

Village of Mantua, Ohio
ORDINANCE 2011-76
(amended)

AN ORDINANCE AMENDING SECTIONS 147.17 AND 909.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO CLARIFY THE POLICY OF COST-SHARING FOR REMOVAL OF DISEASED OR DYING TREES ALONG VILLAGE RIGHTS-OF-WAY.

WHEREAS, it has been a long-standing policy of the Village of Mantua that the Village shares with property owners the costs of removal of diseased or dying trees along Village rights-of-way; and

WHEREAS, the Shade Tree Commission has recommended that this policy be formalized and codified for clarity; and

WHEREAS, this Council wishes to amend Sections 147.17 and 909.02 of the Codified Ordinances of the Village of Mantua in order to address this recommendation.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Mantua, a majority or more of the members elected thereto concurring that:

SECTION 1. Existing Section 147.17 of the Codified Ordinances of the Village of Mantua is hereby repealed.

SECTION 2. Section 147.17 of the Codified Ordinances of the Village of Mantua is hereby enacted as set forth in "Exhibit A", attached hereto and incorporated herein by reference.

SECTION 3. Existing Section 909.02 of the Codified Ordinances of the Village of Mantua is hereby repealed.

SECTION 4. Section 909.02 of the Codified Ordinances of the Village of Mantua is hereby enacted as set forth in "Exhibit B", attached hereto and incorporated herein by reference.

SECTION 5. All other provisions of the Codified Ordinances shall remain in full force and effect.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 7. This Ordinance shall become effective upon its passage by Council at the earliest time allowed by law.

PASSED IN Council this _____ day of _____, 20__.

Village of Mantua, Ohio
ORDINANCE 2011-76
(amended)

1st Reading: _____

Mayor

2nd Reading: _____

3rd Reading: _____

ATTEST:

Effective: _____

Clerk

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio.

Clerk

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua

Village of Mantua, Ohio
ORDINANCE 2011-76
EXHIBIT A

147.17 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The Village shall have the right to cause the removal of any trees on private property, whose Hazard Zone falls within the right-of-way or of Village property, within the Village, when such trees constitute a hazard to life and property.

- (a) Notice to Remove. Should any person or persons fail to remove trees as herein provided, Council shall order such person or persons within thirty (30) days after receipt of written notice, to remove such trees.
- (b) Order Required. The order herein shall be served by certified mail to the last known address of the property owner.
- (c) Failure to Comply. When a person to whom an order is directed shall fail to comply within the specified time it shall be lawful for the Village to cause the removal of such trees.
- (d) Costs.
 1. In the case of a tree voluntarily removed by a property owner pursuant to notice or order under this section, the Village and the property owner shall each obtain an estimate for the work, and the lower estimate shall be used. The Village will reimburse the property owner one-half (1/2) of the costs reflected on the lower estimate upon completion of the work, including stump-grinding.
 2. In the event that the Village is required to undertake the required removal itself, the Village shall bill, assess, or otherwise recover from the property owner for one-half (1/2) of the costs incurred by the Village for such removal in any manner permitted by law.
 3. In cases under (1) or (2), above, where the tree removal can be safely undertaken by Village personnel with Village equipment, the cost to be shared between the Village and the property owner shall be the cost for any work that cannot be performed by Village personnel.

EXHIBIT B

909.02 TRIMMING TREES AND SHRUBS.

The owner of every lot or parcel of land within the Village upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations provided in this section and Chapter 147 of these Codified Ordinances or the Village shall cause the tree, plant or shrubbery to be trimmed or cut down and removed in accordance with the regulations and assessed the costs against the owner of the lot or parcel of land. Costs for the removal of trees pursuant to Section 147.17 shall be assessed or shared as set forth therein.

- (a) The owner shall trim, or cause to be trimmed, any tree, plant or shrubbery so that a clear height of ten feet between the lowest branches and the street or sidewalk is maintained.
- (b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or parts thereof, so that it shall not fall to the street or sidewalk.
- (c) The owner shall cut down or 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 the street or sidewalk or located within the vicinity of such nuisance.