

ORDINANCE NO. 2-2017

AN ORDINANCE REGULATING TREES, BUSHES, SHRUBBERY  
AND THE COLLECTION OF TREE LIMBS AND BRUSH IN THE  
VILLAGE OF ANSONIA AND REPEALING ANY  
INCONSISTANT LEGISLATION

BE IT ORDAINED by the Council of the Village of Ansonia, Darke County, Ohio, that:

**SECTION ONE:** TREES OVERHANGING STREET OR ALLEY

It shall be the duty of any property owner owning or occupying property bordering on the right of way upon which property there may be trees which overhang or extend over any part of a public street or alley in the Village of Ansonia, Ohio, shall keep such trees trimmed so that there will be a clearance of at least sixteen (16') feet, on state routes, between the street level and the lowest branches, and at least fourteen (14') feet, on all other streets and alleys, between the street level or alley level and the lowest branches so as to not obstruct street lights, street signs, stop signs or obstruct vehicular traffic. Failure to keep trees trimmed as required shall constitute a hazard and obstruction of the use of a street or alley.

**SECTION TWO:** TREES OVERHANGING SIDEWALK

It shall be the duty of any property owner owning or occupying property bordering on the right of way upon which property there may be trees, any part of which overhang or extend over any part of a sidewalk in the Village of Ansonia, Ohio, shall keep such trees trimmed so that there will be a clearance of at least seven (7') feet between the sidewalk and the lowest branches. Failure to keep trees trimmed as required shall constitute a hazard and obstruction of the use of a sidewalk.

**SECTION THREE:** OBSTRUCTION OF STREET, ALLEY OR SIDEWALK BY  
TREES, BUSHES, OR SHUBBERY

In addition to the requirements of Sections one and two of this Ordinance, no person, owning or being in possession of land, shall plant or fail to trim trees, bushes or shrubbery so as to cause a public hazard or endanger the free and unobstructed use of a street, alley or sidewalk. The Village Administrator or his designee is authorized to determine whether such a hazard or obstruction exists.

**SECTION FOUR:** DEAD, DYING, DISEASED OR HAZARDOUS TREES, BUSHES  
OR SHUBS

It shall be the duty of any person owning or occupying property bordering on the right of way upon which property where there are any trees, bushes or shrubs which are designated by the Village Administrator as dead, dying, diseased, or hazardous or deemed a menace to the health, safety, and welfare of the people of Ansonia, to remove or cause to be removed said tree(s) and or bush(s) and or shrub(s).

**SECTION FIVE: REMOVAL OF HAZARD OR OBSTRUCTION**

If there is any violation of Sections one thru four, The Village Administrator shall notify the owner of the private property with a written notice or, if the address is unknown of the owner of the property, once by publication in a local newspaper of general circulation within the Village, of the violation of the applicable section or sections of this ordinance indicating the required action (pruning or removal) to be taken and give a reasonable time, of not less than thirty (30) days from the date of the mailing or publication of the notice, for correction or removal of the hazard or obstruction at his or her own expense. If not corrected or removed within the time allotted, it shall be lawful for the Village Administrator or his agent to enter upon the property and cause the hazard or obstruction to be corrected or removed, and the cost thereof shall be paid by the owner to the Village within thirty (30) days of the mailing or, if the address is unknown of the owner of the property, one publication in a local newspaper of general circulation within the Village, of a notice and a demand for reimbursement to the Village for such cost, or the cost shall be assessed to the owner as provided by law.

**SECTION FIVE: ASSESSMENT**

Upon the removal by the Village of the hazards or obstructions described in Sections one, two, three and four of this Ordinance and the failure of the owner to pay for such correction or removal, the clerk shall make a written return to the County Auditor of the action taken by the Village under Section Four, along with a statement of the amount for charges and expenses incurred by the Village for the correction or removal of the hazard or obstruction, including the amount paid for labor and the fees of the Village Administrator serving the notice. Such amount shall be entered upon the tax duplicate and be a lien upon such land to be collected with other taxes upon the property and returned to the Village.

**SECTION SIX: TREE SPACING**

The spacing of public tree when planting trees in the tree lawn will be trees classified as small need to be twenty (20) feet apart and medium trees need to be thirty (30) feet apart from each other.

**SECTION SEVEN: DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS**

No tree shall be planted closer than Thirty-Five (35) feet from any street corner, measured from the point nearest the intersecting curbs or curb lines. No tree shall be planted closer than ten (10) feet to any fire hydrant.

**SECTION EIGHT: DISTANCE FROM CURB AND SIDEWALK**

The distance public trees may be planted from curbs or sidewalks will be in accordance with the species size class. Tree must be on the Ansonia Tree List for Tree lawns. No tree may be planted closer to the curb or sidewalk than the following:

Small trees: two (2) feet (minimum of three foot wide tree lawn)

Medium trees: three (3) feet (minimum of five foot wide tree lawn)

\*\*\*Except in special planting designed or approved by the Village

## SECTION NINE: TREE LAWN TREES

The following list is the only trees that are to be planted in the public right of way within the village (Tree Lawn):

- 1) Pyrus Cleveland Pear
- 2) Somerset Maple\
- 3) Sun Valley Maple
- 4) Syringa Reticulate "Ivory Silk" Lilac
- 5) Zelkova Musashino

## SECTION TEN: LIMB AND BRUSH COLLECTION

The Village of Ansonia tree and brush collection will begin on the third (3<sup>rd</sup>) Monday of April and will continue thru the third (3<sup>rd</sup>) Monday of November. In the event that tree and brush collection cannot be done on the third Monday, they will be picked up on the first day possible after said Monday. **Once an area has been collected, the crew will not return until the next scheduled date.**

**The Village will no longer accept Limbs and Brush from whole trees being cut down by self or a tree service. This will be the property owner's responsibility to dispose of.**

Brush and limb collection will be at the curb. **No Brush or limbs will be picked up in the alleys.**

Brush and limbs are not to be placed at the curb any earlier than two days before and no later than 8:00 am of the scheduled day of collection.

All limbs should be stacked in piles with all the ends even. Please stack parallel with the street.

Small piles must be boxed, bundled or in trash cans to help facilitate pickup.

Please avoid parking vehicles and/or other obstacles in front of the brush piles.

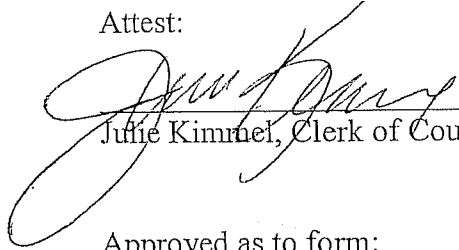
## SECTION ELEVEN: FEES

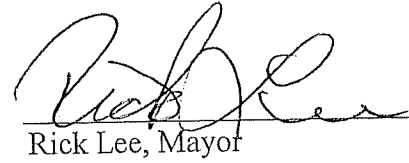
The fees to be charged for the use of Village employees and equipment for the removal of the hazards or obstructions described in Sections one, two, three and four of this Ordinance shall be Seventy - Five (\$75.00) Dollars per hour, or the hourly rate of the contractor the Village of Ansonia may hire to do such removal.

**SECTION TWELVE** : This Ordinance shall be effective from and after the earliest period allowed by law.

Adopted this 7 day of Feb., 2017.

Attest:

  
\_\_\_\_\_  
Julie Kimmel, Clerk of Council

  
\_\_\_\_\_  
Rick Lee, Mayor

Approved as to form:

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Travis L. Flichman, Solicitor