

**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**

POLICY NO. 25

**SUBJECT: TREE AND VEGETATION TRIMMING OVER
STREETS/ALLEYS AND SIDEWALKS**

DATE: JUNE 29, 2018

REVISED: AUGUST 7, 2023

RECOMMENDED BY:


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CONCURRED BY:


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APPROVED BY:


Norbert S. Klopsch, City Manager

POLICY: This document sets forth the City’s policy (this “Policy”) regarding the trimming of trees and other vegetation over public streets, alleys, and sidewalks. The Policy addresses the annual and other routine trimming that the City undertakes to complement and supplement trimming done by homeowners as required by Section 521.17 of the City’s General Offenses Code.

PURPOSE: Trees and other vegetation are an important part of Oakwood’s ambiance, but proper maintenance is essential for reasons of public safety and community aesthetics. This Policy establishes guidelines for the maintenance of trees and other vegetation in the immediate areas of public streets, alleys, and sidewalks, and is intended to ensure that City rights-of-way are kept clear and safe for use by the public.

GENERAL PROVISIONS:

Effective this date, a “Tree and Vegetation Trimming Policy” is hereby established to provide guidance and procedures to city of Oakwood employees and officials that are responsible for administrative actions relating to the trimming of trees and other vegetation along public streets, alleys, and sidewalks.

Employees having responsibilities under this policy should familiarize themselves with several pertinent Oakwood ordinances and state statutes, which are summarized here:

- Section 521.17, General Offenses Code: Property owners are responsible for trimming trees and vegetation *on their property* that may overhang streets and sidewalks. Such trimming should ensure clearance of at least 14’ in height over streets and 8’ in height over sidewalks.

- Section 551.01(b), General Offenses Code: Property owners are responsible for trimming weeds and grass, to a height of 8” or less, *on their property* and also *on unpaved rights-of-way such as tree lawns or unpaved alleys* that abut their property.
- Sections 17-302.12 and 17-302.14, Property Maintenance Code: Property owners are responsible for the treatment of any diseased trees, and for the removal of any dead trees that constitute a safety hazard, *on their property*. The code also requires property owners to treat or remove trees *on unpaved rights-of-way such as tree lawns or unpaved alleys* that abut their property, but this is normally done by the city because of other legal duties that arise under Sections 723.01 and 2744.02(B)(3), Ohio Revised Code, below.
- Sections 723.01 and 2744.02(B)(3), Ohio Revised Code: The city is responsible for the “care and supervision” of public streets and sidewalks, which includes a legal duty to remove obstructions. It also includes trimming trees *on unpaved rights-of-way* to ensure clearance of at least 14’ in height over streets and 8’ in height over sidewalks.

With those legal responsibilities in mind, the remainder of this policy sets forth the procedures to be followed in these respective areas: sidewalks; streets; and alleys.

I. TRIMMING OVER AND ALONG SIDEWALKS

- A. Discovery of trees and vegetation encroaching public sidewalks. The Code Enforcement Officer will conduct two city-wide inspections each year to identify locations where trees or vegetation are encroaching public sidewalks. Additionally, and in the course of daily activities, the Code Enforcement Officer will make regular inspections of public sidewalks for encroaching trees or vegetation. Similarly, whenever any city employee observes or receives a citizen complaint about trees or vegetation encroaching a public sidewalk, that information is to be promptly transmitted to the Code Enforcement Officer.

For purposes of this policy, trees or vegetation “encroach” the public sidewalk if:

1. There is less than 8’ of height clearance above the sidewalk; or
 2. There is any tree or vegetative material that breaks the vertical plane extending upward from either edge of the sidewalk, at any point from ground level to a height of 8’ above ground level.
- B. Course of action upon observation or complaint. Upon observing or being notified of a sidewalk encroachment, the Code Enforcement Officer shall determine whether the encroachment originates from private property or from the public right-of-way, and shall then proceed as follows:
1. Trees and vegetation originating on PRIVATE property. When the sidewalk encroachment originates on private property, trimming is the property owner’s responsibility.

Enforcement protocol: The Code Enforcement Officer shall issue a door-hanger/placard informing the property owner of the violation and giving the owner 5 calendar days to perform the necessary trimming. The Code Enforcement Officer shall track the issuance of each placard and follow up in 5

days. If the work has not been performed, the Code Enforcement Officer shall notify the Public Works Department, via email, for further enforcement. The Code Enforcement Officer will place a copy of these notifications in the appropriate house file to document this step of the enforcement process.

Upon notification from the Code Enforcement Officer of a noncompliant property, the Foreman/Engineering Technician is responsible for assigning a work crew to trim as needed to remove the encroachment. The work should be done within 2 business days, weather permitting. The Foreman/Engineering Technician will document, track, and report all such work, and the Finance Department shall handle all invoicing and certification of costs, in the same manner set forth in Administrative Policy No. 22 for the mowing of nuisance grass or weeds.

Exception: If there are articulable facts that that would justify *not* referring the work to the Public Works Department, and the encroachment does not present an immediate threat to public safety, the Code Enforcement Officer may elect to proceed under the normal protocol for property maintenance enforcement or to allow the property owner a reasonable extension prior to involving the Public Works Department.

2. Trees and vegetation originating in the PUBLIC right-of-way. When the sidewalk encroachment originates in the public right-of-way, trimming of trees is the city's responsibility and trimming of any other vegetation is the property owner's responsibility.

Enforcement protocol:

- a. For the trimming of *trees* that is the city's responsibility, the Code Enforcement Officer shall notify the City Horticulturist of the encroachment. The City Horticulturist or his designee shall inspect the encroachment, shall add the encroachment to a list of street trees in need of maintenance, and shall prioritize the work thereon according to sound principles of horticulture and the city's duty to remove obstructions from public ways. (For more information on this list, see Section IV of this policy.)
- b. For the trimming of *vegetation* that is the property owner's responsibility, the Code Enforcement Officer shall issue a door-hanger/placard informing the property owner of the violation and giving the owner 5 calendar days to perform the necessary trimming. The Code Enforcement Officer shall track the issuance of each placard and follow up in 5 days. If the work has not been performed, the Code Enforcement Officer shall notify the Public Works Department, via email, for further enforcement. The Code Enforcement Officer will place a copy of these notifications in the appropriate house file to document this step of the enforcement process.

Upon notification from the Code Enforcement Officer of a noncompliant property, the Foreman/Engineering Technician is responsible for

assigning a work crew to trim as needed to remove the encroachment. The work should be done within 2 business days, weather permitting. The Foreman/Engineering Technician will document, track, and report all such work, and the Finance Department shall handle all invoicing and certification of costs, in the same manner set forth in Administrative Policy No. 22 for the mowing of nuisance grass or weeds.

Exception: If there are articulable facts that that would justify *not* referring the work to the Public Works Department, and the encroachment does not present an immediate threat to public safety, the Code Enforcement Officer may elect to proceed under the normal protocol for property maintenance enforcement or to allow the property owner a reasonable extension prior to involving the Public Works Department.

- C. De minimus encroachments. Notwithstanding the procedures set forth above, if the Code Enforcement Officer observes or is notified of a *de minimis* encroachment, he should trim it on the spot. For purposes of this policy, an encroachment is *de minimis* if it is a single wayward branch or other minor encroachment that can be readily snipped “on the go” without entering private property and without damage to the remaining tree or vegetation.

II. TRIMMING OVER AND ALONG STREETS

- A. Discovery of trees and vegetation encroaching public streets. In the course of daily activities, the City Horticulturist will make regular inspections of public streets in the city for encroaching *trees*. Similarly, the Foreman/Engineering Technician will make regular inspections of public streets in the city for encroaching *vegetation*. Whenever any city employee observes or receives a citizen complaint about trees or vegetation encroaching a public street, that information is to be promptly transmitted to the City Horticulturist (*trees*) or the Foreman/Engineering Technician (*vegetation*) as appropriate.

For purposes of this policy, trees or vegetation “encroach” a street if:

1. There is less than 14’ of height clearance above the street; or
2. There is any tree or vegetative material that breaks the vertical plane extending upward from the edge of the curb (or edge of the paved street, if there is no curb) at any point from ground level to a height of 14’ above ground level.

- B. Course of action upon observation or complaint.

1. If the encroachment involves *trees*: Upon observing or being notified of a street encroachment issue, the City Horticulturist shall utilize his professional judgment to determine whether the encroachment requires immediate attention or whether it can be placed on the list of street trees in need of maintenance to be addressed in order of priority and areas being worked. (For more information on this list, see Section IV of this policy.) If the encroachment requires immediate attention, the City Horticulturist shall ensure that the work is promptly completed, either by his

own work crew, by a Public Works crew, or by the city's tree contractor, as available and appropriate.

2. If the encroachment involves vegetation: Upon observing or being notified of a street encroachment issue, the Foreman/Engineering Technician shall utilize his professional judgment to determine whether the encroachment requires immediate attention or whether it can be placed on the list of street vegetation in need of maintenance to be addressed in order of priority and areas being worked. (For more information on this list, see Section IV of this policy.) If the encroachment requires immediate attention, the Foreman/Engineering Technician shall ensure that the work is promptly completed by a Public Works crew.

III. TRIMMING OVER AND ALONG ALLEYS

- A. Discovery of trees and vegetation encroaching alleys. In the course of daily activities, the Foreman/Engineering Technician will make regular inspections of paved alleys in the city for encroaching trees or vegetation. Similarly, whenever any city employee observes or receives a citizen complaint about trees or vegetation encroaching a paved alley, that information is to be promptly transmitted to the Foreman/Engineering Technician.

For purposes of this policy, trees and vegetation "encroach" an alley if:

1. There is less than 14' of height clearance above the alley; or
 2. There is any tree or vegetative material that breaks the vertical plane extending upward from the edge of the curb (or edge of the paved alley, if there is no curb) at any point from ground level to a height of 14' above ground level.
- B. Course of action upon observation or complaint. Upon observing or being notified of an alley encroachment, the Foreman/Engineering Technician shall utilize his professional judgment to determine whether the encroachment requires immediate attention or whether it can be placed on the list of trees in need of maintenance to be addressed in order of priority and areas being worked.

If the encroachment requires immediate attention, the Foreman/Engineering Technician shall ensure that the work is promptly completed by a Public Works crew.

IV. ROUTINE MAINTENANCE

The foregoing provisions address the protocol for responding to specific observations or complaints of encroachment. In addition, the city operates a routine maintenance program which is primarily focused on tree height clearance above streets and sidewalks.

- A. The City Horticulturist shall divide the city into 10 geographic areas, and shall inspect and establish a list of street trees in need of maintenance in those 10 areas, one area per month between March and December each year.
- B. The list shall be provided to the Foreman/Engineering Technician by the 25th day of the month preceding the month for the area to be trimmed. The Foreman/Engineering Technician shall be responsible for assigning the work to a Public Works crew.

- C. The City Horticulturist is responsible for preparing notification letters to residents in the particular area where work is being performed. The City Horticulturist shall deliver those notices to the Foreman/Engineering Technician by the 25th day of the month preceding the month for the area to be trimmed, and the Foreman/Engineering Technician shall deliver them to residents at least one week in advance of trimming.

V. **SPECIAL SITUATIONS**

- A. Street or sidewalk projects: Areas that fall within the city's annual pavement and sidewalk projects should be inspected for clearance and trimmed in advance of the project. The City Horticulturist shall be responsible for the inspection, and shall provide a list of trees in need of maintenance to the Foreman/Engineering Technician at least 60 days prior to the start of the project. The Foreman/Engineering Technician shall distribute notification letters to affected residents in advance of trimming, and shall ensure that all trimming is completed prior to the start date of the project.
- B. Other projects: Trimming that is required in advance of other projects shall be addressed in a manner consistent with the requirements and timing as outlined in subsection (A) above.