

## **RECORD OF ORDINANCES**

**Ordinance No.: 2020-64**

**Passed: September 14, 2020**

### **AN ORDINANCE TO REGULATE TREES AND ESTABLISH 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

**NOW, THEREFORE, BE IT ORDAINED** as follows by the Council for the Village of West Lafayette, Ohio:

**SECTION I:** The Village of West Lafayette has established rules and regulations concerning trees, tree maintenance and creating offenses herein.

#### **SECTION II: 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/or 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 Public Works Committee. The matter will be heard at the next scheduled Public Works 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 Public Works Committee's decision. A vote of two of the three Public Works 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 Village Administrator. 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 be chosen from the Trees listed in the attached Appendix A.
- 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.



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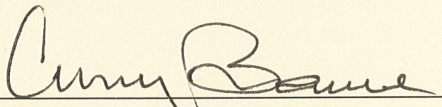
- g) The Village shall not permit the overhanging of limbs of trees, foliage or plants to project over a highway, street, or alley in the Village of West Lafayette without having a clear space between the overhanging of limbs of trees, foliage or plants and the highway, street, or alley of not less than 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 be the responsibility of both the home owner of the tree and the Village. The homeowner shall maintain the trees in accordance with Section II(f) of this Ordinance and the Village shall maintain the trees in accordance with Section II(g) of this Ordinance. This Section does not apply to annual leaf collection programs conducted by the Village.
- i) Whoever violates any provisions of this ordinance shall be guilty of a minor misdemeanor. Any violation shall constitute a separate offense on each successive day the violation is not remedied.

**SECTION III:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare. The reason for such necessity is that many of the large trees that produce the canopy over most of our roadways are below the aforementioned threshold and many are in imminent status of breaking under high wind or rain events. Therefore, this Ordinance shall go into immediate effect upon passage.

PASSED IN COUNCIL THIS 14th DAY OF SEPTEMBER 2020.

  
Stephen R. Bordenkircher, Mayor

ATTEST:

  
Amy Bourne, Fiscal Officer



**RECORD OF ORDINANCES****Ordinance No.: 2020-64****Passed: September 14, 2020****APPENDIX A**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Salt Tolerance</b>	<b>Height at Maturity</b>
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	Kentuck 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 poineer'	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'
Tillia 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 sericea	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'