

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2023- __

By: _____ Sponsor: Councilwoman Coble; Councilman Zacharyasz

AN ORDINANCE

REPEALING AND REPLACING ORDINANCE NO. 1981-31 BY ESTABLISHING A NEW PROGRAM FOR THE PAYMENT OF LIMITED REIMBURSEMENT TO HOMEOWNERS IN THE CITY OF BEREA WHO, WITH A PROPER PERMIT AND UNDER CERTAIN CONDITIONS, PLANT A TREE OR TREES IN THE CITY-OWNED TREE LAWN AREA AND/OR YARD IN FRONT OF THEIR HOMES, AND DECLARING AN EMERGENCY.

WHEREAS, in Ordinance No. 1981-31, the Council of the City of Berea established a program for the payment of limited reimbursement to homeowners planting trees in City-owned tree lawns and/or in front yard areas; and

WHEREAS, the Berea Shade Tree Commission has worked diligently in 2023 to review the existing tree reimbursement program and, unanimously, recommends to the Council of the City of Berea that a new program be enacted to include the terms and conditions stated herein; and

WHEREAS, trees are of benefit to our urban society because they tend to reduce airborne dust, absorb noise, moderate temperature extremes, replace oxygen and enhance the appearance of residential neighborhoods; and

WHEREAS, this Council wishes to encourage Berea homeowners to place and grow attractive trees on the City-owned tree lawn areas or front yards of residential neighborhoods.

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

SECTION 1. That Ordinance No. 1981-31, which is attached hereto as Exhibit A, and incorporated herein by reference, is expressly repealed.

SECTION 2. That the Director of Finance shall be and hereby is authorized and directed, after proper verification and authorization as hereinafter described, to reimburse to any qualifying Berea homeowners a sum of money equal to one-half the purchase price of the tree(s), which may also include the costs of delivery, installation or other sums related to planting the tree(s), but not more than a maximum of \$100 per tree and not more than a maximum of \$200

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per residential building lot per year, when such tree or trees is planted by the homeowner with a proper permit and in accordance with the requirements of Chapter 327 of the Codified Ordinances of the City of Berea. A residential homeowner shall be limited to seeking a reimbursement for up to two trees per residential building lot per year, provided that one tree be planted in the front yard and the other planted in the tree lawn.

SECTION 3. That when a homeowner applies for a permit pursuant to Codified Ordinance Section 327.19 for the purpose of planting a tree or trees in an area of the City-owned tree lawn and/or yard in front of his or her property and home, and such homeowner indicates that he or she intends to apply for reimbursement of costs pursuant to this Ordinance, the Director of Public Service or his designee shall do the following:

- A. Require that the homeowner applicant file an application on a form to be provided by such Director, containing at least the following information:
 - 1. The exact location of the area to be planted; and
 - 2. The species of the tree to be planted; and
 - 3. The estimated cost of such tree, as described in Section 1; and
 - 4. A statement that such tree will be planted in accordance with all requirements of C.O. Chapter 327.
- B. Inspect the site where the tree is to be placed prior to planting.
- C. Inspect the site again after the tree has been planted.
- D. Obtain from the homeowner the original sales slip(s), showing the purchase price, as described in Section 1, in full for the tree planted.
- E. Certify to the Director of Finance, in writing, that the homeowner applicant qualifies to receive reimbursement pursuant to this Ordinance and send to the Director of Finance the original sales slip and the name and address of the homeowner.
- F. In order to qualify for reimbursement, the tree(s) must be selected from either an Approved Tree List or receive the prior approval of the Director of Public Service.
 - 1. As of the date of passage of this Ordinance, the City is in the process of conducting a City-wide tree inventory project and master plan. An Approved Tree List shall be generated upon completion of the inventory and master plan project. Once approved, any tree on the approved list shall qualify for reimbursement in accordance with the conditions stated herein.

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2. Until the Approved Tree List, as described above, is approved, the Director of Public Service shall have the sole authority and duty, upon consultation with the Shade Tree Commission, to determine whether the particular tree selected by the homeowner will qualify for reimbursement in accordance with the conditions stated herein.

SECTION 4. Wherever the term “homeowner” is used in this Ordinance, such term shall also include general purpose neighborhood associations of homeowners or other groups of two or more homeowners formed for the purpose of participation in the tree planting program initiated under this Ordinance, provided that all such associations or groups shall, prior to the obtaining of a permit(s), file a statement with the Service Director containing the signature of all participating homeowners indicating the agreement of the homeowner to have the association or group act as his or her agent for the purpose of the tree planting program. Reimbursement funds shall be disbursed in accordance with Section 3(E) of this Ordinance, but in both the names of the homeowner and the association or group.

SECTION 5. Participation in the reimbursement program shall be on a first come, first serve basis, subject to the yearly appropriation by the Council of the City of Berea.

SECTION 6. All trees planted on City-owned tree lawn areas shall become the exclusive property of the City of Berea and subject to the normal maintenance and replacement policies of the City. Homeowners are responsible for basic care of tree lawn trees, including but not limited to, providing adequate water for the tree(s).

SECTION 7. That the trees to be planted pursuant to this program shall measure a caliper of at least six (6) inches above grade level.

SECTION 8. That the funds necessary for the payments provided for herein shall be and are hereby appropriated from the General Fund of the City of Berea.

SECTION 9. 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 action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 10. 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 homeowners should have the ability to plant trees and seek reimbursement in

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accordance with this policy, in the current growing season. 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