
**AN ORDINANCE TO REGULATE TREES AND ESTABLISH SECTION 643.13
OFFENSES RELATED TO TREES**

WHEREAS there has been significant questions and issues regarding trees in the Village of West Lafayette; and,

WHEREAS the Village of West Lafayette has recognized the matter is one for regulation and clarification; now,

THEREFORE BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio

SECTION I. That new Section 643.13 be established and entitled Offenses Related To Trees.

SECTION II. (642.13) Offenses Related To Trees

- (a) No person shall knowingly fail to trim, cut, or remove within fourteen days, a tree, foliage, or plant, situated in and on the right of way of any highway, street, or alley, or in the area known as the curb strip between the highway, street, or alley and sidewalk upon notice in writing that said tree, foliage, or plant is determined to be a nuisance, hazard, or safety danger by the Village Administrator.
- (b) Any person receiving a notice to trim, cut, or remove a tree, foliage, or plant may file an appeal if they believe the tree, foliage, or plant, is not a nuisance, hazard, or safety danger within seven days with the street committee. The matter will be heard at the next scheduled street committee meeting. The deadline for trimming, cutting, or removal of a tree, foliage, or plant will be extended to fourteen days after the person is notified of the street committee's decision. A vote of two of three street committee members will decide the matter.
- (c) No person shall plant any tree, foliage, or plant in or on the right of way of a highway, street, or alley or within the curb strip between the highway, street, or alley and the sidewalk without obtaining a permit from the street committee. The permit will be issued at no cost to the person.
- (d) No person shall plant any tree in the curb strip or within 25 feet of a public sewer which have undesirable characteristics such as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or attack by insects or large root systems, such as Poplar, Willow, Cottonwood, American Elm, nut and fruit trees, Ailanthus, Mountain Ash, and Oregon Maple. Carolina Poplar tree, Lombardy Poplar tree, Poplar, Willow, or Cottonwood trees if planted on private property in the village shall be located not less than 100 feet from any public sewer.
- (e) Any trees planted in the curb strip must chosen from the Trees listed in the attached Appendix A.

Record of Ordinances

Ordinance No.: 2011-12

Passed: _____, 2011

- (f) No person shall permit the overhanging of limbs of trees, foliage, or plants to project over a sidewalk in the Village of West Lafayette without having a clear space between the overhanging limbs of trees, foliage, or plants and the sidewalk of not less than seven and one-half feet.
- (g) No person shall permit the overhanging limbs of trees, foliage, or plants to project over a highway, street, or alley in the Village of West Lafayette without having a clear space between the overhanging of limbs of trees, foliage, or plants and the highway, street, or alley of not less than thirteen feet nine inches.
- (h) The cutting or trimming of any tree, foliage, or other plant situated in the right of way of any highway, street, or alley or within the curb strip between the highway, street, alley, and sidewalk within the Village of West Lafayette shall not be the responsibility or done at the expense of the Village of West Lafayette. This Section does not apply to annual leaf collection programs conducted by the Village.
- (i) Whoever violates any provisions of Section 642.13 (a) (b) (c) (d) (e) and (f) shall be guilty of a minor misdemeanor. Any violation shall constitute a separate offense on each successive day continued.

SECTION III. That this ordinance be effective upon passage, signing the Mayor, and posting by the Fiscal Officer at the earliest date provided by law.

PASSED IN COUNCIL THIS ____ day of _____ 2011

First Reading _____ Date

Second Reading _____ Date

Third Reading _____ Date

Jack L. Patterson, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa M. Stiteler, Fiscal Officer

William M. Owens, Solicitor for the
Village of West Lafayette, Ohio

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Appendix A

Botanical Name	Common Name	Salt Tolerance	Height at Maturity
Amelanchier Canadensis	Shadblow Serviceberry	High	6' to 15'
Crataegus Crusgail var. inermis	Cockspur Hawthorn	High	20'
Gleditsia tricanthos var. intermis	Thornless Honey Locust	High	40' to 50'
Gymnocladus dioica	Kentucky coffee tree	High	40' +
Quercus alba	White Oak	High	60' to 100'
Quercus rubra	Red Oak	High	60' to 75'
Quercus velutina	Black Oak	High	60' to 75'
Crataegus Punctata var. inermis ' ohio pioneer'	Ohio Pioneer Dotted Hawthorn	Medium	20'
Malus sp. And cvs.-	Crabapple	Medium	15' to 25'
Acer x Freemani	Freeman Maple	Medium	40' to 60'
Acer saccharum	Sugar Maple	Medium	40' +
Ginko	male tree only	Medium	40' +
Populus tremuloides	Quaking Aspen	Medium	40' to 50'
Quercus bicolor	Swamp White oak	Medium	80'
Quercus coccinea	Scarlet Oak	Medium	75'
Quercus imbricaria	Shingle Oak	Medium	40' to 60'
Quercus macrocarpa	Burr Oak	Medium	100'
Tilia americana ' Redmond'	American Linden	Medium	40'+
Acer ginnala	Amur Maple	Low	20'
Acer Pensylvanicum	Striped Maple	Low	35'
Cercis Canadensis	Eastern Redbud	Low	20' to 30'
Crataegus cviridis	Winter King Hawthorn	Low	36'
Chionanthus Virginicus	White Fringe Tree	Low	12' to 20'
Cornus amonum	Silky Dogwood	Low	10'
Cornus racemosa	Gray Dogwood	Low	15'
Cornus sericiea	Red Twig Dogwood	Low	16'
Alnus glutinosa	European Alder	Low	60'
Nyssa sylvatica	Black Tupelo	Low	95'
Quercus palustris	Pin Oak	Low	60' to 80'