

## Chapter 912 TREES AND SHRUBS; COLUMBUS TREE SUBCOMMISSION

### 912.00 Purpose and Intent.

This chapter establishes policies and standards necessary to protect, maintain, and grow Columbus' publicly-managed trees, a critical part of the city's infrastructure. This chapter regulates trees on public property but recognizes that trees on private property are part of Columbus' collective urban forest.

The intent of this chapter is to protect, preserve, and grow Columbus' public tree canopy and support its management by:

(A) Recognizing trees and the urban forest as a valuable and necessary city asset which is treated as an equal utility and service to the public.

(B) Establishing and enforcing standards to properly plant, maintain, and protect public trees and maximize the benefits the urban forest provides to Columbus, including:

- filtering pollution from the air.
- sequestering carbon dioxide.
- absorbing and filtering pollution from stormwater run-off.
- producing oxygen.
- reducing flooding.
- stabilizing soils and reducing erosion.
- cooling the environment and helping reduce urban heat island impacts.
- reducing energy consumption by shielding structures from harsh winds and sun.
- providing a buffer and screen against noise, light, and pollution.
- improving property values.
- improving commercial district buyer traffic.
- lowering crime rates.
- improving community interaction.
- providing habitat for birds and other wildlife.
- protecting and enhancing quality of life.

(C) Recognizing that some trees may have a condition or risk rating that may endanger or be a nuisance to the public or property within the city of Columbus or may put at risk the health of other trees and vegetation.

### **912.01 Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein and other chapters of the Columbus City Codes where applicable, the words in this section shall have the following meanings:

(A) "Caliper" means the diameter of a tree that is measured at six inches (15 cm) above ground level for trees up to four-inch caliper and 12 inches above ground level for larger sizes. This measurement is commonly used in the nursery industry to measure tree planting stock.

(B) "Certified Arborist" means an individual trained in the art and science of planting, caring for, and maintaining trees that has been certified by the International Society of Arboriculture.

(C) “Critical Root Zone” means The area of soil extending from the tree trunk in which roots required for future tree health and survival are located. This area is defined as a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at 4.5’ above grade, known as Diameter at Standard Height (DSH).

(D) “Damage” means the impact or loss to any tree including, but not limited to, removal, root cutting, root removal, girdling, soil compaction, soil contamination, topping, pruning more than 20% of the tree’s canopy, bark removal, poisoning and/or actions contributing to the decline or death of a tree.

~~(N)~~ “Department” means the recreation and parks department of the city of Columbus.

(F) “Diameter at standard height (DSH)” means the diameter of a tree measured at 4.5 feet above the existing grade.

~~(M)~~ “Director” means the director of the recreation and parks department of the city of Columbus, or any representative the director so designates.

(H) “Girdling” means the deliberate act of removing a continuous ring of bark and underlying tissues from the circumference of a tree trunk, resulting in the interruption of the flow of water, nutrients, and carbohydrates between the roots and the canopy

(I) “Nuisance Tree(s)” means tree(s) that may negatively impact other trees, people, or structures. This would include, but is not limited to, trees that are diseased, infested, structurally unsound, known invasive species, or trees on the prohibited species list maintained by the department.

~~(L)~~ “Occupant” means the person or persons who are from time to time in possession of any house or other structure located on private property, or who are exercising dominion or control over any house or other structure located on private property.

~~(K)~~ “Other plants” means all other vegetation not trees, shrubs, or evergreens.

~~(G)~~ “Park” means all public parks having individual names. all city parks, parklands, or waterways, as well as all other areas out granted or under lease, license, written or concession agreement.

~~(J)~~ “Person” means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious, government or charitable organization, or any owner, other person, persons or entities.

~~(D)~~ “Plant materials” means all trees, shrubs, evergreens, and other plants.

~~(O)~~ “Private property” means all real estate within the city of Columbus except real estate that is owned, leased, controlled or occupied by the United States government, state of Ohio, Franklin County governments, city of Columbus or any department or agency thereof.

~~(P)~~ “Property owner” shall be presumed to be any one or more of the following:

- (1) The property owner or owners in fee simple of a parcel of real estate including the life tenant or tenants, if any; or
- ~~Or~~ (2) the record owner or owners as reflected by the current records in the Franklin or applicable County auditor’s office; or
- (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.

~~(H)~~ “Public place” means all other ground owned or by controlled by the city that is not part of a “public street” or “park”.

~~(R)~~ “Public street” means all the land lying within the dedicated right of way or easement. “Public street” means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular traffic. For the purposes of this chapter, public street includes the right-of-way.

- (S) "Public tree" means any tree growing on land owned by the city including lands defined as "public place", "public street", or "park ."
- (T) "Right of way" means a general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. Right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the federal, state, or local authority.
- (U) "Topping (top)" means an unacceptable method of pruning that alters the tree's natural shape by the cutting back of whole tops or large limbs, leaving stubs or natural branches that are too small to assume the role of terminal growth.
- (AV) "Trees" when used by itself, means any woody plant which generally includes those having a single main stem which grows to a mature height of over ten (10) feet.
- (BW) "Trees, shrubs and evergreens" when used together means all woody vegetation including but not limited to all ground covers.
- (X) "Tree Protection Zone (TPZ)" means an area of ground extending out from the trunk of the tree in all directions that must be protected during construction. Calculated by multiplying the Diameter at Stand Height (DSH) by 1.5.
- (Y) "Waterways" shall mean all city-controlled water including, but not limited to, reservoirs, reservoir lands, rivers, lakes, creeks, streams, ponds, fountains, and water-filled quarries
- (Z) "Young tree care" means any maintenance undertaken during the first five years after the tree is planted, including but not limited to watering, mulching, fertilizing, and pruning.
- ~~(C) "Other plants" means all other vegetation not trees, shrubs or evergreens.~~
- ~~(D) "Plant materials" means all trees, shrubs, evergreens and other plants.~~
- ~~(E) "Arboriculture" means the selection, planting, maintenance and removal of trees.~~
- ~~(F) "Public street" means all the land lying within the dedicated right-of-way or easement.~~
- ~~(G) "Park" means all public parks having individual names.~~
- ~~(H) "Public place" means all other ground owned by the city that is not part of a "public street" or "park".~~
- ~~(I) "Private property" means all real estate within the city of Columbus except real estate that is owned, leased, controlled or occupied by the United States government, state of Ohio, Franklin County government, city of Columbus or any department or agency thereof.~~
- ~~(J) "Person" means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or any owner, person, persons or entities.~~
- ~~(K) "Property owner" shall be presumed to be any one or more of the following:~~
- ~~(1) The property owner or owners in fee simple of a parcel of real estate including the life tenant or tenants, if any;~~
  - ~~(2) Or the record owner or owners as reflected by the current records in the Franklin County auditor's office; or~~
  - ~~(3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.~~
- ~~(L) "Occupant" means the person or persons who are from time to time in possession of any house or other structure located on private property, or who are exercising dominion or control over any house or other structure located on private property.~~

~~(M) "Director" means the director of the recreation and parks department of the city of Columbus, or any representative the director so designates.~~

~~(N) "Department" means the recreation and parks department of the city of Columbus.~~

~~(Ord. 975-91.)~~

## **912.02 - Applicability.**

The provisions of this chapter shall apply to all trees owned or under the control of the city except as otherwise specifically provided. The provisions of this chapter do not apply to city-owned property eligible for coverage under a Land Stewardship Agreement entered into between the Department of Public Utilities and a private property owner pursuant to chapter 1117 of the Columbus City Codes.

~~(Ord. No. 2278-2021, § 1, 12-13-2021)~~

## **912.032 Management and protection Administration and Enforcement.**

(A) The department Director shall have charge, authority, custody, and control of for the care, planting, and removal of trees, shrubs and evergreens planted or to be planted in or on public streets, parks, and public places.

(B) The Director may issue permits and promulgate rules and regulations, including the establishment of fees, for public tree care, planting, removal, protection and mitigation, and the issuance of notices of violation, as necessary to administer the provisions of this chapter.

~~(CB) The department Director shall have authority to plant, prune, spray, remove and otherwise maintain such trees, shrubs, and evergreens in the public streets, public places, and parks, or upon property owned or controlled by the city of Columbus. Such authority shall exist as long as it does not interfere with the public travel, peace, health and safety.~~

~~(Ord. 975-91.)~~

(D) The Director may declare any vertebrate or invertebrate animal, plant pathogen or plant that threatens to cause significant damage to Columbus' trees and urban forest a tree pest and prescribe control measures to eradicate, control, or manage the tree pest, including necessary timelines for action.

(E) The provisions of this chapter shall be administered and enforced by the Director. It shall be the duty of the Director to inspect or examine any street, park, or public place and order the remedying of any conditions found in violation of this chapter.

(F) Policies, rules, and regulations may be established, amended, and revised by the Director to control tree planting, pruning, cabling, spraying, root cutting, and other work on or near public trees by contractors, abutting property owners, and/or others. The Director may promulgate rules and regulations, as the Director deems appropriate from time to time, to carry out the express purposes and intent of this chapter. The Director shall promulgate rules and regulations by filing the same with the city clerk for publication in the City Bulletin pursuant to section 121.05 of the Columbus City Codes.

~~(G) Such authority shall exist as long as it does not interfere with the public travel, peace, health and safety.~~

(G) Departmental use of city resources to plant and maintain trees on private property, in reasonable furtherance of city goals to prioritize, preserve, and grow tree canopy in Columbus constitutes a property public purpose and is hereby authorized subject to the provisions of chapter 329 of the Columbus City Codes.

~~(Ord. 975-91.)~~

**912.04 Prohibited Activities-**

No person, without privilege to do so, shall recklessly do any of the following in a public street, park, or public place:

**912.22 Destruction of trees-**

(A) It shall be unlawful for any person to bBreak, deface, injure, mutilate, top, kill or, destroy any tree, shrub, or evergreen in any public street, park, or public place.

(B) Destroy or alter any vegetation on park property in violation of Chapter 919 - Park Rules and Regulations

**912.19 Interfering with city employees-**

(C) No person shall hHinder, prevent, or interfere with the agents, contractors, or employees of the recreation and parks recreation and parks department while the agents, contractors, or employees are engaged in planting, maintaining, or removing any tree, shrub, or evergreen. (Ord. 975-91.)

**912.14 Open space around trees-**

(D) No person shall pPlace or maintain upon the ground in a public street, park or public place any stone, brick, sand, concrete, plant (except turf grass), or other material which may injure or impede the passage of water, air and fertilizer to the roots of any trees, shrubs or evergreens. unless a permit has been issued by the director. A permit shall be issued upon written application outlining the work to be performed and approved by the director. The permit shall require an open space not less than two (2) feet in width from the trunk of any trees as a condition to its issuance.

(Ord. 975-91.)

**912.17 Abuse or mutilation of trees-**

(E) Unless issued a written permit by the director of the recreation and parks department, no person shall aAttach any rope, wire, nails, advertising poster, or other contrivance to any tree in any public street, park, or public place.

(F) No person shall pPermit any fire to burn where such fire or heat therefrom, or heat from any source, will injure any portion of any tree in any public street, park, or public place.

(vi) Without permit, no person shall use herbicides or other chemicals on any trees, shrubs or evergreens in any public street, park or public place.

(Ord. 975-91.)

**912.20 Excavation Prohibited**

(G) No person shall excavate any ditch, tunnel, trench or lay any drive within a radius of a minimum ten (10) feet from any tree shrub or evergreen standing on any public street, park or public place without first obtaining a permit from the recreation and parks department. Store or place construction materials, vehicles, or equipment within the tree protection zone (TPZ) of a tree.

(H) Compact soil with vehicles or equipment within the TPZ of a tree.

(I). Change the soil grade within the TPZ of a tree.

~~(Ord. 975-91.)~~

### 912.18 Gas leaks.

~~No owner, occupant or any public utility maintaining or operating any gas pipes or mains laid beneath any public street, park or public place shall permit a leak to occur or continue after discovery thereof. In the event that such leak exists or occurs in any pipe or main in or on the public street, park or public place, it shall be the duty of the public utility, or the owner, or occupant, or person controlling and maintaining the pipe or main to cause repair to be made immediately. In no event shall such repair take longer than seven (7) calendar days after the leak is discovered. If the owner, occupant, public utility, or person maintaining control and maintenance over the defective pipe or main has received notice from the recreation and parks department that such a defect exists, each day beyond the fifth day from the discovery of the leak shall constitute a violation of this section and subject the person to penalties under this chapter.~~

### **912.05 Tree Permits and Restricted Activities.**

#### 912.09 Planting permit.

~~It shall be unlawful for any person to plant or set out any tree, shrub or evergreen in or on any public street, park or public place without first obtaining a written permit from the department. To obtain a permit, an application must be filed with the department specifying the species, cultivar, or variety, size, grade, location, method of planting, method of support, and pruning of the trees, shrubs and evergreens concerned. The application may be approved or disapproved by the director. If the application is approved, a permit shall be issued; however, the permit may be declared void if its terms are violated.~~

~~(Ord. 975-91.)~~

#### 912.10 Maintenance permit.

~~Any person desiring to engage in the maintenance of trees, shrubs and evergreens by spraying, fertilizing, bracing, cabling, pruning, surgery work, cutting above or below the ground, or cutting branches or roots in a public street, park or public place, shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the work applied for is necessary and approves the proposed method and work.~~

~~(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)~~

#### 912.11 Removal permit.

~~Any person desiring to remove any trees, shrubs or evergreens in a public street, park or public place shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the removal is necessary and the applicant agrees to pay the cost of the removal.~~

(Ord. 975-91.)

(A) No person shall plant, set out or engage in the maintenance of any tree, shrub, or evergreen by removal, stump grinding, application of herbicide or other chemicals, fertilizing, bracing, cabling, pruning, surgery work, cutting above or below the ground, or cutting of roots in a public street, park, or public space without first obtaining a permit issued by the department.

(B) No person shall excavate any ditch, tunnel, or trench or lay any drive within a minimum radius of ten (10) feet from any tree or within the TPZ, whichever is greater, of any tree, shrub, or evergreen growing on any public street, park, or public place without first obtaining a permit issued by the department.

(C) Tree removal approved by the Director shall be conducted in accordance with tree protection and mitigation requirements set forth in this chapter including the following:

(1) The approval shall only be issued when the Director determines that the work applied for is necessary and that the proposed method of work is consistent with industry arboricultural standards, best management practices and City of Columbus policies, rules, and regulations.

(2) Any and all work to maintain, plant, or remove a public tree, including all activities described in section 912.06 shall be approved for execution by certified arborists or by people working under the supervision of a certified arborist.

(D) Strict liability is intended for violations of divisions (A) and (B) of this section.

### **912.06. Tree Mitigation and Protection.**

The intent of this section is to preserve existing trees and replenish lost tree canopy by providing for tree mitigation and protection. This section applies to the removal or injury of any public tree on public streets, parks, and public places.

(A) Prior to commencement of any work, including but not limited to, initial design and all subsequent design revisions, clearing, grubbing, grading, excavation, and construction on any public street, park, or public place where a public tree is located within the proposed work limits, a public tree plan shall be submitted by the project owner for departmental approval. The plan shall follow guidelines, standards, and best management practices developed by the department.

(B) If the Director determines that it is not practical to avoid tree removal, then the Director shall require the project owner to replace the trees as follows:

(1) at a rate of 1:1, one (1) caliper inch of replacement for every one (1)-DSH inch of removal; and:

(2) on the site where trees have been removed. If the site cannot accommodate all required replacement trees, they may be planted in locations as approved by the Director. Payment into the Tree Fund, at a rate established by the Director, shall be required if there are not suitable planting locations as determined by the Director; and -

(3) as soon as practical; and

(4) according to the promulgated rules, regulations, standards, and best management practices developed by the department.

(C) Any damage to trees, shrubbery or grass shrubs, evergreens, and plant material resulting from the escape of gas or water shall be repaired and the cost of the work, including the cost of removal and the replacement

of any trees, shall be levied against the owner of the pipe or main causing the damage in accordance with Section 912.06.

(D) The Director shall establish a per tree inch replacement rate for payment into the Tree Fund. The rate will be revised periodically and will be based on factors including the cost for the department to plant a tree. The Director reserves the right to alternatively require payment into the Tree Fund based on a tree appraisal method.

(E) It is the duty of the Director to require and see that the provisions of this section are strictly, promptly, and fully enforced.

#### 912.12 Protection during building operations.

All trees, shrubs and evergreens on public streets, parks or public places located where any excavation or construction could damage them shall be protected.

The protection shall be a substantial fence protecting the trees, shrubs and evergreens from the materials and debris of construction which shall be kept outside the protection.

(Ord. 975-91.)

#### 912.16 Prohibited species. 912.07 Approved and Prohibited Tree Species.

(A) The following species shall not be planted along the public streets or public places, to wit:

(1) Acer negundo (boxelder);

(2) Acer saccharinum (silver maple);

(3) Ailanthus altissima (tree of heaven);

(4) Catalpa (catalpa – all common species, cultivars and varieties);

(5) Morus (mulberry – all fruiting species, cultivars and varieties);

(6) Populus (poplar – all common species, cultivars or varieties);

(7) Salix (willow – all common species, cultivars or varieties); or

(8) Ulmus pumila (siberian elm).

(B) This section shall not apply to the recreation and parks department.

(Ord. 975-91.)

The department shall establish and maintain the following:

(A) A list of tree species which are approved for planting along public streets, in parks, and public places. Other species may be permitted with written approval of the Director.

(B) A list of prohibited tree species which shall not be planted along public streets, in parks and public places unless written approval is granted by the Director.

## **912.08 Private Nuisance Trees.**

### ~~912.03 Traffic obstructions.~~

~~Whenever the director has been notified by the Director of Public Safety that a violation of Section 912.18 may exist or that a hazard or menace to the safe movement or control of traffic exists by reason of the obstruction of the view of any street light, traffic control device, traffic control signal, or of any public street intersection by trees or parts thereof existing on private property, it shall be the director's duty to determine if a violation of Sections 912.18 or 912.03 of the Columbus City Codes (1959) exists.~~

~~(Ord. 975-91.)~~

### 912.21 Dead or diseased trees.

It shall be unlawful for any property owner to maintain, or permit to stand on the owner's property, dead, diseased, damaged or alive, tree, shrub, evergreen or other plant which is deemed by the recreation and parks department to be a menace to the public peace, health or safety.

(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)

It shall be unlawful for any property owner to maintain or permit to stand on the owner's property any tree, shrub, evergreen, or plant material that has been deemed a public nuisance. A tree, shrub, evergreen, or plant material may be deemed a public nuisance when any one of the following conditions exists:

(A) any portion interferes or has the potential to interfere with any public street, park, or public place.

(B) any portion restricts the flow of pedestrian or vehicular traffic or visibility of any public street, park, or public place.

(C) any portion obstructs the view of any streetlight, traffic control device, traffic control signal or, public street intersection.

(D) in the opinion of the Director, it is sufficiently damaged, diseased, disfigured, or constitutes a risk to the public or to other trees, shrubs, evergreens, and plant material on public property.

The Director shall determine if a private tree, shrub, evergreen, or plant material constitutes a public nuisance and if a violation exists-

## **912.09 Notice of Violations – Private Nuisance Trees.**

### ~~912.04 Preliminary notice of violation.~~

(A) Notice of violation. If it is determined by the ~~d~~Director that a nuisance condition as described in violation of Sections 912.18 or 912.03 of this Chapter of the Columbus City Codes, Section 912.08 exists, then the ~~d~~Director shall ~~may~~ give a preliminary notice of a violation to the owner or occupant of the private property ~~by posting the notice upon such property.~~ Such notice shall:

(1) Be in writing.

(2) Include a reference to the Section of Code that has been violated.

(3) Inform the owner that the nuisance must be abated, the method of abatement/corrective action, deadline to complete abatement activity (allowing) reasonable time for the performance of any act it requires.

(4) Provide notice that the City will perform abatement activities if not conducted by the owner to the satisfaction of the City or by the deadline.

(5) Include method to appeal.

(6) Be served by any one of the following methods:

(a) Personal service; or

(b) Certified mail; or

(c) Residential service; or

(d) Publication; or

(e) Regular mail service to an address that is reasonably believed to be either a place of residence or a location at which the owner regularly receives mail; or

(f) Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.

~~Such preliminary notice shall state the nature of the violation and the action deemed necessary to correct this condition. The preliminary notice shall fix a date, not sooner than seven (7) calendar days thereafter, when the property will be reinspected to determine if compliance has been effected.~~

~~If upon reinspection, in accordance with the preliminary notice, it is determined that the violation has been corrected, then the owner or occupants shall not be liable for any charges by reason of the preliminary procedure.~~

~~{Ord. 975-91.}~~

#### ~~912.05 Formal notice of violation.~~

~~If upon reinspection, after the preliminary notice has been given, the condition has not been corrected, then the director shall cause to be sent to the owner or occupant "formal notice" by Certified Mail, Return Receipt Requested, and the director shall cause to be posted a copy of the formal notice of violation upon such property.~~

~~The formal notice shall state the nature of the violation, describe the real estate upon which the condition exists, state the action deemed necessary to correct the violation and set a date not sooner than two (2) calendar weeks after the date such notice was sent and posted when the property will be reinspected to ascertain if abatement has been effected.~~

~~{Ord. 975-91.}~~

#### ~~912.06 Failure to abate after notice.~~

(B) Failure to abate after notice. ~~If upon reinspection of the property, after formal notice of the violation, the violation has not been corrected, then the ~~d~~Director shall enter upon such private property where the violation exists and take such action that is reasonable and necessary to correct the nuisance. ~~offending condition.~~~~

~~{Ord. 975-91.}~~

#### ~~912.07 Charges for notice procedure and abatement correction.~~

(C) Charges for abatement correction. ~~The owner or occupant of property upon which labor has been performed for violations of section 912.08 this Chapter Sections 912.18 or 912.03 of the Columbus City Codes shall pay to the department the actual costs incurred by the department in abating the violation.~~ - Prior to

submitting the charges to the applicable County Auditor for assessment, notice shall be sent to the Owner of the amount due and opportunity to pay.

~~{Ord. 975-91.}~~

### **912.08 Lien.**

~~(D) Assessment.~~ The department ~~shall~~ may place an assessment ~~have a lien~~ upon the offending property from and after the date of performance of the correction acts. The assessment lien shall be perfected in the following manner:

- ~~(A)~~ (1) By the adoption of the recreation and parks commission in a regular or special meeting of an Assessment Resolution which shall give the name of the owner, occupant, or tenant, description of the offending property, and the amount of charges to be assessed; and
- ~~(B)~~ (2) The certification of such Assessment Resolution to the auditor of Franklin or applicable County, Ohio, who by special assessment shall cause the amount to be placed on the tax duplicate for the offending private property subject to a collection as in the nature of an additional or supplemental real property tax; and
- ~~(C)~~ (3) Contemporaneously with certification of the Assessment Resolution to the county auditor, the ~~D~~Director shall send by ordinary mail a written statement of the amount due to each ~~offending~~ owner, occupant, or tenant if the offending property.

~~{Ord. 975-91.}~~

### 912.15 Plant material fund. **912.10 Tree Fund.**

The city auditor has been authorized and directed to establish a trust fund to be known as the "plant material fund" "Tree Fund," previously established as the "Plant Material Fund" and hereby renamed. The dDirector may receive contributions which shall be turned over to the city auditor who shall deposit same with the city treasurer in the "plant material fun "Tree Fund.";

The Department shall have the authority to sell wood or wood products from the maintenance or removal of public trees pursuant to this Chapter. The director shall provide for the purchase of necessary plant material to be paid out of the plant material fund. The director shall set up rules and regulations governing the kinds or types of plant material, the location of the plantings, the rights of any owner or person in possession of such property who contributed the wholesale cost or more and allowed plant material in front of the owner's property, and the rights of any person contributing a sum of money to have plant materials in a public street, park or a public place.

Any funds that are recovered through the sale of wood or wood products from the maintenance or removal of public trees, or funds that are generated through the reimbursement of damages for the injury or destruction of plant material located on public streets, parks, or public places, shall become part of the plant material fund be deposited into the Tree Fund.

Expenditures from such the Tree fFund can be used only for the purchase of plant material to be used activities associated with planting of trees and tree care on public streets, parks or public places. Expenditures shall be made only upon an approved voucher by the dDirector and in accordance with Chapter 329 of the Columbus City Codes.

The city auditor shall keep a separate account of all receipts of the Tree Fund plant material fund. No part of the plant material Tree Ffund shall be commingled with any other funds and no unexpended portion of the fund shall at any time lapse into or become part of the general fund of the city. No part of the plant materia Tree Ffund shall be subject to appropriation by the city council for purposes other than those set forth in this section.

~~(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)~~

#### ~~912.09 Planting permit.~~

~~It shall be unlawful for any person to plant or set out any tree, shrub or evergreen in or on any public street, park or public place without first obtaining a written permit from the department. To obtain a permit, an application must be filed with the department specifying the species, cultivar, or variety, size, grade, location, method of planting, method of support, and pruning of the trees, shrubs and evergreens concerned. The application may be approved or disapproved by the director. If the application is approved, a permit shall be issued; however, the permit may be declared void if its terms are violated.~~

~~(Ord. 975-91.)~~

#### ~~912.10 Maintenance permit.~~

~~Any person desiring to engage in the maintenance of trees, shrubs and evergreens by spraying, fertilizing, bracing, cabling, pruning, surgery work, cutting above or below the ground, or cutting branches or roots in a public street, park or public place, shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the work applied for is necessary and approves the proposed method and work.~~

~~(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)~~

#### ~~912.11 Removal permit.~~

~~Any person desiring to remove any trees, shrubs or evergreens in a public street, park or public place shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the removal is necessary and the applicant agrees to pay the cost of the removal.~~

~~(Ord. 975-91.)~~

#### ~~912.12 Protection during building operations.~~

~~All trees, shrubs and evergreens on public streets, parks or public places located where any excavation or construction could damage them shall be protected.~~

~~The protection shall be a substantial fence protecting the trees, shrubs and evergreens from the materials and debris of construction which shall be kept outside the protection.~~

~~(Ord. 975-91.)~~

#### **912.13 912.11 Protection of wires during pruning or removal.**

Whenever the ~~d~~Director determines it necessary to prune or remove any trees, shrubs or evergreens in a public street, park or public place, and it is necessary to move or cut off the electricity from any wire designed to carry electric current in order to do so; ~~then~~ the ~~d~~Director shall serve notice on the owner of such wire of the need, to protect such wire, and such owner shall comply with such order within twenty-four (24) hours after the service of such notice.

~~(Ord. 975-91.)~~

### ~~912.14 Open space around trees.~~

~~No person shall place or maintain upon the ground in a public street, park or public place any stone, brick, sand, concrete, or other material which may injure or impede the passage of water, air and fertilizer to the roots of any trees, shrubs or evergreens unless a permit has been issued by the director. A permit shall be issued upon written application outlining the work to be performed and approved by the director. The permit shall require an open space not less than two (2) feet in width from the trunk of any trees as a condition to its issuance.~~

~~(Ord. 975-91.)~~

### ~~912.15 Plant material fund.~~

~~The city auditor has been authorized and directed to establish a trust fund to be known as the "plant material fund". The director may receive contributions which shall be turned over to the city auditor who shall deposit same with the city treasurer in the "plant material fund".~~

~~The director shall provide for the purchase of necessary plant material to be paid out of the plant material fund. The director shall set up rules and regulations governing the kinds or types of plant material, the location of the plantings, the rights of any owner or person in possession of such property who contributed the wholesale cost or more and allowed plant material in front of the owner's property, and the rights of any person contributing a sum of money to have plant materials in a public street, park or a public place.~~

~~Any funds that are recovered through the sale of wood or wood products from the maintenance or removal of trees, or funds that are generated through the reimbursement of damages for the injury or destruction of plant material located on public streets, parks or public places, shall become part of the plant material fund.~~

~~Expenditures from such fund can be used only for the purchase of plant material to be used on public streets, parks or public places. Expenditures shall be made only upon an approved voucher by the director.~~

~~The city auditor shall keep a separate account of all receipts of the plant material fund. No part of the plant material fund shall be commingled with any other funds and no unexpended portion of the fund shall at any time lapse into or become part of the general fund of the city. No part of the plant material fund shall be subject to appropriation by the city council for purposes other than those set forth in this section.~~

~~(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)~~

### ~~912.16 Prohibited species.~~

~~(A) The following species shall not be planted along the public streets or public places, to wit:~~

- ~~(1) Acer negundo (boxelder);~~
- ~~(2) Acer saccharinum (silver maple);~~
- ~~(3) Ailanthus altissima (tree of heaven);~~
- ~~(4) Catalpa (catalpa – all common species, cultivars and varieties);~~
- ~~(5) Morus (mulberry – all fruiting species, cultivars and varieties);~~
- ~~(6) Populus (poplar – all common species, cultivars or varieties);~~
- ~~(7) Salix (willow – all common species, cultivars or varieties); or~~
- ~~(8) Ulmus pumila (siberian elm).~~

~~(B) This section shall not apply to the recreation and parks department.~~

~~(Ord. 975-91.)~~

### ~~912.17 Abuse or mutilation of trees.~~

~~Unless issued a written permit by the director of the recreation and parks department, no person shall attach any rope, wire, nails, advertising poster, or other contrivance to any tree in any public street, park or public place. No person shall permit any fire to burn where such fire or heat therefrom, or heat from any source, will injure any portion of any tree in any public street, park or public place. Without permit, no person shall use herbicides or other chemicals on any trees, shrubs or evergreens in any public street, park or public place.~~

~~(Ord. 975-91.)~~

### ~~912.18 Gas leaks.~~

~~No owner, occupant or any public utility maintaining or operating any gas pipes or mains laid beneath any public street, park or public place shall permit a leak to occur or continue after discovery thereof. In the event that such leak exists or occurs in any pipe or main in or on the public street, park or public place, it shall be the duty of the public utility, or the owner, or occupant, or person controlling and maintaining the pipe or main to cause repair to be made immediately. In no event shall such repair take longer than seven (7) calendar days after the leak is discovered. If the owner, occupant, public utility, or person maintaining control and maintenance over the defective pipe or main has received notice from the recreation and parks department that such a defect exists, each day beyond the fifth day from the discovery of the leak shall constitute a violation of this section and subject the person to penalties under this chapter.~~

~~(Ord. 975-91.)~~

### ~~912.19 Interfering with city employees.~~

~~No person shall hinder, prevent or interfere with the agents or employees of the recreation and parks department while the employees are engaged in planting, maintaining or removing any tree, shrub or evergreen in any public street, park or public place.~~

~~(Ord. 975-91.)~~

### ~~912.20 Excavation Prohibited~~

~~No person shall excavate any ditch, tunnel, trench or lay any drive within a radius of ten (10) feet from any tree, shrub or evergreen standing on any public street, park or public place without first obtaining a permit from the recreation and parks department.~~

~~(Ord. 975-91.)~~

### ~~912.21 Dead or diseased trees.~~

~~It shall be unlawful for any property owner to maintain, or permit to stand on the owner's property, dead, diseased, damaged or alive, tree, shrub, evergreen or other plant which is deemed by the recreation and parks department to be a menace to the public peace, health or safety.~~

~~(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)~~

### ~~912.22 Destruction of trees.~~

~~It shall be unlawful for any person to break, deface, injure, mutilate, kill or destroy any tree, shrub or evergreen in any public street, park or public place.~~

~~(Ord. 975-91.)~~

### **912.12 Columbus tree subcommission.**

#### ~~912.23 Columbus tree subcommission composition; terms.~~

(A) Composition. There is created an advisory subcommission to the recreation and parks commission to be known and designated as the Columbus tree subcommission, composed of nine (9) citizens. Seven (7) of said members shall be appointed by the recreation and parks commission ~~mayor with the approval of Columbus city council.~~ The eighth member shall be the ~~d~~Director of recreation and parks and the ninth member shall be the city forester of the recreation and parks department, both of whom shall serve as ex-officio members.

(B) Terms and Compensation. New members shall be appointed by the recreation and parks commission ~~mayor, with concurrence of council,~~ to serve as members without compensation, for the term of five (5) years and until their successors are appointed and qualified. When a vacancy occurs before the expiration of the appointed term, the recreation and parks commission ~~mayor~~ shall, ~~with the concurrence of council,~~ appoint a member to serve for the unexpired term.

~~All members of the Columbus tree subcommission shall serve without compensation.~~

~~(Ord. 975-91.)~~

#### **912.24 Organization of subcommission; by laws and rules.**

(C) The organization of the Columbus tree subcommission shall be as follows:

(1) The subcommission shall elect from its membership at its first meeting a chairperson, vice chairperson and a secretary. The secretary shall be an employee of the recreation and parks department. All secretarial supplies needed by the secretary shall be supplied by the recreation and parks department.

(2) The subcommission shall meet bi-monthly at such time and place as it decides. The subcommission shall meet at special meetings as called by the chairperson, provided twenty-four hours written notice is given to each member.

(D) The Columbus tree subcommission shall adopt by-laws, rules and regulations that are not inconsistent with the provisions of the Columbus City Codes. A copy of the by-laws and rules shall be filed with the clerk of the city of Columbus.

~~(Ord. 975-91; Ord. No. 2019-2021, § 1, 7-26-2021)~~

~~912.25 Duties of subcommission.~~

(E) The duties of the Columbus tree subcommission shall be as follows:

(1) To study the problems and determine the needs of the city of Columbus in connection with its tree planting program.

(2) To recommend to the recreation and parks commission the type and kinds of trees to be planted in parks, public places and along city streets.

(3) To review and recommend to the Recreation and Parks Commission urban forestry-related city code and policies.

~~(Ord. 975-91.)~~

**912.99 Penalty.**

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor of the third degree ~~and fined not exceeding five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.~~ Any such violation shall constitute a separate offense on each day the violation exists.

~~(Ord. 975-91.)~~