

## CHAPTER 100: TREES

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### *Cross-reference:*

*Amberley Village Beautification Committee, see § 33.05*

### **§ 100.01 ESTABLISHMENT; TITLE.**

There is hereby created and established the Amberley Village Public Tree Ordinance.  
(Ord. 2004-19, passed 11-8-04)

### **§ 100.02 PURPOSE; FINDINGS.**

The primary purpose of this chapter is to preserve and enhance the natural park-like heritage of Amberley Village and to improve the visual appearances of its neighborhoods. This includes all trees, gardens and streetscapes within the public areas.  
(Ord. 2004-19, passed 11-8-04)

### **§ 100.03 OBJECTIVES; POWERS AND DUTIES.**

(A) To provide a means to study, investigate, counsel, develop and update a written annual plan for the care, design, preservation, pruning, positioning, planting, re-planting, removal, selection, or disposition of trees in public areas. This plan shall include an operating budget approved by Council and shall include proposals for community events such as Arbor Day, and other educational activities focused on the beautification of Amberley Village.

(B) Achieve the designation of Tree City USA and maintain our status as defined by Tree City USA guidelines and regulations.

(C) Establish an ongoing appreciation and awareness for the natural beauty and resources within the village through celebration and information such as:

- (1) Celebration of Arbor Day;
- (2) Amberley Beautification Day;
- (3) Community education emphasizing environmental awareness;
- (4) Link to Amberley Village website to the mission of the Amberley Village Public Tree Committee, its events and information.

(D) Establish a list of tree species that may be planted on the public right-of-way. The tree species will be classified as small trees, medium trees, and large trees. The Amberley Village Beautification Committee (AVBC) shall approve this list, to be known as the "AVBC List of Street Trees."  
(Ord. 2004-19, passed 11-8-04)

**§ 100.04 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly requires or indicates a different meaning.

**ACTUAL COST.** Invoices paid, overhead plus labor and materials used.

**DAMAGE.** Any action undertaken which causes injury or death of a tree. This includes, but is not limited to, cutting, poisoning, over watering, relocating or transplanting a tree, or trenching, excavating or paying within the root zone of a tree.

**DRIPLINE.** The outermost edge of the tree's canopy. When depicted on a map, the **DRIPLINE** will appear as an irregular shape that follows the contour of the tree's branches as seen overhead.

**PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**PROPERTY OWNER.** The person owning the property as shown by the County Auditor's Plat of the Village of Amberley, Hamilton County, Ohio, including the executor, administrator or beneficiary of the estate of a deceased owner.

**PUBLIC PLACES.** All other grounds owned by the Village of Amberley.

**PUBLIC TREES.** All shade and ornamental trees now or hereafter growing on any public places.

**ROOT FEEDING ZONE.** The outer two-thirds of the root zone.

**ROOT ZONE.** The area within the dripline of a tree extending to at least two feet below the surface of the ground.

**STREET OR HIGHWAY.** The entire width of every public way, easement or right-of-way when any part thereof is open to the public, as a matter of right, for the purpose of vehicular and pedestrian traffic.

**STREET TREES AND OTHER PUBLIC TREES.** Any tree of which more than one-half of the basal cross-sectional area is located on city property.

**TREE.** A tall growing woody plant with one or more perennial main stems or trunks which develop branches from the aerial section of the stem rather than from the base; capable of being pruned to at least six feet of clear branches trunk below the crown within five years of planting.

**TREE EXPERT.** A certified professional forester and/or certified arborist.

**TREE LAWN.** That part of a street or highway, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

**TREE TOPPING.** The severe cutting back of limbs to stubs of three inches or more in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.  
(Ord. 2004-19, passed 11-8-04)

**§ 110.05 DUTY OF PRIVATE PROPERTY OWNERS.**

(A) It shall be the duty of any property owner upon whose property there may be trees outside of the right-of-way that are designated by the AVBC with a tree expert as dead or dying and deemed a menace to the trees in the right-of-way to remove or cause to be removed that tree.

(B) In the above situation, the Village Manager shall send a certified written notice to the property owner indicating the required action (pruning or removal) to be taken. A period of 30 days from receipt of this letter shall be permitted for the property owner to effect the indicated action. Should the property owner fail to comply, it shall be lawful for the Village Manager or his or her agent to enter upon the property and cause such action. The property owner shall be charged the actual cost of the work and payment shall be made within 30 days or the actual cost of the work shall be assessed to the property taxes.