

## CHAPTER 915: TREES, HEDGES AND SHRUBS

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***Cross-reference:***

- Cemetery trees and shrubbery, see § 913.02(e)*
- Injury or destruction of trees or growing products, see § 541.06*
- Landscaping, see § 1151.39*
- Licensing landscapers, see § 1311.01*

### **§ 915.01 PURPOSE.**

The purpose of this chapter is to promote the public's health, safety and general welfare, through the regulation of the preservation, planting and placement of trees, hedges and shrubs in order to:

(a) Preserve, protect and enhance the natural beauty, environment and property values of the city by preserving trees and natural areas to moderate storm water runoff, reduce erosion and sedimentation, provide natural screening and shading, lessen air pollution, intercept airborne particulate matter, reduce noise and moderate air temperatures; and

(b) Provide for a Tree Savings Plan for all new developments so as to preserve and protect the natural environment and promote the purposes of this chapter; and

(c) Provide for a City Tree Warden and promulgate duties for such position for the control

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and supervision of all trees on city owned properties and those on private property affecting the health, welfare and safety of the public; and

(d) Provide for a Master Street Tree Plan for the regulation and protection of trees on city owned properties; and

(e) Provide for the regulation of trees, hedges and bushes on private property so as not to create a safety hazard or to otherwise interfere with the public's use of public or private property. (Ord. 3754, passed 7-6-99)

### § 915.02 DEFINITIONS.

For the purpose of interpreting and for enforcing the provision of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein unless the context clearly indicates or requires a different meaning. Words used in the singular include the plural.

(a) **BUILDING AREA.** The area of construction for a building including a distance of ten feet (10') around the perimeter of the building's foundation.

(b) **BUFFER.** The side, rear or perimeter set-back area established to separate different uses and/or zoning districts through the use of natural vegetation, trees, and landscaped mounds.

(c) **CALIPER.** The diameter in inches of trees measured at the height of six inches (6") above the ground for trees of four inches (4") in diameter and under, and measured twelve inches (12") above the ground for trees over four inches (4") in trunk diameter.

(d) **CITY ARBORIST.** An employee or consultant of the city who is a landscape architect, trained and qualified as a tree specialist.

(e) **CLEARING.** Cutting and/or removal of trees and vegetation from a site prior to construction or otherwise.

(f) **COMMISSION.** The City of Brecksville Planning Commission.

(g) **CONIFER.** A tree with needle leaves and woody cone fruit.

(h) **DECIDUOUS.** A tree which sheds leaves in winter or fall.

(i) **DIAMETER AT BREAST HEIGHT (D.B.H.)** The diameter in inches of a tree measured four and one-half feet (4½) above the existing grade.

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(j) ***DRIPLINE***. A vertical line extending from the outermost portion of tree branch tips down to the ground.

(k) ***EVERGREEN***. Trees which maintain their leaves year round including broad leaf and conifer evergreens.

(l) ***GRUBBING***. The removal of understory vegetation which does not include the removal of any trees with a D.B.H. of four inches (4") or greater.

(m) ***INTERIOR LANDSCAPING***. The use of landscaping within the innermost boundaries of the landscape buffer zone and the perimeter parking setbacks.

(n) ***MASTER STREET TREE PLAN***. The city's plan for street trees, within the city's right-of-way, that describes the type and recommended placement of these trees.

(o) ***PERVIOUS SURFACE***. The area of land which allows for the natural passage of water and is not covered by buildings, paving, sidewalks or other man-made, impervious material.

(p) ***ROW***. The city's street, treelawn, or other public right-of-way area.

(q) ***TREE***. A self supporting woody plant usually having a single trunk, which has the potential of a D.B.H. of at least two inches (2") and a height of thirteen feet (13) or more at maturity.

(r) ***TREE PRESERVATION DRAWING***. A drawing at a scale of not less than 1" - 50' identifying and locating all existing trees which are six inches (6") or greater in D.B.H. within an area to be cleared, graded or otherwise developed, the trees proposed to be removed, the method of preservation and protection of the trees, and the proposed type, size and location of all replacement or new trees to be planted on the site.

(s) ***TREE CLEARING PERMIT***. An official city authorization by the Building Department to commence or allow the clearing, cutting and/or removal of any tree six inches (6") or more in D.B.H. that would be otherwise prohibited under the provisions of this chapter.

(t) ***TREE SAVINGS PLAN***. A plan for saving existing trees in new residential and commercial developments, which plan is required as part of the project's final approval process held before the Planning Commission.

(u) ***TREE WARDEN***. The person appointed or designated by the Mayor who has the authority to control and supervise all trees, existing now or in the future, which are located upon

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any public place in the city and upon any private property in the city, when in his or her opinion, such trees pose a threat to the safety of any person or property.

(Ord. 3754, passed 7-6-99)

### **§ 915.03 APPLICABILITY.**

The regulations of this chapter shall apply to all lands located within the city except as specifically exempted herein.

(a) No land shall be cleared of trees or shall trees with a D.B.H. of six inches (6") or greater be cleared and/or removed without conformance to the provisions contained in this chapter.

(b) No building permit, grading plan, or erosion and sediment control permit shall be issued for the construction, alteration or addition to any building, or the grading or alteration of the land surface without conformance to the provisions contained in this chapter.

(c) All Development Plans and new construction shall comply with the requirements of this chapter.

(d) All single family subdivision and development shall comply with the requirements of this chapter.

(e) No tree with a D.B.H. of six inches (6") or greater shall be cleared or removed without a Tree Removal Permit issued by the Tree Warden/City Arborist unless otherwise provided in this chapter.

(f) No Tree Clearing Permit shall be issued for any parcel of land or development which requires a Subdivision Plan approval, until such time as the Final Subdivision Plans are approved by City Council.

(Ord. 3754, passed 7-6-99)

### **§ 915.04 EXEMPTIONS.**

The following are exempt from the regulations of this chapter and no permission from the Tree Warden and/or City Arborist is required for the following:

(a) The removal of dead, diseased or damaged trees.

(b) The removal of trees necessary for the construction, operation and maintenance of drainage facilities, sanitary and storm sewers if the plans for such have been approved by the

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city.

(c) The removal of trees for construction of public roadways and improvements if the plans for such have been approved by the city.

(d) The removal of trees in time of an emergency or that pose an imminent danger to life or property.

(e) Removal of trees by an individual homeowner on their single family dwelling lot, excluding the treelawn area, after the lot is initially developed and an unconditional, permanent occupancy permit is granted.

(Ord. 3754, passed 7-6-99) Penalty, see § 915.99

### **§ 915.05 TREE SAVINGS PLAN.**

All developments shall be designed to preserve healthy trees and woodland, especially trees providing natural buffering, specimen trees and trees with a D.B.H. of six inches (6") or greater. Buildings and parking areas shall be located so as to compliment the existing topography and preserve the natural amenities of the site.

A Tree Savings Plan shall be required for, and submitted with, final development plans for all major subdivisions and developments requiring approval in accordance with Chapters 1121, 1193 and 1195 of the Codified Ordinances of the City of Brecksville. For residential subdivisions, the developer shall have the option of first preparing a plan which is limited to the area to be cleared and graded for the construction of the infrastructure. In the event the developer chooses this option, or in the event there is no approved Tree Savings Plan for a residential lot of record, a Tree Savings Plan shall be required for each individual lot prior to any clearing, grading or construction.

(a) Plan submission requirements applying to all Zoning Districts:

(1) Master grading and drainage topographic plan at a scale of not less than 1"= 50", which shows the street and ROW grades, finished floor house or building elevations, driveways and lot or subplot grading.

(2) Tree preservation drawing prepared at a scale of not less than 1"= 50", (The same scale as the master grading plan) and shall include the following:

A. The location, common name and size of all trees with a D.B.H. of six inches (6") or greater outside of street ROW and utility easements within the area to be cleared or graded.

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B. The location and outline of all easements, proposed buildings, parking areas, streets, sidewalks, drainage ways, retention basins and underground facilities.

C. Location of all existing trees with D.B.H. of six inches (6") or greater which will remain on the site after construction. The Commission may require the replacement of any trees of six inches (6") D.B.H. or greater which are not preserved.

D. A specific list of all existing trees to be saved including their species and size and the details on how the trees will be marked, protected, and the area restricted during construction as detailed in § 915.04(c) of this chapter.

E. Limits of change in grade which will affect any trees and the methods proposed to protect those trees.

F. Locations of areas to remain undisturbed.

G. Location of all specimen trees or trees of eighteen inches (18") D.B.H. or greater. The proposed development's parking areas or the landscaped portions of the parking areas or other landscaped areas shall accommodate the preservation of these trees with islands adequate to protect the tree and root system unless otherwise approved for removal by the City Arborist.

(b) Additional plan requirements and guidelines pertaining to the development in Residential Districts:

(1) Existing trees outside of the building area, driveways, street ROW, drainage ways and utility easements should be preserved, wherever possible, to provide desired shading and screening for the dwelling occupants and to provide perimeter buffers to surrounding lots.

(2) Storm and sanitary sewers should be located and elevations set in order to require a minimum of re-grading and tree removal.

(3) House elevations and street elevations shall be designed to minimize changing the existing natural grade of yards.

(4) Tree wells, aeration systems, retaining walls and other methods shall be utilized to preserve existing tree root systems in perimeter landscape areas.

(c) Tree protection. The following methods are to be implemented for any trees which have been required to be preserved on the development sites:

(1) All trees or groups of trees to be preserved shall be marked with a blue colored

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ribbon or paint strip prior to any clearing.

(2) Prior to any construction or grading, a protective barrier, fence, posts, and/or signs shall be placed around the trees to be preserved.

(3) Protection barriers against equipment and materials shall be located no closer than the tree dripline distance from the tree trunk.

(4) No soil, building material, equipment vehicles or chemicals shall be stored or placed in the protection area of the tree dripline.

(5) Surface grade shall not be changed more than six inches (6") within the protected area without the installation of aeration system, wells, or retaining walls as approved by the City Arborist.

(6) No wires, boards, nails, signs, fences or other devices shall be attached to any tree to be preserved.

(d) **Plan Review.** The City Arborist and City Engineer shall review and approve the Tree Savings Plan. They will identify any tree locations and species which might be saved and areas around trees which should not be disturbed or will require special treatment or restrictions. The City Arborist and City Engineer shall make their recommendations in letter form to the Planning Commission which may be adopted as part of the subdivision or development final approval recommendation. In the case of undeveloped one-family residential lots of record, the City Arborist and City Engineer shall review and approve the Tree Savings Plan without further review by the Planning Commission. Plan review fees for new residential and commercial subdivisions and new commercial development shall be charged as provided in § 1101.04. Plan review fees for existing undeveloped one-family lots of record shall be charged as provided in § 1314.18

(e) **Plan approval.** The Tree Savings Plan shall be incorporated into the subdivision or development project review and approval by the Planning Commission. In the case of undeveloped residential lots of record, plan approval of the Tree Savings Plan shall be required from the Building Department, after receipt of the review and approval as provided in § 915.05(d) above, prior to a building permit being issued.

(Ord. 3754, passed 7-6-99; Am. Ord. 3764, passed 9-21-99) Penalty, see § 915.99

### **§ 915.06 TREE WARDEN.**

(a) *Position.* The Mayor is authorized to appoint a Tree Warden, subject to the approval by Council, whose duties shall be to inspect all public places of this city, determine whether any

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illegal trees have been planted, and notify residents as to the type of trees permitted on their streets under the Master Street Plan as recommended by the Planning Commission and adopted by Council.

(b) *Authority.* The Tree Warden is hereby granted, subject to the approval of the Mayor, the authority, control and supervision of all trees which exist now and which may exist in the future located on any public property within the city, and over all trees which exist on any private property when, in his or her opinion, such trees constitute a threat to the public's safety or property.

(c) *Trimming of trees.* The Tree Warden shall keep all trees located on any public property in the city trimmed so that the branches of such trees projecting over any public sidewalk, private driveway or into any public street beyond the curb line, shall not conflict with the safety of the public.

(d) *Interference with Tree Warden.*

(1) No person shall interfere with the Tree Warden or his or her assistants or agents while engaged in the duties prescribed in this chapter or the performance of any work ordered by the Tree Warden to be undertaken.

(2) The Tree Warden shall have the right to trim any tree existing on any public property in the city so as to insure the public safety or to preserve the function or beauty of such public property, and he or she shall further have the right to remove any such tree, or any part thereof, which is in an unsafe condition or which, by reason of its location or nature, is injurious or detrimental to other public improvements in the city, or is infected with any injury, fungus, insect or other pest or disease which cannot otherwise be controlled.

(Ord. 3754, passed 7-6-99)

### **§ 915.07 PRIVATE CARE OF TREES ON PUBLIC PROPERTY.**

(a) *Permission required to care for.* No person shall plant, remove, destroy, cut, prune, fertilize, mulch, treat, break, climb, injure or spray any tree existing on any public property in the city, or authorize or procure any person to do so, or remove or tamper with any device placed for the protection of any such tree, or attach any rope, wire, chain, sign or other device whatsoever either to the tree or to any device placed for the protection of the tree, or authorize or cause the same to be done, without having first obtained written permission from the Tree Warden.

(b) *Prohibited treatments.*

(1) No deleterious substance such as salt, brine, gasoline, oil, or any other substance

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deleterious to trees shall be placed in contact with the soil surrounding the roots of any tree upon any public place in the city in such manner so as to kill, injure, deface, destroy or affect the growth of such trees.

(2) No stone, concrete, brick or other impervious material or substance shall be placed in such a manner as may obstruct the free access of air and water to the roots of any tree upon any public property, including treelawn areas, located within this city, without first having obtained written permission from the Tree Warden. Unless otherwise provided herein, there shall be maintained at the base of the trunk of each tree at least nine square feet of open ground for a tree with a D.B.H. of three inches (3"), and an additional one square foot for each additional one inch (1") of diameter.

(c) *Care of trees during construction, protection required:* No person, firm or corporation responsible for the construction, erection, alteration or removal of any building or structure in this city shall permit any tree upon any public property in the vicinity of such operation to be injured, damaged, or defaced in connection with such operation. The person, firm or corporation shall also be responsible for the erection of a guard or other form of protection for the tree or trees and their root system prior to start of construction. The type of guard or other protection shall be approved by the Tree Warden.

(d) *Moving of trees.* All moving of trees within the city ROW or upon any public property in the city necessitated by the moving of any building or structure or any other private enterprise shall be done under the supervision of, and with the written permission of the Tree Warden. The applicant, as a condition of obtaining such permission, shall deposit with the city such amount as the Tree Warden may determine to defray all of the cost of moving and/or replacing such tree(s), including any administrative costs.

(Ord. 3754, passed 7-6-99) Penalty, see § 915.99

### **§ 915.08 MASTER STREET TREE PLAN.**

The city hereby adopts a separate comprehensive plan and program for trees planted in the city's rights-of-way. This plan encompasses the city's philosophy on trees, tree specifications, tree selection by street, placement and planting instructions. The city's street tree program shall be under the authority, control and supervision of the Tree Warden. Copies of the Master Street Tree Plan shall be kept on file in the Building Department and open for public inspection.

(a) *Tree species.* The tree species for any new street shall comply with the Master Street Tree Plan. For new developments, and existing streets not specified in the Plan, the street tree type and plan shall be approved by the City Arborist. On streets with partial utility restrictions or other limitations, alternative or mixed species and varieties may be used as determined and approved by the City Arborist.

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(b) *Tree location.* The City Arborist shall determine the specific location of all street trees. One (1) tree shall be planted for each multiple of fifty (50) feet on frontage on the lot whereon a house or other building is to be constructed. A minimum of one (1) tree shall be planted for each house or other building regardless of the frontage of the lot. The City Arborist, to insure the uniformity of planting, may adjust the specific distance and location of street trees where lot dimensions preclude planting in multiples of fifty (50) feet or to avoid utilities or other limitations.

(c) *Tree planting deposit and fee required.* Any person, firm or corporation who is the owner or lessee of land upon which any house or other building is to be constructed within the corporation limits of the city shall, at the time of issuance of the main structures permit, deposit the sum of \$275.00 per tree based upon one tree being required for each fifty feet (50') of lot frontage. This deposit shall be made with the Building Commissioner at the time of payment for other building permits, and such deposit is to guarantee the planting of trees on the city's ROW abutting such house or other building.

(d) *Tree Planting Fund.*

(1) For purposes of implementing the Master Street Tree Plan, there is hereby established a fund to be known as the "Tree Planting Fund".

(2) The Tree Planting Fund will be under the direction of the Building Department and shall have the following purposes:

A. To provide for the collection of deposits, under a separate line item of such Fund, from the Building Department as provided in § 915.08(c) above.

B. To hold such deposits in the Tree Planting Fund pending compliance with the requirements of this chapter.

C. To provide for expenditures from this Fund such forfeited amounts, as the same is provided herein, as may be authorized for the actual cost of purchasing, staking and planting trees in the city's ROW.

(e) *Time limit on tree planting, forfeiture of deposit.* Each person, firm or corporation which has made a tree planting deposit as required by this chapter shall plant the required tree within six (6) months after an occupancy permit has been issued for subject house or building in either the spring or fall, under the direction of Tree Warden. In the event that such person, firm or corporation fails to plant the required tree within the time limits as provided herein, the Building Department or Tree Warden shall provide such person, firm or corporation with a written notice advising of the non-compliance with this chapter. A copy of this section shall be

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included with any such notice. In the event such person, firm or corporation fails to comply with the requirements of this chapter within ten days of the issuance of such notice, their deposit heretofore made shall be forfeited to the city and the Finance Director is authorized to note the transfer in the Tree Planting Fund. The Tree Warden shall use the forfeited funds to purchase and plant the required tree(s).

(f) *Tree planting two year guarantee refund of deposit.* The tree planting deposit as required under this chapter shall be refundable to the person, firm or corporation making the deposit, provided that the tree for which such deposit is made is in a healthy state, as determined by the Tree Warden, two years from the date the tree was planted. In the event a tree dies or becomes diseased during this two year period, the Tree Warden shall notify the person, firm or corporation responsible for the planting of such tree to remove and replace the tree or forfeit its deposit. Notice and provisions for forfeiture of deposits shall be the same as provided in § 915.08(e) above.

(g) *Street tree and planting specifications.* No tree shall be planted until such time as the Tree Warden inspects the tree, the planting hole and the soil. The Tree Warden shall also inspect the tree after planting to make certain it was properly planted and staked if staking was required. See the recommended tree and planting diagram at the end of this section.

(1) The tree shall be healthy, a minimum D.B.H. of two to two and one-half inches (2"-2½") and at least eight feet (8) in height. It shall have a straight trunk, single leader, and a well-pruned branch scaffolding structure.

(2) The hole for the tree planting shall be saucer shaped with a minimum radius of three to four feet (3'- 4'). Where the tree ball is to sit, the soil should be undisturbed or re-compacted if disturbed. The tree shall be placed perpendicular to the ground, so the trunk/root flares are level with the existing soil line, or no more than one to two inches (1" - 2") above the soil line. Any soil above the root flares is to be removed. Any twine, tape, string or other attachment shall be removed from the tree. The burlap and wire cage on the root ball are to be cut off a minimum of one third (1/3) of the way down the root ball. The hole is to be backfilled with premium topsoil or existing soil which is to be pulverized except that within a minimum one foot (1') radius around the root ball, a mixture of fifty percent (50%) soil and fifty percent (50%) of a well-composed, black humus product is to be used. One to two inches (1" - 2") of mulch is to be applied over the planting holes except that no mulch shall be applied within two inches (2") of the trunk base.

(3) The tree shall be supported by one or two stakes depending on its size and location, with a non-abrasive, loosely tied, tree attachment. All stakes and ties shall be removed after one year from planting. Trees with smooth trunks are to be wrapped for the first season only, to protect against summer heat or winter cold. The homeowner, occupant or developer is responsible for liberally watering the tree.

SAMPLE TREE AND PLANTING DIAGRAM

[artwork]

(Ord. 3754, passed 7-6-99) Penalty, see § 915.99

**§ 915.09 PERMITTED AND PROHIBITED TREES.**

All permitted trees and vegetation shall be common to Northeast Ohio or similar climates, in healthy condition and properly installed using accepted planting procedures. New trees shall be staked, watered and mulched.

(a) Permitted trees:

(1) Large trees shall be defined as those capable of reaching sixty feet (60') or greater at maturity. They shall have a planting area of pervious ground cover of a diameter of twenty feet (20') or more in width and not be located where there will be any overhead wiring. The following large trees are permitted as may be provided by the City Arborist:

- A. Sugar or Red Maple, and varieties
- B. Sweet Gum
- C. Red, Scarlet, Swamp White or Pin Oak
- D. Ginko (male)
- E. London Plane Tree
- F. Thornless Honeylocust
- G. Summit, Patmore, Autumn Applause or Cimarron Ash, and other Ash varieties
- H. Certain new Elm selections
- I. Dawn Redwood or Bald Cypress
- J. Zelkova Varieties
- K. Kentucky Coffee Tree

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- L. Black Gum
- M. Freemanii Maples
- N. Shumard Oak, Shingle Oak
- O. Hungarian Oak
- P. English Oak
- Q. Ruby Red & Baumann Horsechestnut
- R. Hackberry "Prairie Pride"
- S. Katsura Tree
- T. Osage Orange (Fruitless)

(2) Medium sized trees shall be defined as those capable of reaching thirty-five to sixty feet (35' - 60') in height at maturity. They shall have a planting area of pervious ground cover of a diameter of at least fifteen feet (15') in width. The following medium sized trees are permitted as may be provided by the City Arborist:

- A. Red or Norway Maple
- B. Shingle Oak
- C. Little Leaf Linden and other Tilia Varieties
- D. Aristocrat or Cleveland select Calebry Pear
- E. Lace Bark Elm
- F. River Burch
- G. Hornbeam & varieties
- H. Hardy Rubber Tree
- I. Ash Varieties
- J. American Hophornbeam

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- K. Amur Cork Tree
- L. Sargent Cherry
- M. Autumnalis Cherry

(3) Small trees shall be defined as those thirty-five feet (35') and under at maturity. They shall have a planting area of pervious ground cover of a diameter of at least ten feet (10'). The following small trees are permitted as may be provided by the City Arborist.

- A. Flowering Dogwood
- B. Hedge Maple and other Maple varieties
- C. Magnolias
- D. Golden Rain Tree
- E. Crab Apple Varieties
- F. Serviceberry
- G. Japanese Flowering Cherry
- H. Amur Maple
- I. Japanese Maple
- J. Sawtooth Oak
- K. Tree Lilac
- L. Catalpa "Nana"
- M. Hawthorne Varieties

(4) Conifer trees shall have a pervious area of a diameter of at least ten feet (10').

- A. White or Austrian Pine
- B. Concolor (White Fir)
- C. Limber or Korean Pine

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D. Black Hills, Serbian or Oriental Spruce

E. Firs

(b) Additional tree varieties may be permitted as approved by the City Arborist.

(c) Prohibited trees.

(1) Silver Maple

(2) Honeylocust (Thorned)

(3) Poplar varieties

(4) Box Elder

(5) Basswood American Linden

(6) Willow varieties

(7) Bradford Pear

(8) Ginko (Female)

(9) Osage Orange (Fruiting)

(Ord. 3754, passed 7-6-99) Penalty, see § 915.99

### **§ 915.10 TREES, HEDGES AND BUSHES ON PRIVATE PROPERTY.**

(a) *Trimming of trees, hedges and bushes.* Trees, hedges and bushes located on private property having branches or vegetation projecting into public highways or public places shall, under the supervision of the Tree Warden, be kept trimmed by the owner or occupant of such private property to such an extent that the lowest branches of such trees shall not be less than nine feet (9') from the ground where they overhang any public sidewalk or less than twelve feet (12') from the ground where they overhang any public place or public highway.

(b) *Height of hedge fences.* Hedge fences may be permitted in accordance with the provisions contained in § 1151.39 of the Codified Ordinance of the City of Brecksville.

(c) *Trees and hedges to be within confines of private property.*

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(1) Hedges, bushes and trees located on private property should be planted in such proximity to other private property lines so as to be completely within the confines of the lot or yard in which planted at maximum growth, with consideration for normal pruning and trimming, unless otherwise agreed upon by adjoining property owner(s).

(2) Property owners maintaining trees, shrubs, hedges and bushes heretofore planted on their property shall keep same fully trimmed so that overgrowth from such trees, shrubs, bushes and hedges does not extend onto adjoining properties, unless agreed to by the adjacent property owner. Upon written consent of an adjoining property owner, not desiring such overgrowth on his or her property, the Tree Warden or his or her duly authorized representative shall give at least ten-days notice to the property owner maintaining the overgrowing trees, shrubs, hedges and/or bushes, to remove such overgrowth, prior to the commencement of any prosecution hereunder.

(Ord. 3754, passed 7-6-99) Penalty, see § 915.99

### **§ 915.11 PROHIBITED PRACTICES.**

(a) *Topping of trees.* The complete topping of trees in the city ROW for overhead utility wires is discouraged. The trimming of these trees shall be done in such a manner that the tree will be allowed to grow around the wires. Any person, company or other legal entity, proposing to trim any trees located within the city's ROW, shall notify the Tree Warden in writing at least ten (10) days in advance of the proposed trimming, specifying the proposed location of the work to be done. The Tree Warden may issue specific instructions for the proposed tree trimming which instructions shall be adhered to.

(b) *Use of spike climbers.* The use of spike climbers on live trees on city property is prohibited unless specifically approved by the Tree Warden.

(c) *Trenching.* Open trenching in the root zone of a tree in the city's ROW or on public property is prohibited, except in cases where the trenching falls outside of the dripline radius. Exceptions may be allowed if, in the opinion of the Tree Warden, the impact of trenching on the tree will be negligible. Soil shall not be piled on the side of the trench. If trenches are not to be refilled within several days, the live roots are to be watered. All trenches shall be filled to original levels and completely tamped to original firmness.

(d) *Tree cutting permit required.* No cutting of any city trees, including those located within the treelawn area, or disturbance of the root system, shall be performed without securing a permit from the Tree Warden.

(e) *Tunneling.* Tunneling shall be required where trenching is prohibited within the tree dripline, or where there is insufficient space to bypass the dripline. Exceptions may be allowed

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if, in the opinion of the Tree Warden, the impact on the tree will be negligible. The beginning/ending distance of the tunneling from the face of the tree in any direction is determined by the diameter of the tree as specified in the following table.

<b>Where tree diameter at 4<sup>1/2</sup> feet is:</b>	<b>Trenching will be replaced by tunneling at this minimum distance from the face of the tree in any direction:</b>
6 - 9 inches	5 feet
10 - 14 inches	10 feet
15 - 19 inches	12 feet
Over 19 inches	15 feet
<b>Tunneling beneath tree, 1' - 2' on either side of trunk to avoid tap roots, is permitted, subject to review and approval of the Tree Warden, according to the following specifications:</b>	
<b>Tree Diameter</b>	<b>Depth of Tunnel</b>
9 inches or less	2.5 feet
10 - 14 inches	3.0 feet
15 - 19 inches	3.5 feet
20 inches or more	4.0 feet

(f) *Root cutting.* Tree roots damaged during construction shall be treated as follows: Any damaged roots one inch (1") or larger in diameter shall be sawed cleanly at the point closest to the tree side of the ditch. Clean cuts shall be made at all times. Root pruning is suggested along the length of the root line exposure. Wound dressing is not necessary or recommended. (Ord. 3754, passed 7-6-99) Penalty, see § 915.99

**915.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than \$250.00 for each violation.