



## COLERAIN TOWNSHIP TREE POLICY

### PURPOSE

Colerain Township knows that trees benefit its citizens in many ways, like providing beauty and shade that creates a healthy and attractive environment for residents. Trees in our community cool the air, reduce noise levels and glare, provide screening and many other benefits that contribute to a higher quality of life in the Township.

Science has proven the ability of trees to control stormwater, reduce energy use and costs, and improve air and water quality, thereby providing numerous public health and welfare benefits to the Township. Overall, trees are a unique and valuable physical and psychological counter-balance to the urban setting.

Public trees (along streets, in parks, and on township property) are valuable public infrastructure assets that deserve protection and proper management, and therefore should **only be removed when warranted**. The Township's urban forest should also be expanded so tree benefits are provided equally to all citizens and are maximized so our community is resilient and more sustainable.

Therefore, Colerain Township finds that the interests of the public health, safety, and welfare of its citizens require the Township to:

- establish standards limiting the destruction of and ensuring the survival of public trees in the Township, and,
- when appropriate and feasible, to replace trees to enhance the community and the quality of life of its citizens;

Toward those ends, and for the benefit of all of the citizens of Colerain Township, it is intended that this policy will, within the limits of staff and funding resources, prohibit the unnecessary removal of Township trees and to provide for the reasonable replanting of trees to preserve and expand the many benefits of a healthy sustainable urban tree canopy cover.

This tree removal and planting policy was developed to:

- a. Recognize the ecological, economic, and social values provided by trees and tree canopy in the Township;
- b. Explain and expedite the inspection and approval process for valid tree removal requests;
- c. Describe tree planting conditions and standards; and
- d. Provide consistent implementation of the Department's policy within its duties and authority.

## CONDITIONS FOR TREE REMOVAL

The Public Services Department shall have the authority to remove trees in the public rights-of-way managed by the Township and on other Township property, or issue permits for others to remove trees, based on the following conditions:

- **Hazardous Trees.** Trees that are determined by Township staff and/or a Certified Arborist to be a hazard by virtue of conditions including, but not limited to, significant/frequent limb breakage, a majority of decayed, dead, or damaged foliage, branches, trunk or roots, and the distinct danger of a tree or tree part falling with a high potential to hit a target (person, structure, vehicle, utility, other valuable landscape feature) shall be removed.
- **Dead and Dying Trees.** Street and park trees that are dead or have been determined by the Public Services Department and/or a Certified Arborist to be in a state of severe decline, shall be removed.
- **Diseased/Insect Infected Trees.** Public trees that have a disease or are infested with an insect that is known or declared to be an imminent threat to other trees in the Township and the region shall be removed.
- **Emergency Removals.** Healthy trees may be removed if an emergency situation exists and tree removal is the only option to address the issue, such as in the case of a broken water or sewer line.
- **Unsafe Condition Removals.** If it is determined by the Public Service Department that a tree is causing a serious visibility hazard, such as blocking a traffic light or sign, or visibility of on-coming traffic, then it shall be removed. Removal is only warranted when proper pruning will not correct the issue for a reasonable length of time, as determined by the Public Services Director.
- **Other Removals.** Other situations where public tree removal is warranted may include the following. The tree removal may be performed by the Township, or by an approved permit applicant, depending upon the situation.
  - **Hardscape Damage.** If sidewalk, curb, road, driveway, or other hardscape features cannot be repaired without severe root pruning/damage, then a healthy tree can be considered for removal by the Township.
  - **Structural Damage.** If a tree is causing structural damage, as evidenced and attested to by a qualified engineering professional, to a building, wall, or other structure, and the condition cannot be reasonably remedied without removal, then a healthy tree can be considered for removal by the Township.
  - **Township Projects.** If a tree is in conflict with and needs to be removed to accommodate the construction of a public improvement, or to achieve a goal of the Township, then it will be permitted.
  - **Invasive/Undesirable Species.** While the Township will not remove a healthy, structurally sound tree of any species, abutting owners may apply for a permit to remove known invasive and undesirable tree species, if the applicant also replants a tree of an approved species on the right-of-way.

**Reasons that are not valid for removal.** A Township tree may only be removed for one or more of the above stated criteria. The Township will not use its resources to remove a healthy tree due to blocking views, falling leaves or twigs, roots in utility pipes, or other non-safety related issues. The Township will also not remove any trees that are on private property.

## **TREE REMOVAL PROCESS**

Any resident of Colerain Township may request a tree be removed by using the Application for Tree Removal. Public Services staff, or their agent, will inspect the tree to determine which, if any, of the removal criteria is met by the current condition of the tree. After the inspection, the resident will be informed of the decision. Unless there is an imminent emergency, an approved tree removal will be performed by the Township, or their contractor, on a priority basis dependent upon the number and nature of other tree removal requests and Township resources. During the removal process, tree stumps will be cut low, but will not be removed entirely unless special circumstances require it.

Any resident, or their tree service contractor, may apply for a permit to have a tree or stump removed at their own expense if the previously described removal criteria are met. The Township will issue a permit at no cost for a valid removal reason. Allowances may be made to remove healthy trees in certain situations if the tree is replaced by the applicant. An example of those situations is if the tree is an invasive or nuisance species such as a female ginkgo, callery pear, Siberian elm, or other species on the Township's undesirable tree list.

When being removed under the permit process, tree removal work may only be performed on Township property by a Certified Arborist or a professional that follows ANSI A300 standards.

## **TREE PLANTING**

The Township has the right to plant trees on Township rights-of-way, parks, and other Township property, and will give abutting property owners notice. Abutting property owners may request that the Township plant a tree, but only when sufficient funds are available for tree planting.

Abutting property owners may plant a tree on the right-of-way, but only with an approved permit which will be issued at no cost. The Township maintains a list of desirable species that can be planted on streets depending upon growing space size and characteristics.

Anyone planting a tree on Township property must agree to maintain the tree (watering, mulching, and minor pruning for sidewalk and street clearance) until it reaches maturity.

## **REQUEST AND PERMIT PROCESSES FOR TOWNSHIP TREE REMOVALS, PRUNING, PLANTING OR TREATMENT**

Any right-of-way tree removal requires an approved permit from the Township. Exemptions from this requirement are made only for Township staff and contractors, controlling utility companies, and in emergencies.

Any property owner may request a public tree removal to be performed by the Township by contacting the Public Services Department and, upon inspection and approval by Township staff, complete and sign

the Township's Tree Removal Permit. The Township will then perform the removal in a timeframe dependent upon the priority of other removal requests and available resources.

Any property owner may have a street tree removed only if it meets the required criteria and after contacting the Public Services Department and completing an Application for Tree Removal. Staff will inspect the tree, and if the removal reason meets the criteria, then a permit will be issued.

## **FINES AND PENALTIES**

Because the Township recognizes that trees are critical to a healthy community, and that trees provide a significant amount of public health and welfare services to the community, failure to adhere to the Township's regulations will carry fines that reflect the value of the tree to the community. Per the Tree Resolution and other relevant Township policies, violations of this policy may be subject to fines and penalties. They include:

- Failure to obtain a permit - \$100
- Violation of permit conditions - \$100 + cost of correction (pruning, arboricultural treatment, removal, stump grinding, replacement planting, etc.)
- Compensatory payment for the value of the tree - \$100 per inch of diameter
- Triple damages of any of the above if the violation is proven to be an act of malice, trespassing, or other illegal activity.

## **STANDARDS**

This policy and all activities referenced in it will follow the standards and best practices prescribed by the following:

- American National Standards Institute (ANSI) A300 Standards for tree care
- International Society of Arboriculture - Best Management Practices
- American Public Works Association - Urban Forestry Best Management Practices
- Desirable/Undesirable Tree Species list (maintained by the Public Services Department) and based on the Ohio Invasive Plant Council current recommendations
- Provisions of the Township Tree Ordinance