameter, there shall be an increase of at least one square foot of open ground.

(Ord. 290-65, 9-7-65)

1030.11 Moving and replacing trees; security deposit or bond required

All moving of trees upon any public place in the City, made necessary by the moving of a building or structure or any other private enterprise, shall be done under the supervision of, and with the written permission of, the City Arborist, and at the expense of the applicant or person seeking the removal of such tree. Such applicant, as one of the conditions to obtaining such permission, shall deposit with the City such sum in cash as the City Arborist may determine and specify to cover all of the costs of moving and replacing such tree, if the conditions of such permission require the replacement thereof. However, in lieu of such cash deposit, the City Arborist may, in his or her discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all costs of such moving and replacing.

(Ord. 290-65, 9-7-65)

1030.12 Duties of private owners

No person whose property includes or abuts a street or highway right-of-way shall fail to:

- (a) Trim trees in the right-of-way or on his or her abutting property so as not to cause a hazard to public places or interfere with the proper lighting of public highways by street lights. The minimum clearance of any overhanging portion thereof shall be nine feet over footways and fourteen feet over vehicular ways.
- (b) Treat or remove any tree or plant so diseased or insect-ridden as to constitute a hazard to trees, plants, pedestrians or motorists in public places;
- (c) Remove and refrain from planting any of the trees listed in Section 1030.07;
- (d) Remove any other obstructions causing a hazard to public places; and
- (e) Remove or control any tree or plant containing a hazardous insect infestation.

(Ord. 4775-2010, 9-7-10.; Ord. 4796-2010, 11-15-10)

1030.13 Inspections by city arborist; right of entry

The City Arborist shall have the authority to enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and for the purpose of carrying out any of the provisions of this chapter.

(Ord. 290-65, 9-7-65)

1030.14 Obstruction of city arborist

No person shall prevent, delay or interfere with the City Arborist or his or her designees while they are engaged in carrying out any work or activities authorized by this chapter.

(Ord. 290-65, 9-7-65)

1030.99 Penalty

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred and fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1030 TREES

1030.01 PURPOSE.

1030.02 DEFINITIONS.

1030.03 CITY ARBORIST.

1030.04 TREE PROTECTION AND PRESERVATION ON PUBLIC PROPERTY.

1030.05 TREE PLANTING OR REMOVAL ON PUBLIC PROPERTY.

1030.06 TREES ON PRIVATE PROPERTY.

1030.07 BOUNDARY LINE TREES.

1030.08 TREE PLANTING PLAN REQUIREMENTS.

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1030.10 CONTRACTOR REGISTRATION.

1030.11 NONCOMPLIANCE.

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1030.99 PENALTIES.

1030.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare through the preservation, replacement and planting of trees native to our area and the removal of diseased or invasive trees in order to moderate storm water runoff, reduce erosion and sedimentation, lessen air pollution, moderate air temperature, increase and support biodiversity, maintain wildlife habitats, reduce noise and light glare, provide visual screening, provide natural shading, protect property values and enhance the natural beauty of the community.

1030.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

- (a) "Boundary Line Tree" means a tree where the property boundary line passes through any portion of the trunk of a tree at the point where the trunk emerges from the ground.
- (b) "Diameter Breast Height" (DBH) means the diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree. This measurement is an industry standard measurement used for existing trees.
- (c) "Drip line" means the imaginary circle on the ground beneath a tree at the furthest edge of the tree's canopy.
- (d) "ISA" means the International Society of Arboriculture who as a group governs the accreditation of tree care professionals.
- (e) "Remove" or "Removal" means the causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning or other direct or indirect action resulting in, or likely to result in, the death of a tree.
- (f) "Public tree" means a tree that is planted in a public place, such as a park, public right-of-way or open space.
- (g) "Tree" means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or multi-stemmed trunk system, supporting a definitely formed crown.
- (h) "Tree Maintenance" means the caring for and protection of trees by property owners and

contractors, adhering to ANSI A300 standards to reduce the prevalence of issues, including the possible spread of disease, stemming from poor pruning practices.

- (i) “Tree Preservation Plan” means a proposal which includes a tree survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction, and methods for ongoing maintenance, including fertilizing and pruning following ANSI A300 standards.
- (j) “Tree Selection” means for residents and contractors planting trees, recommendations to plant non-invasive tree species as published by the State of Ohio Forestry Department and/or the North Ridgeville Master Tree Plan, but not limited to these sources.
- (k) “Tree Survey” means a graphic display drawn to scale by a landscape architect or certified arborist, not to exceed 1 inch = 50 feet, showing all existing trees on the site having a diameter of eight (8) inches DBH or larger. Any tree survey shall include species, location and DBH of each such tree.

1030.03 CITY ARBORIST.

- (a) Establishment; Appointment. There is hereby established the position of City Arborist, who shall be appointed by the Mayor and who shall be an ISA certified arborist.
- (b) Scope of Authority. The City Arborist is hereby given full jurisdiction, authority, control, supervision and direction of all trees which exist upon any public place in the City, and over all trees which exist upon any private property in the City when, in their opinion, such trees constitute a hazard to public health, safety or welfare.
- (c) Issuance of Permits. The City Arborist is given full jurisdiction, authority and control in connection with the issuing of permits as provided for in this chapter.
- (d) Master Tree Plan. The City Arborist shall have the authority to formulate a Master Tree Plan that shall apply to the planting, maintenance, control and removal of all trees within rights of way and other public places, which shall be presented to Planning Commission and upon their acceptance and approval shall constitute the official North Ridgeville Master Tree Plan. The Master Tree Plan may include, but not be limited to, the following plan elements:
 - (1) Survey of public trees;
 - (2) Tree species selection for rights of way, parks, cemeteries, civic facilities and other public places;
 - (3) Lists of permitted and prohibited trees;
 - (4) Tree planting specifications and spacing requirements;
 - (5) Tree maintenance and preservation guidelines; and
 - (6) Best practices tree management techniques.
- (e) Delegation of Authority. In the exercise of any of the powers herein granted, the City Arborist shall have the authority to delegate all or such part of their powers and duties, with respect to supervision and control of trees, to their subordinates and assistants in the employ of the City, as they may from time to time determine.

1030.04 TREE PROTECTION AND PRESERVATION ON PUBLIC PROPERTY.

- (a) No person shall destroy, damage, cut, carve, climb with spurs or otherwise severely injure any tree or shrub, including the root system, having all or any portion of its trunk within

- the public right of way or on public property.
- (b) No person shall attach or place any object, including, but not limited to, rope, wire, nail, chain or sign, to any such tree or shrub or attach any such object to the guard or stake intended for the protection of such tree within the public right of way or on public property.
 - (c) No person shall place, store, deposit or maintain upon the ground any compacted stone, cement, brick, sand or other materials which may impede or obstruct the free passage of air, water and fertilizer to the roots of any tree or shrub within the public right of way or on public property.
 - (d) No person shall cause any natural or artificial gas, water, oil, liquid dye or any other substance deleterious to trees to come in contact with the soil surrounding the roots of any trees upon any public place in the City, in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.
 - (e) No person shall damage, misuse or remove any device placed to protect or maintain such tree within the public right of way or on public property, except in case of immediate necessity for the protection of life or property.
 - (f) No person shall change the natural drainage; excavate any ditches, tunnels or trenches; or lay any drive within the drip line of any tree having all or any portion of its trunk in or upon any public property without obtaining a written approval from the City and without strictly complying with the provisions of the issued approval and provisions of this chapter.
 - (g) No person shall attach any electric wire to any tree growing or planted in any public right-of-way of the City, including low voltage holiday lighting without the written permission of the City Arborist. Every person having any wire charged with electricity running through or across a public street shall securely fasten such wire or wires so that they shall not come in contact so as to injure any tree therein, and shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the City Arborist, in order to take down or prune any trees growing in a public street, within 24 hours after the service upon the owner of such wire, or their agent, of a written notice to remove the wire or the electricity therefrom.
 - (h) No person shall perform, or contract with another to perform, excavation or construction work within the drip line of any tree having all or any portion of its trunk in or upon any public property without first installing a fence, frame or box in a manner and of a type and size satisfactory to the City to protect the tree during the excavation or construction work. For every one inch of DBH there shall be one foot of protective radius around the tree unless otherwise approved by the City Arborist. All building materials, equipment, dirt, or other debris shall be kept outside the root protection zone. The tree protection fence, frame or box shall not be removed unless or until the City authorizes it to be removed.

1030.05 TREE PLANTING OR REMOVAL ON PUBLIC PROPERTY.

- (a) Permit Required. No person shall plant, prune, top or remove any tree or shrub on any public right-of-way or public property without first obtaining a permit from the City Arborist. The permit application shall be in a form designated by the City Arborist. Permit fees are listed in Chapter 1010.

- (b) Exemptions. The permit requirements of this section shall be followed except in the following circumstances:
- (1) During a period of emergency, such as a tornado, ice storm, flood or other such extreme act of nature as declared by the City Arborist.
 - (2) If the failure to remove a tree would constitute an imminent danger to the environment, public property, public health, safety or welfare due to the hazardous or dangerous condition of such tree as determined prior to removal by the City Arborist.
 - (3) For necessary tree removal by a public agency or utility company within dedicated easements.
 - (4) If the tree is dead, dying or diseased as approved prior to removal by the City Arborist.
 - (5) In the event of an emergency or hardship as determined by the City Arborist.
- (c) Planting Requirements.
- (1) No tree or shrub shall be planted in any of the public streets or right of way of the City by any developer or property owner, except as is provided in the Master Tree Plan heretofore adopted by the City. Any permit application for planting shall designate the species of trees to be planted, proposed spacing and the minimum caliper size, which shall be in conformance with the Master Tree Plan.
 - (2) No tree shall be planted under electric lines on any of the public streets of the City, which at the estimated full growth will exceed 25 feet in height, or as to interfere with the aforementioned utility lines.
- (d) Removal. The City may cause the removal of any existing tree in the right-of-way that does not conform with the Master Tree Plan.

1030.06 TREES ON PRIVATE PROPERTY.

- (a) Duty to Maintain Trees and Landscaping. The City Arborist shall have the authority, and it shall be their duty, to order the trimming, preservation or removal of trees or plants upon private property when they find such action necessary for the public safety or to prevent the spread of disease or insects. In the event the owner does not properly trim or remove any tree, plant, shrubbery or any part thereof, in accordance with the provisions of this chapter, then the City Arborist is authorized to cause to be trimmed or removed such tree, plant, shrub or part thereof.
- (1) The owner shall trim or cause to be trimmed each tree so that a clear height of eight (8) feet between the lowest branches of the tree and the apron or sidewalk is maintained, and a clear height of 14 feet between the lowest branches of the tree and the street is maintained.
 - (2) The owner shall trim or remove, as the case may require, every dead, diseased, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk or pose other risk to public safety.
 - (3) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles or pedestrians using such street or sidewalk.

- (b) Maintenance of Oak Trees. No oak trees shall be trimmed during the months of April through October in order to prevent the spread of Oak Wilt unless deemed necessary or hazardous after review by the City Arborist.
- (c) Notices, Orders and Abatement. If upon inspection the City Arborist determines that there has been a violation of this section, notice shall be given to the owner and/or responsible party in the manner prescribed below.
 - (1) The City Arborist shall issue a written Notice of Violation to the property owner by delivering it personally to the owner of the property, or by mailing a copy of such order to the last known address of the owner by first class mail. The order shall set forth a time limit, not to exceed 30 days for compliance. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the property involved. Posting for 72 hours shall be considered legal notice.
 - (2) In case of extreme danger to persons or property as determined by the City Arborist, compliance may be required immediately, or the danger may be removed by the City by notifying the property owner by posting a written notice at the property or delivering the written notice personally to the owner.
 - (3) Upon failure to comply with the order within the specified time, the City may remedy the condition or contract with others for such purpose and charge the cost of abatement to the owner. Costs of city personnel and equipment will be computed on the basis of the rates on file with the Clerk of Council. The person remedying the condition shall be authorized to enter upon the premises for that purpose. The City's recoupment of cost shall follow the procedures in Chapter 215. The levying of such an assessment shall not affect the owner's liability for a fine as hereinafter provided.

1030.07 BOUNDARY LINE TREES.

- (a) When a boundary line tree trunk is on the line between two or more private properties, the respective property owners shall share the responsibility to care for and maintain the tree. In the event the tree becomes damaged, diseased or dies, the property owners will be expected to work together and shall be jointly responsible in the proper removal of the affected tree and its contents.
- (b) When a boundary line tree is between the public right-of-way or public and private property, the City shall be responsible to maintain and/or properly remove the tree.

1030.08 TREE PLANTING PLAN REQUIREMENTS.

- (a) Tree Requirements for New Development. The trees mandated by this section shall be planted prior to final grade approval, and shall be shown as a component of the grading plan as required by Chapter 1056.
 - (1) Residential Subdivision. There shall be a minimum of one (1) tree planted per dwelling unit which shall be no less than 2-inch minimum caliper. Trees are to be arranged with emphasis on the front facades. The initial height of trees is to be a minimum of six (6) feet.
 - (2) Commercial Development. Commercial developments subject to review under

Chapter 1243 must submit a landscape design plan when seeking approval to build or to expand. For new commercial development, there shall be a tree planted in a landscaped area for every 50 lineal feet of building perimeter or fraction thereof.

- (3) Tree Variety. Developers shall use a minimum of three different types of trees in their planting plan. More variety shall be required for larger planting plans. Monocultures promote both the spread of disease and also result in the natural deterioration by all trees at the same time in their natural life cycle. Both results are undesirable for the health of the trees and for the long-term beautification of the City and the environment. Therefore, a diverse planting plan with adequate variety is required.
- (b) Conflict. Should any provision of this section be unattainable due to geographic impracticalities or due to other unavoidable characteristics of the site, such provision may be waived by the City Arborist as long as the developer or applicant provides a reasonable alternative tree planting plan.

1030.09 PROHIBITED TREES.

The City Arborist shall maintain a list of prohibited trees. Prohibited trees shall also include any that appear on lists of prohibited or invasive plants published by the Ohio Department of Natural Resources, the Ohio Department of Agriculture, or the Ohio Invasive Plant Council.

1030.10 CONTRACTOR REGISTRATION.

All contractors performing tree trimming, removal or stump grinding must be registered with the City pursuant to Chapter 1446.

1030.11 NONCOMPLIANCE.

It shall be unlawful for any person, firm or corporation, to fail to abide by the terms of any tree preservation plan or tree removal permit issued by the City. If, in the opinion of the City Arborist, the necessary precautions as specified in the tree preservation plan were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order will be issued by the City until such time as the permittee complies with these precautions.

1030.12 APPEALS.

Any person directly affected by a decision of the City Arborist or a notice or order issued under this chapter shall have the right to appeal the Board of Zoning and Building Appeals, provided that a written application for appeal is filed within the lesser of either ten (10) days after the date the notice or order was served or the date of the expiration of the compliance period set forth in the notice. Appeals of notices and orders shall stay the enforcement of the notice and order until the appeal is heard by the Board of Zoning and Building Appeals, except in the case of extreme danger to persons or property as determined by the City Arborist.

1030.99 PENALTIES.

Whoever violates any provision of this chapter or fails to comply with any written notice or order issued thereunder shall be guilty of a fourth-degree misdemeanor. Each day such violation occurs or continues shall constitute a separate offense.

CHAPTER 1032. MASTER TREE PLAN

1032.01 Short title; application

This chapter shall be known and may be cited as the Master Tree Plan of the City and shall have application to the planting, maintenance, control and removal of all trees, shrubs, hedges and brush within the rights of way or other public places of the City.

(Ord. 291-65, 9-7-65)

1032.02 Definitions

As used in this chapter:

- (a) "Brush" means uncontrolled, wild growth of woody plants.
- (b) "Hedge" means a group of woody plants planted in a line so as to form a barrier.
- (c) "Nursery" means orderly group plantings of trees or shrubs for commercial purposes.
- (d) "Orchard" means orderly group planting of fruiting trees or shrubs for the purpose of producing edible products.
- (e) "Shrub" means a woody plant which increases its size by growth from shoots at its base.
- (f) "Tree" means a woody plant which increases its size by growth from the upper buds.

(Ord. 291-65, 9-7-65)

1032.03 General requirements for planting and maintenance of trees

- (a) No single variety of tree shall constitute more than twenty percent of the total number of trees planted in any area.
- (b) The life expectancy of any tree at the time of planting shall be thirty-five years, with regard to site and placement.
- (c) All tree planting shall be made with ample consideration to overhead electrical service wires.
- (d) All repair and construction of underground utilities within the drip line of trees shall be done by boring methods. No trenching shall be permitted within the drip line area.
- (e) No tree shall be planted on City property in proximity to buildings or in any manner that, at maximum growth, would enable any branch or portion of the tree to come in contact with any structure.
- (f) Tree guards shall be placed around the base of young trees in areas where damage by rodents is prevalent.
- (g) Herbicides shall be used during dormant periods to control brush or weeds on City lands, ditches and roadsides.

(Ord. 291-65, 9-7-65)

1032.04 Method of establishing value of trees

In order to determine the value of growing trees in the event that trees on public property have to be destroyed, removed or planted, the following standards and methods are provided:

- (a) The base value of each tree shall be calculated at fifteen dollars (\$15.00), plus five dollars (\$5.00) for each inch of circumference of the trunk measured fifty-four inches above ground level. All trees of transplanting size shall be at replacement cost only.

- (b) The following additional factors shall be considered with relation to the computation of tree value and calculated by percentage of value as follows:

(1) Quality standard for variety:

A.	Special specimen	100% value
B.	Ornamental	50% value
C.	Common tree	75% value
D.	Poor quality or wood tree	50% value

(2) Condition and location:

A.	Well formed, ideal location	100% value
B.	Average form and location	75% value
C.	Poor form and location	50% value

(3) Age and vitality:

A.	Transplanting size	Cost
B.	Prime growth, mature	100% value
C.	Old, full-grown, no poor areas	50% value
D.	Degenerating, hollow	25% value

(4) Potential to landscape and buildings:

A.	Ideal, well landscaped	100% value
B.	Street trees, group plantings	75% value
C.	Isolated, no landscaping	25% value

(5) Susceptibility to insects and disease:

A.	Resistant varieties	100% value
B.	Regular varieties	75% value
C.	Host varieties	25% value

(Ord. 291-65, 9-7-65)

1032.05 Pruning and trimming

- (a) All pruning and trimming performed on trees under City control shall be done with emphasis on the maintenance of the natural growth habits of the variety.
- (b) Severe pruning shall be avoided in all cases except where necessary for power line clearance. Trees which must be trimmed severely so as to form a slab-side or other undesirable form shall be completely removed.
- (c) Water sprouts and sucker growth shall be removed from all trees under City control at least once annually. Trees which produce growths by habit are prohibited.

(Ord. 291-65, 9-7-65)

1032.06 Planting and care within specific areas

- (a) Cemeteries.
 - (1) Five percent of all trees planted within cemetery areas shall be of the evergreen variety.
 - (2) Flowering type varieties of deciduous trees may be planted. Roadways within cemetery areas may be planted with deciduous trees with alternate spacing on each side.
 - (3) No trees shall be planted over grave sites.
- (b) Business Districts.

- (1) Formal sheared or dwarf-type trees or shrubs may be grown above the ground level in permanent-type containers on sidewalk areas.
 - (2) No trees shall be planted permanently in the ground in business areas unless sufficient area is assured so that, at maximum growth, limbs will not obstruct walkways or come in contact with structures.
- (c) Parks and Playgrounds.
- (1) Planting of trees and shrubs shall be done so as to avoid any concealment of adjacent or nearby walks, pathways or thoroughfares.
 - (2) Hedgerows shall be prohibited except as perimeter fences or screens.
- (d) Residential Areas.
- (1) Only upright or horizontal growth-type trees shall be permitted within street areas.
 - (2) Drooping or weeping types of trees shall not be planted on public property if any portion of the tree, including underground or overhanging portions, might come into contact with or overhang public thoroughfares or sidewalks.
 - (3) The planting of trees along streets shall be between the sidewalk and the improved portion of streets, where possible.
 - (4) Any one variety of tree shall not exceed twenty percent of the total number of trees planted within any area. Four or five varieties of trees shall be planted within any area so as to prevent epidemic losses due to disease.
 - (5) All trees shall be planted at intervals of fifty feet, but with due consideration for lot area, driveways, sewers, electrical service, etc. Alternate spacing shall be provided for each side of the roadway.
 - (6) No planting shall be permitted so as to obscure street lighting or fire hydrants.
 - (7) No more than one tree may be planted on each circular area of a cul-de-sac.
 - (8) No planting of trees or shrubs shall be permitted on City streets in a close grouping so as to harbor weeds or debris.
 - (9) No fruit trees shall be planted on City streets.
 - (10) All hedgerows planted within fifty feet of a paved portion of any street shall be limited to thirty inches in height and twenty-four inches in width.
 - (11) Any area grown with brush shall be cleared by the property owner upon proper notice from the City. Failure of the property owner to act shall give the City cause to clear such areas and to charge the property owner for the cost of clearance. The City shall be authorized to obtain a judgment as in ordinary civil proceedings against such property owner for the cost of such clearance.
- (e) Highway and Arterial Road Areas.
- (1) All tree planting shall be done outside of the improved portion of any road or street.
 - (2) On State and Federal highways, all planting shall be at least twenty-five feet from the improved portion of highways. On local arterial roads all planting shall be at least ten feet from the improved portion of roadways.
 - (3) No planting shall be made within fifty feet of any intersection. All plantings of trees shall be of upright, ground-type trees.
 - (4) All trees planted shall provide spacing in intervals of sixty to seventy-five feet, with consideration being allowed for existing property arrangements.
 - (5) No shrubs or fruit trees shall be planted within the above areas.

- (6) No planting shall be done so as to obscure any street light or fire hydrant.
- (7) Hedgerows planted within fifty feet of the improved portion of a roadway shall be limited to thirty inches in height and twenty-four inches in width.
- (8) Before any planting is performed or done within highway or road areas, communication shall be made with the appropriate County, State or City officials.

(Ord. 291-65, 9-7-65.; Ord. 4492-2007, 12-17-07)

1032.07 Street tree survey; planting guide

- (a) The Street Tree Survey and the Planting Guide are hereby made a part of this chapter as if fully incorporated herein and shall serve as a guide to the City Arborist in the enforcement of the provision of this chapter. These documents are on file with the Clerk of Council.
- (b) The Planting Guide, insofar as it recommends tree varieties for particular streets, shall be followed. As the Planting Guide of the City is extended to other streets and areas, it shall be followed insofar as planting requirements are concerned.

(Ord. 291-65, 9-7-65)

1032.08 Enforcement by city arborist

- (a) The provisions of this chapter shall be enforced by the City Arborist.
- (b) When a person to whom an order is directed fails to comply therewith within ten days, or within such other period as the City Arborist may authorize, the City Arborist shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose.

(Ord. 291-65, 9-7-65)

1032.09 Tree planting plan requirements

- (a) Planting Requirements for all new Development.
 - (1) Residential Districts. There shall be a minimum of one (1) tree planted or retained per dwelling unit which shall be no less than 2" minimum caliper. Trees are to be arranged within the front, sides or rear yard areas with emphasis on the front facades. The average initial height of trees is to be 6 ft. minimum.
 - (2) Commercial Development. Commercial developments must submit a landscape design plan when seeking approval to build or to expand. Factors to consider when reviewing such plans include: a) whether the green areas are environmentally appropriate and aesthetically pleasing; b) whether safety issues are addressed and whether delivery of city services or safety forces are negatively impacted; c) how the landscaping plan impacts the functional utility of the property for its commercial purposes. Benches, grates, or other appropriate landscape materials designed and located in a manner complimentary to the overall architecture of the commercial establishment and of the surrounding buildings are encouraged. The intent is to encourage an equally spaced landscape envelope around the perimeter of the building to the degree practicable. Combining of tree planting areas is acceptable. Within the commercial development, the minimum number of trees to be planted shall be determined as follows: There shall be a tree planted in a landscaped area for every 50 lineal feet of building perimeter or fraction thereof.
 - (3) The trees required by this Chapter shall be planted in conformity with the provisions of NRCO Chapters 1030 and 1032, as well as all other ordinances. The trees mandated by this section shall be planted prior to final grade approval, and shall be shown as a component of the grading plan as required by NRCO Chapter 1444.

(b) Major Arterial Roadway Tree Requirements.

- (1) Trees noted below as prohibited plantings are not to be used on City-owned public property. City-owned public property shall include all public right-of-ways, streets, alleys, parks, or other property owned by the Municipality.
- (2) The maximum spacing between trees shall be one hundred feet (100') for large trees, eighty feet (80') for medium trees, and sixty feet (60') for small trees.
- (3) The tree location shall be at least thirty-five (35') feet from street intersections and ten feet from fire hydrants or utility poles.
- (4) A small tree shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to twenty lateral feet of overhead utility wires. No tree, at maturity, shall exceed the height of the utility line.
- (5) Trees may be of the same genus and species matched in form and size and planted continuously down a street. However, consideration must then be given to introducing other tree genus and species for other streets or cul-de-sacs in the same development. The prohibitions contained in subsection (d) herein must be observed.
- (6) The minimum trunk caliper measured at six inches above the root ball for all street trees shall be no less than two (2) inches.

(c) Prohibited Plantings.

- (1) No person shall cause to be planted any large tree within 30-feet of any public utility line above or below the ground including sewers, drains, manholes and inlets.
- (2) No person shall cause to be planted any tree listed herein below on any public property or rights-of-way in the City, except as approved by the Safety Service Director:
 - A. Silver Maple (*Acer Saccharinum*)
 - B. Box Elder (*Acer Negundo*)
 - C. Horse Chestnut (*Aesulus Hoppocastanum*)
 - D. Tree of Haven (*Ailanthus Altissima*)
 - E. Birches, all species and varieties except *Betula Nigra* (River Birch Tree Form) (*Betula*)
 - F. All species and varieties (*Catalpa*)
 - G. All species, except as approved by the Safety Service Director (*Malus*)
 - H. Mulberry, all species and varieties (*Morus*)
 - I. American Sycamore (*Plantanus Occidentialis*)
 - J. London Plane (*Plantanus X Acerifolia*)
 - K. Poplar, all species and varieties; includes aspen and cottonwood (*Populus*)
 - L. Black Locust (*Robinia Pseudoacacia*)
 - M. All species and varieties; includes willows and osiers (*Salix*)
 - N. European Mountain Ash, Rowan (*Sorbus Aucuparia*)
 - O. Siberian Elm (*Ulmus Pumila*)

(d) Guidelines and Prohibitions.

- (1) Large trees are those which exceed fifty (50') feet in height at maturity. Medium trees are between thirty (30') feet and fifty (50') feet in height at maturity.

- (2) Trees transplanted under or near overhead utility lines shall not exceed, at maturity, the height of the lines.
 - (3) Developers shall use a minimum of three different types of trees in their planting plan. More variety shall be required for larger planting plans. Monocultures promote both the spread of disease and also result in the natural deterioration by all trees at the same time in their natural life cycle. Both results are extremely undesirable for the health of the trees and for the long term beautification of the City and the environment. Therefore, a diverse planting plan with adequate variety is required.
- (e) Conflicts.
- (1) Should any provision of this section be in conflict with any other provision of the Codified Ordinances, the provisions of this ordinance shall prevail unless the Safety Service Director or his designee, determines otherwise for practical and articulable reasons.
 - (2) Should any provision of this section be unattainable due to geographic impracticalities or due to other unavoidable characteristics of the site, such provision may be waived by the Safety Service Director or his designee as long as the developer or applicant provides a reasonable alternative tree planting plan.
- (f) Enforcement. Final approval of all required tree planting plans shall be reviewed and obtained in writing from the Safety Service Director or his designee, and shall accompany the plans for development before final Planning Commission approval where applicable, or before final approval by the City Engineer where otherwise applicable.

(Ord. 4699-2009, 12-7-09)

1032.99 Penalty; equitable remedies

- (a) Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) For the purpose of enforcing this chapter, the City Arborist or the Safety-Service Director is authorized to bring injunctive proceedings or such other equitable proceedings as are necessary to obtain compliance.

DATE:	<u>April 7, 2025</u>	1 ST READING:	<u>April 7, 2025</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	_____
REFERRED BY:	_____	3 RD READING:	_____
		ADOPTED:	_____
		EMERGENCY:	_____

ORDINANCE NO. 2025-65

**AN ORDINANCE SUSPENDING CITY OF NORTH RIDGEVILLE
NOISE ORDINANCE NO. 634.01(C)(7) FOR HAMMOND
CONSTRUCTION AND ITS SUBCONTRACTORS IN ORDER TO
AVOID COSTLY DELAYS FOR THE CONSTRUCTION OF A
SCHOOL TRANSPORTATION AND MAINTENANCE FACILITY
AND A NEW HIGH SCHOOL FOR THE NORTH RIDGEVILLE
SCHOOL DISTRICT.**

WHEREAS, the City of North Ridgeville School District is beginning construction of a school transportation and maintenance facility and the new high school construction project; and

WHEREAS, many contractors and subcontractors will not work on Saturdays unless they are able to begin work at 7:00 a.m.; and

WHEREAS, northeast Ohio has inclement weather which may necessitate work on Saturdays; and

WHEREAS, North Ridgeville City Ordinance No. 634.01(c)(7) (noise ordinance) permits work on Saturdays beginning at 9:00 a.m.; and

WHEREAS, in an effort to prevent costly delays to both the school transportation and maintenance facility and the new high school projects, the City wishes to suspend Noise Ordinance 634.01(c)(7) only as it applies to Hammond Construction and its subcontractors and permit the work to begin on Saturdays at 7:00 a.m., if necessary, until the two projects are completed.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The City of North Ridgeville Noise Ordinance No. 634.01(c)(7) is hereby suspended in order to permit (only) Hammond Construction and its subcontractors to begin construction on Saturdays at 7:00 a.m., if necessary, until the above-referenced projects are completed.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal

action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR