

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2023- __

By: _____ Sponsor: Council Members Erika Coble & Gene Zacharyasz

AN ORDINANCE

REPEALING AND REPLACING SECTION 327.06, STREET TREE SPECIES TO BE PLANTED; CERTAIN TREES PROHIBITED, OF CHAPTER 327, TREES AND WEEDS, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

WHEREAS, it is the responsibility of the City of Berea Shade Tree Commission to develop, update and maintain a written plan for the care, preservation and planting of trees and shrubs in public places; and

WHEREAS, the duly authorized members of the Shade Tree Commission have studied and discussed best practices for street tree management during several public meetings; and

WHEREAS, as a result of those studies and public discussions about street tree management, the Shade Tree Commission has found and determined that the list of prohibited street trees set forth in existing Berea Codified Ordinance 327.06 requires substantial changes in order to reduce the risk of physical harm to other persons or properties, and to better reflect current best practices that take into consideration ecological and climate concerns while balancing the practical concerns of a City charged with the care and maintenance of public property, rights-of-way and streets.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 327.06, STREET TREE SPECIES TO BE PLANTED; CERTAIN TREES PROHIBITED, which heretofore has read as follows:

327.06 STREET TREE SPECIES TO BE PLANTED; CERTAIN TREES PROHIBITED.

(a) The Master Shade Tree Plan presently on file with the Director of Public Service constitutes the Official Shade Tree species for the City. No species other than those specified in the Master Shade Tree Plan may be planted as street trees without written permission from the City Shade Tree Commission and Director of Public Service. (Ord. 1981-16. Passed 3-2-81.)

(b) No basswood, river birch, white birch, box elder, buckeye, horsechestnut, catalpa, conifers/evergreens, cottonwood, American elm, fruit-bearing trees, black locust, silver maple, mulberry, oak, poplar, sycamore, tree of heaven, tulip, black walnut, willow or wingnut is permitted upon any street lawn in the City and the Director of Public Service is given the continuing right to remove any such tree or part thereof which is in any unsafe condition, or

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which by reason of its location, or nature, is injurious or detrimental to other public improvements or infected with any fungus, insect or other pest or disease which otherwise cannot be controlled.

(c) Any basswood, river birch, white birch, box elder, buckeye, horsechestnut, catalpa, conifers/evergreens, cottonwood, American elm, fruit-bearing trees, black locust, silver maple, mulberry, oak, poplar, sycamore, tree of heaven, tulip, black walnut, willow or wingnut upon private property in such close proximity to any public place as will permit the roots of such trees to penetrate through or under the surface of any public place is declared to be a public nuisance and shall be abated by the Director of Public Service. (Ord. 2001-84. Passed 12-3-01.)

Shall be and is hereby amended to read in its entirety as follows:

327.06 STREET TREE SPECIES TO BE PLANTED; CERTAIN TREES PROHIBITED.

(a) The Master Shade Tree Plan presently on file with the Director of Public Service constitutes the Official Shade Tree species for the City. No species other than those specified in the Master Shade Tree Plan may be planted as street trees without written permission from the City Shade Tree Commission and Director of Public Service. (Ord. 1981-16. Passed 3-2-81.)

(b) The following trees are prohibited on any street lawn in the City and the Director of Public Service is given the continuing authority to remove any such tree or part thereof which is in any unsafe condition, or which by reason of its location, or nature, is injurious or detrimental to other public improvements or infected with any fungus, insect or other pest or disease which otherwise cannot be controlled.

- (1) *Ailanthus altissima*, tree of heaven
- (2) *Albizia julibrissin*, mimosa
- (3) *Acer campestre*, hedge maple
- (4) *Acer ginnala*, Amur maple
- (5) *Acer negundo*, box elder
- (6) *Acer platanoides*, Norway maple
- (7) *Acer pseudoplatanus*, sycamore maple
- (8) *Acer saccharinum*, silver maple
- (9) *Alnus glutinosa*, European black alder
- (10) *Betula pendula*, European white birch

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- (11) *Elaeagnus angustifolia*, Russian olive
- (12) *Elaeagnus umbellata*, autumn olive
- (13) *Frangula alnus*, glossy buckthorn
- (14) *Fraxinus* spp., ashes
- (15) *Juglans nigra*, black walnut
- (16) *Koelreuteria paniculata*, golden rain tree
- (17) *Morus alba*, white mulberry
- (18) *Pyrus calleryana*, Callery pear
- (19) *Paulownia tomentosa*, princess tree
- (20) *Phellodendron amurense*, Amur corktree
- (21) *Populus alba*, white poplar
- (22) *Populus deltoides*, cottonwood
- (23) *Populus nigra*, Lombardy poplar
- (24) *Pterocarya* spp., wingnuts
- (25) *Rhamnus cathartica*, common buckthorn
- (26) *Robinia pseudoacacia*, black locust
- (27) *Salix* spp., willows
- (28) *Sorbus aucuparia*, European mountain ash
- (29) *Styphnolobium japonicum*, pagoda tree
- (30) *Ulmus pumila*, Siberian elm
- (31) *Zelkova serrata*, zelkova tree

(c) If any tree listed in 327.06(b) above is located on private property in such close proximity to any public place as will permit the roots of such trees to penetrate through or under the surface of any public place it will be declared a public nuisance and shall be abated by the Director of Public Service.

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SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the nuisances referenced above can detrimentally affect the health and safety of the residents of the City of Berea, and such nuisance conditions should be remedied as soon as possible in order to prevent damages to persons and properties. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

Mayor

APPROVED AS TO FORM:

Director of Law