

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE NO. 1981-31

By Mr. Hauff Sponsored by: Councilman Paul Mifsud

## AN ORDINANCE

ESTABLISHING A 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.

WHEREAS, the Council of the City of Berea has recently enacted legislation creating a City Shade Tree Commission; 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 the Director of Finance shall be and hereby is authorized and directed, after proper verifications and authorization as hereinafter described, to pay to any qualifying Berea homeowner a sum of money equal to one-half the cost of purchasing a new tree or trees, but not more than a maximum of Twenty-five Dollars (\$25.00) per tree and not more than a maximum of Seventy-five Dollars (\$75.00) per building lot, 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.

SECTION 2. That, where a Berea homeowner applies for a permit pursuant to Codified Ordinance 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. Have the homeowner applicant file an application on a form to be provided by such Director, containing at least the following information:
  - a. the exact location of the tree to be planted,
  - b. the species of tree to be planted,
  - c. the estimated cost of such tree, and
  - d. 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 planted prior to planting.
- C. Inspect the site again after the tree has been planted.
- D. Obtain from the homeowner the original sales slip showing the purchase price 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.

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SECTION 3. Wherever the term "homeowner" is used in this Ordinance, such term shall 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 2E of this Ordinance, but in both the names of the homeowner and the association or group.

SECTION 4. The Director of Public Service is hereby empowered to prioritize all applications for participation in the tree planting program but with the following restrictions or limitations:

A. Not less than 50% of the funds annually appropriated for this program shall be reserved for individual homeowners acting in their own behalf and submitting applications for participation in the program prior to April 1st of each calendar year. Any such funds not applied for prior to April 1st annually shall be available without this 50% reservation.

B. Applications received by the Service Director after May 31st each year shall not be eligible for participation in the program until the following calendar year, except that exceptions to this cutoff date may be made by the Service Director in individual cases as he may determine from time to time for fall planting purposes.

SECTION 5. 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.

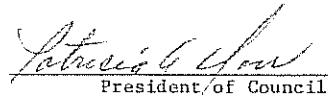
SECTION 6. That the trees to be planted under this program shall measure a minimum of 1.5 inches caliper measured at a point 2 ft. above grade level.

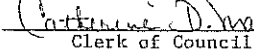
SECTION 7. That the funds necessary for the payments provided for herein shall be and are hereby appropriated from the general fund of the City of Berea.

SECTION 8. 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.

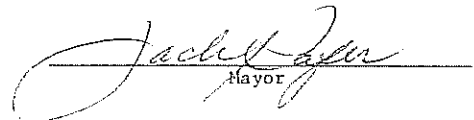
SECTION 9. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 1, 1981

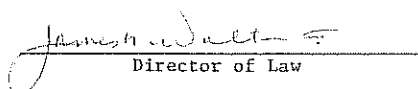
  
President of Council

ATTEST:   
Clerk of Council

APPROVED: June 1, 1981

  
Mayor

Approved as to form:

  
Director of Law

State of Ohio )  
 )SS  
County of Cuyahoga )

0685429-00

I, Ellen Sanders  
being duly sworn, do upon my oath, depose and say that I am an agent of Sun  
Newspapers Inc., publishers of Sun Newspapers, printed and of general circula-  
tion within Cuyahoga County, Ohio, as defined in Section 7.12, Ohio Revised Code,  
as amended effective September 14, 1957, and that the notice attached hereto was  
published in Berea News Sun  
on Thursday of each week for one  
consecutive weeks and that the first publication was made on June 11, 1981

LEGAL NOTICE  
ORDINANCE NO. 1981-21  
Establishing a program for  
the payment of limited reim-  
bursement to homeowners in  
the City of Berea who with a  
proper permit and under cer-  
tain conditions plant a tree  
or trees in the city-owned  
tree lawn area and/or yard  
in front of their homes.  
Patricia A. Darr,  
President of Council  
Approved: June 1, 1981  
By: Mayor Jack Kafer  
Passed: June 1, 1981  
Attest: Catherine D. May,  
Clerk of Council  
BEREA NEWS SUN  
June 11, 1981

Signed Ellen M. Sanders  
Title Controller

SWORN TO and subscribed before me, this the 12th day of

June, 19 81

Notary Public Imogene B. Davo IMOGENE B. DAVO, Notary Public  
State of Ohio - Lake County  
My Commission Expires May 12, 1985

I, Catherine D. May Clerk of the Council of The  
City of Berea, State of Ohio, do hereby certify that  
pursuant to Section 1 (a) of Ordinance No. 1981-17  
the foregoing ordinance was duly published in; The  
Berea News Sun a newspaper of  
general circulation in said City. Said publication  
was made on JUNE 11, 19 81  
Catherine D. May  
Clerk of Council of the City of Berea, Ohio