

ORDINANCE NO. 38-35.

By Mr. Schneider.

To provide for the planting, care and protection of trees, shrubbery and plants on the public streets in the City of Bexley, Ohio.

Whereas, the City of Bexley is a suburban community devoted to residential uses, and it is the purpose of Council to promote the beauty thereof and the safety and welfare of its citizens through the judicious planting, care, cultivation and protection of ornamental trees and shrubs in the streets, avenues, and highways in the city, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. That without express prohibition against the planting of other species of ornamental shade trees in the streets, avenues and highways of the City, council hereby recognizes as suitable and proper for general planting throughout said city the following species of trees, to-wit:

Elms - (a) American Elm (Ulmus Americana)
 (b) Moline " (" " Molinensis)
 (c) Vase " (" " Urni)
 (d) Siberian or Chinese Elm (Ulmus Pumila)

Oaks - (a) Pin Oak (Quercus palustris)
 (b) Scarlet Oak (Quercus coccinea)

Maples - (a) Sugar or Hard Maple (Acer Saccharum)
 (b) Norway
 (c) Schwelderi

Plane - Tree - (a) European Planetree (Plantanus Orientalis)

Sweet Gum.

In the granting of permits for the planting of trees as hereinafter provided council recommends that the Mayor conform as nearly as may be practicable to the above list, but that in cases wherein it would seem to him more suitable that some other species of tree be planted, that he shall issue a proper permit therefor, except as hereinafter provided.

Section 2. It shall be unlawful for any person to plant or set out any Carolina poplar or any catalpa tree, or willow tree or trees, or any low growing shrubbery, in any part of any public street, avenue or highway.

Section 3. No person shall set or plant any tree or shrubbery within the limits of any street, avenue or highway without first obtaining a permit therefor in writing from the Mayor, which permit shall also indicate the species of tree or shrubbery, and the distance said planting shall be from the sidewalk, and from other trees or plantings.

Section 4. It shall be unlawful for any person, without a written permit from the Superintendent of Parks first obtained, to spray, cut, break or injure any tree, shrubbery or plant, planted or growing in any public street, avenue or highway within the City, or cause, authorize or procure any person to spray, cut, break or injure any such tree, shrubbery or plant; or to injure or remove, or cause, authorize or procure any person to injure or remove any device set for the protection of any tree, shrubbery or plant in any public street, avenue or highway of said city.

Any person desiring for any lawful purpose to cut, prune, or treat, with view to its preservation from disease or insects, or to trim or to spray any tree, shrubbery or plant in any

public street, avenue or highway of the City, shall apply to the Superintendent of Parks, and if in the judgment of said Superintendent the desired cutting, pruning, treatment, trimming or spraying shall appear necessary and proper, and the proposed method and workmanship thereof such as said Superintendent of Parks shall approve, said Superintendent may thereupon issue a written permit for such work, and any work done under such written permit shall be performed in strict accordance with the terms thereof and under the supervision of said Superintendent.

Section 5. No person shall without the written permit of the Mayor first obtained attach or keep attached to a tree in any public place, street, avenue or highway, or to any guard or stake intended for the protection of such tree, any rope, wire, sign or other device.

Section 6. In the erection, construction or repair of any building or structure, the contractor, or if there be no contractor, then the owner thereof, shall place such guards around all nearby trees on the public streets, avenues and highways, as shall effectually prevent any injury to them by reason of such construction or repair.

Section 7. No person shall, without the written permit of the Mayor first obtained, place or hereafter maintain, upon the ground in or on any public street, avenue or highway, any stone, cement or other substance which would impede the free entrance of water and air to the roots of any tree in such street, avenue or highway, without leaving outside the base of the trunk of such tree an open space of ground, not less in area than nine square feet.

Section 8. Every person, firm or corporation, having or maintaining any electrically charged wire or other wire or wires running through or over a public street, avenue or highway, shall securely fasten or insulate the same, or otherwise provide and maintain protection so that the same will not come in contact with or injure any tree or trees therein. No person, firm or corporation shall without first obtaining a permit from the Mayor dig any trench to lay any kind of pipe, conduit or cable nearer than one and one-half feet to any tree on any street, avenue or highway. If in the opinion of the Mayor the digging of any such trench will result in injury to any tree or trees, and it is practicable to tunnel past such tree or trees, and the same will result in preventing injury to such tree or trees, ~~and the same will result~~ the Mayor may require that such tunneling be done in lieu of the digging of such trench.

Section 9. The spraying, trimming, removing, replacin^g and surgery work on trees or shrubbery on the streets, avenues and highways, and in the parks of the City shall be done by the Superintendent of Parks without direct cost to the property owners.

Section 10. The Mayor shall have the power to condemn, remove or cause to be removed any tree, trees or shrubbery located upon or near any public street, avenue or highway that are dead or in a condition dangerous to the public; and to remove or cause to be removed from any street, avenue or highway any tree, trees or shrubbery which are so located as to interfere with any existing or proposed public or municipal project, or which by reason of the location thereof either impedes traffic or creates a situation dangerous to traffic upon any such street, avenue or highway.

Section 11. Any person violating any of the provisions or requirements of Sections 2, 3, 4, 5, 6, 7, or 8 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$25.00 and the costs of prosecution.

Section 12. Ordinance No. 32-33, passed October 10th,

1933, and Ordinance No. 8-34, passed March 13th, 1934, are hereby repealed.

Section 13. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed November 26, 1935.

Attest:

S. W. Roderick,
S. W. Roderick
Clerk

Robert J. Wheaton
Robert J. Wheaton,
President-of-Council

Approved November 26, 1935.

S. E. Ludwig,
S. E. Ludwig
Mayor

I, S. W. Roderick, auditor of the City of Bexley, State of Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the council as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clifton Avenue, each for a period of fifteen days commencing on the 29th. day of November, 1935.

S. W. Roderick
Auditor of the City of Bexley, O

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