



Tree Commission Meeting
Tuesday, October 25, 2022 - 5:00 PM
AGENDA

- 1 Call to Order
- 2 Action on Minutes
 - a August 23, 2022
- 3 Public Comments
- 4 Arbor Day 2023 and Budget
- 5 Memorial Tree Fund - Weeping Cherry site plan
- 6 Legislation Review & Recommendation to Council
 - a **ORDINANCE XX-2022** AN ORDINANCE AMENDING CHAPTER 1183 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES
- 7 Other Business
- 8 Adjourn



Tree Commission
Tuesday, August 23, 2022 - 5:00 PM
MINUTES

1 Call to Order

Committee Chairman Andy Bruney Called the Tree Commission meeting to order for August 23, 2022 at 5:28 p.m.

Members present: Andy Bruney, Donald Barnard, Leah Argyle

Absent: Charlie Campbell, Marvin Block

Staff present: Sean Stanearth, Teresa Monroe

Public present: None

2 Action on Minutes

a June 14, 2022

ACTION: Donald Barnard moved to approve; Leah Argyle seconded and all were in favor.

AYES: Leah Argyle, Andy Bruney, Donald Barnard

NOES: None

ABSTAIN: None

Passed 3 - 0

3 Japanese Maple Relocation

Andy Bruney said there has been thought and discussions for some time on saving the Japanese Maple tree in the center of town and the potential for relocating it. Mr. Bruney said he thinks we have underestimated how big the tree really is; he visited the site and provided some measurements on the root ball size that would be needed for moving along with some other insights. He said we will lose this tree and unfortunately there is nothing we can do about it, we have tried, but this tree is impossible to move.

4 Donation to the Memorial Tree Fund for a Weeping Cherry tree

There has been a donation to the Memorial Tree Fund and they are requesting a Weeping Cherry tree. Discussion on tree size and a possible site for planting.

5 Arbor Day 2023

Andy Bruney said that in the past there was a desire to have the city's Arbor Day celebration closer to the actual day in April; would like to target April or early May, Arbor Day is officially April 28th. Mr. Bruney proposes a Japanese Maple of good size and to locate it at a site with good soil, where it can be seen from US 62. Discussion on potential location and a search for a larger-sized tree from suppliers.

6 Life after Bailey

Losing Planner Bailey Morlan will require the Tree Commission to pay a little more attention to items that need to be addressed and put on the agendas.

7 Other Business

1. Andy Bruney noted the Urban Canopy Restoration Grant Program by the ODNR Division of Forestry. This Grant proposes to match the city tree for tree, dollar for dollar on what we have put into the community, the application deadline is October 14th for 2023. Andy said he will send out the application to all. Discussion on looking at park planning and green space in the new Strategic Plan being developed to avoid planting trees that may ultimately need to be removed. Focus on areas that are less likely to develop, parks should be safe areas.

2. No September meeting, next meeting will be October 25th.

3. Tree City Status applications open in September.

8 Adjourn

ACTION: Leah Argyle moved to adjourn; Donald Barnard seconded and all were in favor.

AYES: Leah Argyle, Andy Bruney, Donald Barnard

NOES: None

ABSTAIN: None

Passed 3 - 0

City of Johnstown
Administrative Offices
www.johnstownohio.org

CITY OF JOHNSTOWN

ORDINANCE XX-2022

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Johnstown, Ohio 43031
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AN ORDINANCE AMENDING CHAPTER 1183 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1183 of the City of Johnstown Codified Ordinances (the “Codified Ordinances”) governs landscaping in the City of Johnstown; and

WHEREAS, The City of Johnstown established tree preservation rules to promote public health, safety, and general welfare of all residents and visitors in 2021; and

WHEREAS, at the October 25, 2022 meeting, the Tree Commission reviewed the recommended edits and voted x - x in favor of forwarding the Ordinance edits to City Council for consideration; and

WHEREAS, after review, the Council of the City of Johnstown desires to amend Codified Ordinance Chapter 1183 Contents.

NOW THEREFORE, be it ordained by the Council of the CITY OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Chapter 1183 is amended; additions are *italicized* deletions are ~~struck~~.

Section 2. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN.

Date of Introduction:
Public Hearing/Vote:
Effective:

By: _____

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

CHAPTER 1183
Landscaping

- [1183.01](#) Purpose.
- [1183.02](#) Definitions.
- [1183.03](#) Preservation of natural features.
- [1183.04](#) Reservation of trees and wooded areas.
- [1183.05](#) Tree removal permit.
- [1183.06](#) Tree replacement.
- [1183.07](#) Procedure.
- [1183.08](#) Street tree requirements.
- [1183.09](#) Landscaping screening.
- [1183.10](#) Parking lot landscaping.
- [1183.11](#) Landscape materials.
- [1183.12](#) Wet and dry stormwater basins.
- [1183.13](#) Undesirable species.
- [1183.14](#) Fences.
- [1183.99](#) Penalty.

1183.01 PURPOSE.

The purpose of these landscaping, open space and natural feature requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth, green space and sensitive environmental features in the ecological system. It is further the purpose of this section to encourage the effective utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare. This section *applies only to commercial use and* is intended to specifically encourage the preservation and replacement of major or canopy trees removed in the course of a project to:

- (a) Prevent Erosion;
- (b) Maintain Site Lines;
- (c) Prevent Water Runoff;
- (d) Maintain Air Quality;
- (e) Provide Shade Coverage; and
- (f) Maintain Wildlife Habitats;.
- (g) Reduce Noise Pollution; and
- (h) Reduce Glare for Public Safety.

(Ord. 08-2022. Passed 5-4-20.)

1183.02 DEFINITIONS

As utilized in this section, the following words and phrases shall have the meaning ascribed herein:

- (a) "Affected Property" means a property where major or canopy trees are proposed for removal or removed.
- (b) "Caliper" is the diameter of the trunk of trees measured in inches at breast height, or four and one half feet above ground.

- (c) "Canopy Tree" means a large tree which provides canopy over streets and other areas, both paved and unpaved. At maturity, such a canopy tree will achieve a canopy spread of forty or more feet in diameter.
- (d) "Crown" means the upper mass or head of a tree.
- (e) "Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.
- (f) "Heavily Wooded Site" means a site which has an existing tree canopy coverage prior to development of forty percent (40%) or greater.
- (g) "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- (h) "Major tree" means a living tree with a trunk diameter of not less than six (6) inches, measured twenty-four (24) inches above ground level.
- (i) "Natural Vegetation Areas" means areas existing on a property when a Project is being developed, contemplated, planned, or carried out that contain naturally occurring grasses, mosses, flowers, or other vegetation, but excluding trees.
- (j) "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard area lying between two (2) and ten (10) feet from the ground.
- (k) "Project" means any action(s) that will change the physical features of a property, including but not limited to: landscaping, excavation, or construction.
- (l) "Property" can mean either a single-family lot or an entire development property for a subdivision as long as such property is related to one Project.
- (m) "Registered Professional" means a registered landscape architect or other allied landscape professional, such as an arborist, horticulturist, nurseryman, or forester, certified in their respective field and with experience in plant materials and proper planting design.
- (n) "Two Growing Seasons" means two full summer seasons, with summer ending on September 30 of every year.
(Ord. 08-2022. Passed 5-4-22.)

1183.03 PRESERVATION OF NATURAL FEATURES.

- (a) Landscape Architect shall approve areas to preserve natural vegetation areas.
- (b) If an area is determined to be a wetland, it shall be preserved or mitigated in compliance with Federal regulations.
- (c) All streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of 100 feet, with at least twenty-five (25) feet on each side of the centerline of the stream.
- (d) Floodplain areas should be incorporated into the open spaces and are encouraged to be made publicly accessible.
(Ord. 08-2022. Passed 5-4-22.)

1183.04 PRESERVATION OF TREES AND WOODED AREAS.

- (a) All major or canopy trees shall be preserved unless exempted or subject to a tree removal permit. The City Landscape Architect may approve a tree removal permit for the cutting down, removal or destruction of a major or canopy tree when one of the following applies:
 - (1) ~~The~~ Any tree will be located within a public right-of-way or easement.

- (2) The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.
- (3) The tree will be located within a proposed driveway designed to service a single-family home.
- (4) The tree is damaged, diseased or a safety hazard from natural causes.
- (5) The tree is an undesirable species in ~~its present~~ *any* location.
- (6) The tree needs to be removed as part of a project on the property.

(b) **Preservation of Wooded Areas.** Streets, lots, structures and parking areas should be laid out to avoid the unnecessary destruction of heavily wooded areas or major or canopy trees. Property owners are encouraged to designate heavily wooded areas as park reserves where possible.

(Ord. 08-2022. Passed 5-4-22.)

1183.05 TREE REMOVAL PERMIT. STORM DAMAGE

(a) Prior to the removal of any major or canopy tree, a property owner shall apply, and be approved for, a tree removal permit.

(b) An application for a tree removal permit shall be submitted no later than sixty (60) days prior to any proposed tree removal to the City Landscape Architect and shall contain the following information:

- (1) The name and contact information for the applicant and/or their designee for the permitting process;
- (2) The address of the affected property;
- (3) A map outlining the trees on the affected property with designations for those proposed for removal, except for heavily wooded sites where the City Landscape Architect may waive this requirement and require an ~~arial~~ *arial* photo instead; and
- (4) An overview listing the trees proposed for removal including their genus, species, location on the property, and health status as: healthy, diseased, damaged, or dead;
- (5) Any other information that the applicant would like the City Landscape Architect to consider with respect to the mitigation of effects of the environmental degradation from the proposed tree removal.

(c) The City Landscape Architect, or designee, shall review the application information and conduct a site visit to the affected property to determine, under generally accepted arborist practices, the impacts that the project will have on the affected property and the surrounding area as it relates to the factors outlined in Section 1183.01 or any other factors deemed environmentally important by the City Landscape Architect for the particular affected property.

(d) The City Landscape Architect will provide the applicant with a report detailing the number of trees that are likely to mitigate the effects of the proposed tree removal.

(e) Any granted tree removal permit ~~to~~ *may be* conditioned upon compliance with Section 1183.06. (Ord. 08-2022. Passed 5-4-22.)

1183.06 TREE REPLACEMENT.

(a) If a tree removal permit has been granted for a property, the property owner shall comply with one of the following procedures:

- (1) Affected Property Tree Replacement. Within one year of the project being completed on the affected property, the property owner shall plant replacement trees in the quantity specified under Section 1183.05(d) on the affected property.
 - (2) Surrounding Property Tree Replacement. If replacing all major or canopy trees on the affected property would not be feasible, in the City Landscape Architect's sole discretion, the property owner may elect to replace the trees in the quantity outlined in Section 1183.05(d) on a surrounding area property. The City Landscape Architect shall determine whether a proposed property is close enough in proximity to the affected property to be considered a surrounding property such that the effects of the removed tree(s) can be remedied at that location.
 - (3) Tree Replacement Fee. ~~Where it is impractical or not feasible, in the City Landscape Architect's sole discretion, to replace the trees on the affected property or a surrounding property the property owner shall pay a tree replacement fee to the Memorial Tree Fund adopted by the City Council. The Memorial Tree Fund is used to support the City's effort to plant and replace trees. The calculated cost will be an amount sufficient to replace the number of trees required to remedy the effects of tree removal as determined in Section 1183.05(d) plus trees.~~
- A. Any replacement trees shall have a trunk diameter at planting of at least three inches, ~~measured six inches above the ground level.~~ shall be a minimum of three (3) inches caliper (trunk diameter at four and five-tenths (4.5) feet above the ground
- (b) Failure to replace a major or canopy tree as required under this section within one year of the project's completion for which the tree removal permit referred to in Section 1183.05 was granted is a violation of the Codified Ordinance, subject to the penalties described in Section 1183.99.
(Ord. 08-2022. Passed 5-4-22.)

Commented [TM1]: No fee

1183.07 PROCEDURE.

(a) Any person seeking a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval, shall file with their application a landscaping plan prepared by a registered professional, which, by plot plan and description shall include:

- (1) The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter.
 - (2) The location and size of any structures presently on the lot, and those proposed to be placed on the lot.
 - (3) The proposed location and description of screening proposed to be placed on the lot in order to comply with this chapter.
- (b) The City Landscape Architect shall approve or disapprove a landscape plan for any conditional use permit, subdivision plat, development plan or site plan application.

(c) The City Landscape Architect shall either approve or disapprove all landscaping plans submitted as part of a Zoning Certificate application within thirty (30) days of their filing. On reviewing the application and receiving suggestions or recommendations from the City Landscape Architect, the applicant may agree to ~~modify~~ amend their application including the plans and specifications submitted. The Zoning Certificate will not be issued until plans reflecting the agreed upon changes are submitted to the City Landscape Architect. An applicant may appeal a decision of the City Landscape Architect disapproving their landscaping plan to the Planning and Zoning Commission. Notice of appeal must be filed with the City Clerk within 15 days after the decision of the City Landscape Architect is provided to the applicant.

Commented [TM2]: Deny?

(d) No variance, zoning certificate, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.

Commented [TM3]: Landscaping plan not required for all variances - Delete or change?

In the event of failure to install the required landscaping, written notice shall be served to the property owner. Such notice shall state that the failure to install the landscaping as required shall result in the forfeiture of approval and that such failure shall be deemed an implied consent for the City to cause said landscape to be installed.

(Ord. 08-2022. Passed 5-4-22.)

1183.08 STREET TREE REQUIREMENTS.

In order to receive a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval the planting of trees along roadways for all new development shall be required in accordance with the following Street Tree Requirements:

Commented [TM4]: No? Delete or change?

- (a) Deciduous canopy trees (street trees) shall be planted no less than twenty-four (24) feet and no more than thirty-six (36) feet on center unless otherwise approved by the City Engineer.
- (b) Street trees must be planted in the tree lawn, between the sidewalk or leisure trail and the road pavement. Tree lawns shall be a minimum width of six (6) feet.
- (c) Street trees shall be a minimum of three (3) inches caliper (trunk diameter at four and five-tenths (4.5) feet above the ground).
- (d) Any tree on the list of undesirable species in Section ~~1183.14~~ 1183.13(a) shall not be planted as street trees.
- (e) Street trees shall be located so that a twenty-five (25) foot sight triangle is maintained at street intersections.
- (f) Street trees shall be located not less than ten (10) feet from fire hydrants, street lights, and/or utility poles.
- (g) The property owner shall be required to maintain all street trees for a period of two (2) years after the tree is planted and to replace any tree which dies within such two (2) year period.
- (h) Street trees should be of the same genus and species planted continuously along the length of each street.

- (i) No person shall, as a normal practice, top any tree within the public right-of-way.
"Topping" means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.
- (j) Street tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion of the same shall interfere with the normal flow of traffic.
- (k) The City, or any licensed utility, shall have the right to, but will not be required to, plant, prune, maintain and remove trees, plants, and shrubs within the established right-of-way lines of all streets, highways, and alleys as may be necessary to ensure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.
- (l) No person shall, by any type of construction, reduce the area of a tree lawn within the street right-of-way.
- (m) On all properties within the Downtown area, to avoid interference with pedestrian traffic, only approved street trees may be planted. Such trees shall conform to the size, spacing, and placement of similar trees already in place on adjacent and nearby properties. In addition to the approved street trees, tree wells may also contain flowers or other ground cover plantings.
(Ord. 08-2022. Passed 5-4-22.)

1183.09 LANDSCAPING SCREENING. [b](#)

(a) Screening of Service Areas. For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where residences are a permitted use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

(b) Screening of Trash Receptacles. For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opaqueness of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.

(c) Buffering and Screening Requirements. For commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of twenty-five (25) feet should be created.

Commented [TM5]: See 1184 & 1185?
Commented [TM6R6]: Add something?

Such screening within the buffer zone shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall have an opaqueness of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.

(d) Maintenance of Shrubbery and Hedges. No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid creating traffic hazards.

(e) Minimum Trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:

- (1) Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
- (2) Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten (10) inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.
- (3) Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five (25) inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
(Ord. 08-2022. Passed 5-4-22.)

1183.10 PARKING LOT LANDSCAPING.

(a) Parking Lot Islands.

- (1) Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than 350 square feet.
- (2) For each 100 square feet, or fraction thereof, of parking area, a minimum total of five (5) square feet of landscaped area shall be provided.
- (3) Parking areas should contain a minimum of one deciduous canopy tree for every ten (10) parking spaces.
- (4) Trees used in parking lot islands shall have a clear trunk of at least five (5) feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.

(b) Buffering. Parking lots shall be screened from primary streets, residential areas, and open space by a three and five-tenths (3.5) foot minimum height evergreen hedge or masonry wall, or combination of wall and plantings.
(Ord. 08-2022. Passed 5-4-22.)

1183.11 LANDSCAPE MATERIALS.

Landscape materials utilized in meeting requirements of this section should complement the form of existing trees and plantings, as well as the general design

and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

- (a) Quality. All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
- (b) Type. Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.
- (c) Deciduous Trees. Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured ~~six inches above ground~~) of ~~at least two (2) inches immediately after planting shall be required~~ three (3) inches at four and five-tenths (4.5) feet above the ground. Trees of undesirable species, as listed in Section ~~1183.07-1183.13(a)~~ are prohibited.
- (d) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches immediately after planting.
- (e) Shrubs and Hedges. Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to opacity and other requirements within four (4) years after planting.
- (f) Vines. Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- (g) Grass or Ground Cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or other areas, reducing net or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.
- (h) Maintenance and Installation. All landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one (1) year.

(Ord. 08-2022. Passed 5-4-22.)

1183.12 WET AND DRY STORMWATER BASINS.

The following regulations shall apply to the design of wet and dry stormwater basins:

- (a) Wet and dry stormwater basins shall be designed by an Engineer in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner.

- (b) Wet and dry stormwater basins shall be designed in compliance with the ODNR Rainwater and Land Development Manual, latest edition, to meet water quality requirements.
- (c) For safety, maintenance, and aesthetic purposes, wet and dry stormwater basins shall have side slopes (above normal pool elevation) that are generally no steeper than 6:1 and no more gradual than 20:1 (horizontal:vertical).
- (d) The use of fountains and other plainly visible aeration devices shall be subject to the approval of the City Engineer.
- (e) Landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the City Engineer. The landscape plantings shall be in large masses and drifts, and shall not include decorative landscape boulders, large mulch beds, or specimen plantings. Under no circumstances shall the landscape design conflict with any of the safety, maintenance, or engineering requirements set forth in the Codified Ordinances or reference documents.
- (f) Temporary on-site wet or dry stormwater basins shall not be subject to the regulations in divisions (a), (b), (c) and (e) of this section. Temporary basins shall either be removed or replaced with a permanent basin prior to acceptance of infrastructure improvements when installed as part of new subdivisions or completion of the final engineering punch list in the case of single site developments. The time frame in which to install a permanent basin may be extended for good cause by the City Manager or their designee. In the case of a time extension, a performance bond must be provided to the City in an amount to cover removal of the temporary basin and installation of the permanent basin. State and Federal safety and engineering regulations apply to all temporary ponds.

(Ord. 08-2022. Passed 5-4-22.)

1183.13 UNDESIRABLE SPECIES.

(a) In meeting the planting and maintenance requirements of this chapter, the following species of trees shall be considered undesirable species, and shall not be utilized.

- (1) Box-Elder (*Acer negundo*). (Breakage and insect pests)
- (2) Silver Maple (*Acer saccharinum*). (Breakage; surface roots)
- (3) Catalpa (*Catalpa speciosa*). (Messy flowers and seed pods; insect pests)
- (4) Tulip Tree (*Liriodendrum tulipifera*). (Insect pests; leaves drop in dry periods)
- (5) Mulberry (*Morus alba*). (Fruit objectionable on street)
- (6) Poplars (all kinds) (*Populus*). (Breakage; insect pests, disease-prone)
- (7) Willows (all kinds) (*Salix*). (Breakage; insect and disease-prone; surface roots)
- (8) Siberian Elm (*Ulmus pumila*). (Breakage)

(b) No tree planting may interfere with any public utility.

(Ord. 08-2022. Passed 5-4-22.)

1183.14 FENCES.

All landscaping requirements must be in agreement with Chapter [1185](#).

(Ord. 08-2022. Passed 5-4-22.)

1183.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than ~~one thousand dollars (\$1000.00).~~ \$150.00 Each day that such violation continues shall constitute a separate offense. (Ord. 08-2022. Passed 5-4-22.)

Commented [TM7]: 501.99 AZE ??