

VILLAGE OF YELLOW SPRINGS, OHIO

ORDINANCE 2019-40

REPEALING SECTIONS 674.01 “TRIMMING OF TREES, PLANTS AND SHRUBBERY” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION 674.01 “TRIMMING OF TREES, PLANTS AND SHRUBBERY”

WHEREAS, Section 674.01 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides the requirements for property owners to keep any plants, trees or shrubbery maintained to not obstruct the view or movement or traffic of public right-of-ways; and

WHEREAS, Village Council has determined that it would be in the best interest of the Village to repeal section 674.01 entitled “Trimming of Trees, Plants and Shrubby”, and adopt a new section 674.01 entitled “Trimming of Trees, Plants and Shrubby”

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

Section 1. Section 674.01 entitled “Trimming of Trees, Plants and Shrubby” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 674.01 entitled “Trimming of Trees, Plants and Shrubby” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herin.

Section 4 This ordinance shall take effect and be in full force at the earliest date permitted by law.

Brian Housh, President of Council

Passed: 12-2-2019

Attest: _____

Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _Y_ Marianne MacQueen _Y_ Kevin Stokes _Y_

Lisa Kreeger _Y_ Kineta Sanford _ABSENT_

EXHIBIT A

674.01 TRIMMING OF TREES, PLANTS AND SHRUBBERY.

(a) The owner of every lot or parcel of land, whether improved or unimproved, within the Village, upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street, bicycle path, multi-use path or sidewalk shall conform to the regulations herein provided; ~~otherwise the Village shall cause such trees, plants or shrubbery to be trimmed or cut down and removed in accordance with these regulations and shall assess the cost thereof against the owner of such lot or parcel of land.~~

(1) Such owner shall trim or cause to be trimmed such tree, plant or shrubbery so that a clear height of eight feet between the lowest branches of the same and the street, bicycle path, multi-use path or sidewalk is maintained.

(2) Such owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same does not fall to the street, bicycle path, multi-use path or sidewalk.

(3) Such owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, bicyclists or pedestrians using the street, bicycle path, multi-use path or sidewalk.

(b) Whoever violates or fails to comply with this section, after having been notified of the violation in the manner specified in Section [674.03](#), ~~notwithstanding any action by the Village to eliminate the violation,~~ is guilty of a minor misdemeanor.