

ORDINANCE NO. 03- 19

By: Troy Markham

An Ordinance amending Section 1026.01 of the Bexley Codified Ordinances, to add a definition for a "stump".

WHEREAS, 1026.12(a) requires the removal of stumps following the removal of a tree, shrub, or evergreen; and

WHEREAS, this Ordinance is being proposed in order to clear up any ambiguity regarding the definition of a "stump";

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

Section 1.

That Section 1026.01 is hereby amended as follows:

1026.01 DEFINITIONS.

As used in this chapter:

- (a) "Arboriculture" means the selection, planting, maintenance and removal of trees.
- (b) "Commission" means the Tree and Public Gardens Commission of the City.
- (c) "Department" means the Service Department of the City
- (d) "Director" means the Service Director of the City, or any representative the Director so designates.
- (e) "Evergreen" means any tree that retains its green living foliage the entire year.
- (f) "Other plants" means all other vegetation not trees, shrubs or evergreens.
- (g) "Park" means all public parks having individual names and street islands.
- (h) "Person" means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or any owner, person, persons or entities.
- (i) "Plant materials" means all trees, shrubs, evergreens and other plants.
- (j) "Private property" means all real estate within the City except real estate that is owned, leased, controlled or occupied by the United States government, State of Ohio, Franklin County government, City of Bexley or any department or agency thereof.
- (k) "Property owner" or "owner" means any one or more of the following:
 - (1) The property owner or owners in fee simple of a parcel of real estate including the life tenant or tenants, if any;
 - (2) The record owner or owners as reflected by the current records of the Office of the Auditor of Franklin County, Ohio, including the executor, administrator or beneficiary of the estate of any deceased owner; and

(3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.

(l) "Pruning" means to cut branches, stems, etc. from a plant to improve growth and shape.

(m) "Public Street" means all the entire width of land lying within the dedicated right-of-way or easement and includes alleys.

(n) "Public place" means all other ground owned by the City that is not part of a "public street" or park.

(o) "Occupant" means the person or persons who are from time to time in possession of any house or other structure located on private property, or who are exercising dominion or control over any house or other structure located on private property.

(p) "Shrub" means a low growing woody plant with one or several perennial main stems producing branches, shoots or multiple stems from or near the base of the plant and incapable of being pruned to provide at least six (6) feet of clear branchless trunk.

(q) "Stump" means the trunk of a tree remaining after more than two-thirds of the tree's limbs have been removed.

(r) "Tree lawn" means that part of a street lying between the property line and that portion of the street used for vehicular traffic.

(s) "Trees" when used by itself, means any woody plant that generally includes those having one or more perennial main stems or trunk, which grows to a mature height of over ten (10) feet.

(t) "Trees, shrubs and evergreens" when used together means all woody vegetation, including but not limited to, all ground covers.

(u) "Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.


Section 2. That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed Feb. 19th, 2019


Lori Ann Feibel, President of Council

Attest: , 2019
William Harvey, Clerk of Council

Approved: Feb 19, 2019



Benjamin Kessler, Mayor

First Reading: 1-22-19
Second Reading: 2-5-19
Third Reading: 2-19-19

