

Mayor
Kathy Huner

City Council
Shane Chamberlin
Sarah Heising
Steve Schneider
Harold Stickley
Jeremy Simon
Brandon Tijerina



230 Clinton Street • Wauseon, Ohio 43567

Director of Law
Thomas A. McWatters III

Director of Finance
Jamie L. Giguere

Director of Public Service
Keith C. Torbet

Police Chief
Kevin Chittenden

Fire Chief
Phil Kessler

June 14, 2024

Wauseon City Council
230 Clinton Street
Wauseon, Ohio 43567

RE: Council Meeting of June 17, 2024

Dear Council Members:

We are not aware of anyone wishing to address Council at the outset of the meeting.

There is one committee report related to a Park Board meeting on June 11, 2024.

There is no legislation for first reading.

There will be a second reading (emergency) on Resolution 2024-18, which authorizes the Mayor to enter into the Employer Sponsored Direct Primary Care Agreement with Nexus Growth Solutions, LLC dba Nexus Health Connect. There will also be a second reading on Resolution 2024-19, which authorizes the Mayor to enter into the Clinton Township -- City of Wauseon Annexation Agreement pertaining to the recent annexation of nine parcels consisting of 13.92 acres located near the Wauseon Union Cemetery.

There will be a third reading on Ordinance 2024-2, which amends the Tree Code, Section 317 of the Codified Ordinances.

In new business, there will be a discussion of the Charter Revision Commission related to Lisa Smith.

These are the only issues I am aware of to come before Council. Should any member of Council have any questions or comments, you are strongly encouraged to contact the appropriate Department Head prior to the meeting.

Respectfully submitted,



Kevin J. Whitlock
Assistant City Law Director

KJW:knp

cc: Kathy Huner, Mayor
Korin Miller, Clerk of Council
Jamie Giguere, Finance Director
The Blade

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WAUSEON CITY COUNCIL AGENDA
June 17, 2024
5:00 pm

Order of Business

- Call meeting to order
- Pledge of Allegiance
- Moment of Silence
- Roll Call
 - a) Councilor Chamberlin
 - b) Councilor Heising
 - c) Councilor Schneider
 - d) Councilor Simon
 - e) Councilor Tijerina
 - f) Council President Stickley
- Approval of prior meeting minutes:
 - a) Council Meeting: June 3, 2024
 - b) Committee of the Whole: June 12, 2024
 - Motion to approve the prior meeting minutes moved by _____ and seconded by _____.

All in favor:
- Committee Reports
 - a) Park Board: June 11, 2024
- Department Head Reports
 - a) Chief Kessler, Fire Chief
 - b) Kevin Chittenden, Police Chief
 - c) Keith Torbet, Director of Public Service
 - d) Jamie Giguere, Director of Finance
 - e) Thomas McWatters III, Law Director
- First Reading of Legislation or Emergency
- Second Reading of Legislation or Emergency
 - a) **Resolution 2024-18:** A Resolution Authorizing The Mayor To Enter Into The Employer Sponsored Direct Primary Care Agreement With Nexus Growth Solutions, LLC DBA Nexus Health Connect
 - Motion to place Resolution 2024-18 on emergency reading moved by _____ and seconded by _____
 - Vote: ____ Yeas ____ Nays

- Motion to place Resolution 2024-18 on final reading moved by _____ and seconded by _____
- Vote: ____ Yeas ____ Nays
- b) **Resolution 2024-19:** A Resolution Authorizing The Mayor To Enter Into The Clinton Township – City Of Wauseon Annexation Agreement Pertaining To The Annexation Of 13.92 Acres In Clinton Township
 - Motion to place Resolution 2024-19 on second reading moved by _____ and seconded by _____
 - Vote: ____ Yeas ____ Nays
- Third Reading of Legislation or Emergency
 - a) **Ordinance 2024-2:** An Ordinance Amending Section 159 Of The Codified Ordinances Of The City Of Wauseon
 - Motion to place Ordinance 2024-2 on third reading moved by _____ and seconded by _____
 - Vote: ____ Yeas ____ Nays
- New Business
 - a) Motion to approve the Mayor's appointments to various boards and commissions moved by _____ and seconded by _____.
Charter Revision Commission:
 Lisa Smith- Term 6/30/2024-6/30/2027
- Old Business
- Approval of the Bills
 - a) Motion to approve and pay the bills as presented moved by _____ and seconded by _____.
 - Vote: ____ Yeas ____ Nays
- Adjournment
 - a) Motion to adjourn moved by _____ and seconded by _____.
 All in favor:

Korin Baumgartner
Clerk of Council

Council reserves the right to adjourn into Executive Session at any time it deems appropriate. The distribution of this Agenda does not obligate Council to take action on the items set forth herein, nor does it limit Council from taking action on other items not on the Agenda. The items listed on the Agenda are subject to change. If additional items are added, Council will use its best effort to notify all interested parties of changes prior to the meeting.

**WAUSEON CITY COUNCIL
COUNCIL MEETING
Monday, June 3, 2024**

Mayor Huner called this meeting of the Wauseon City Council to order at 5:00 p.m. in the Council Chambers. She led the Pledge of Allegiance which was followed by a moment of silence.

ROLL CALL

Roll was taken by the Clerk of Council. Present were Council President Stickley, Councilors Schneider, Simon, Tijerina, Chamberlin and Heising, to constitute a quorum for the transaction of city business.

MINUTES

Mayor Huner asked for a motion to approve the prior meeting minutes. Councilor Heising moved and was seconded by Council President Stickley to approve the minutes as printed.

All in favor: Motion Passed Unanimously

REGONITION AND PROCLAMTIONS

Mayor Huner read a proclamation honoring Robby Crossland. Robby is being recognized and honored for his accomplishments as an Eagle Scout. The title of Eagle Scout is the highest achievement in the Boy Scouting program, which was founded over 100 years ago and only 4% of Boy Scouts are granted this distinguished rank.

DEPARTMENT REPORTS

Chief Kessler gave a report for his department. The 808 truck is back. While it was being repaired it also underwent some updates. The previous three days the fire department has been doing a live burn training at the ODOT building on Shoop Avenue. There will be footage of the training published as a recruitment commercial.

Assistant Chief Hartsock gave a report for his department. The second week of the cloud-based storage system is going well. The new full-time officer has started today. There also has been a new part-time dispatcher and officer.

Keith Torbet gave a report for his department. The Fulton Street water line project is coming along, with all the rain lately it has held the project up. The TTHM levels are in compliance. The Water Plant employees have worked hard to achieve this. There are two ODOT projects coming along. The opening of the city pool has gone very well.

Jamie Giguere gave a report for her department. She has been working with Everside on the contract. There are meetings scheduled to inform employees about the Everside Clinic. She is working on gathering information to update the city copiers and fax system. She informed council that the income tax revenue is down 10% compared to 11% in April.

Tom McWatters gave a report for his department. He is working with Keith Torbet and the EPA on the TTHM violation issue. He went over the proposed legislation on the agenda.

COMMITTEE REPORTS

There were no Committee Reports.

FIRST READING OF LEGISTION OR EMERGENCY

Resolution 2024-18: A Resolution Authorizing The Mayor To Enter Into The Employer Sponsored Direct Primary Care Agreement With Nexus Growth Solutions, LLC DBA Nexus Health Connect

Motion to place Resolution 2024-18 on first reading moved by Councilor Chamberlin and seconded by Councilor Simon.

Vote: 6 Yeas 0 Nays Motion Carries

Resolution 2024-19: A Resolution Authorizing The Mayor To Enter Into The Clinton Township – City Of Wauseon Annexation Agreement Pertaining To The Annexation Of 13.92 Acres In Clinton Township

Motion to place Resolution 2024-19 on emergency reading moved by Council Schneider and seconded by Councilor Tijerina.

Vote: 6 Yeas 0 Nays Motion Carries

SECOND READING OF LEGISTION OR EMERGENCY

Ordinance 2024-2: An Ordinance Amending Section 159 Of The Codified Ordinances Of The City Of Wauseon

Motion to place Ordinance 2024-2 on final reading moved by Councilor Chamberlin and seconded by Council President Stickley.

Vote: 6 Yeas 0 Nays Motion Carries

THERE WAS NO LEGISTION FOR THIRD READING

NEW BUSINESS

Mayor Huner stated that Homecoming is coming up on June 20, 21, and 22, 2024. She reminded everyone to register for the Homecoming parade.

APPROVAL OF BILLS

Motion to approve and pay the bills as presented moved by Councilor Schneider and seconded by Councilor Heising.

Vote: 6 Yeas 0 Nays Motion Carries

ADJOURNMENT

There being no further business, Council President Stickley moved and seconded by Councilor Heising to adjourn the meeting. 5:22 p.m.

All in favor: *Motion Passed Unanimously*

Korin Miller, Clerk of Council

Harold Stickley, President of Council

**WAUSEON CITY COUNCIL
COMMITTEE OF THE WHOLE
THURSDAY, June 13, 2024**

The Council President called this meeting to order at 7:20 a.m. in Council Chambers. Present was Councilors Simon, Schneider, Tijerina, Chamberlin and Heising.

President Stickley went over the staff notes from the previous staff meeting on May 29, 2024.

Council President Stickley went over the proposed agenda for the upcoming Council Meeting. Councilor Simon will give a report from the previous Park Board meeting. There will be three pieces of legislation.

Second Reading of Legislation:

Resolution 2024-18: A Resolution Authorizing The Mayor To Enter Into The Employer Sponsored Direct Primary Care Agreement With Nexus Growth Solutions, LLC DBA Nexus Health Connect

Resolution 2024-19: A Resolution Authorizing The Mayor To Enter Into The Clinton Township – City Of Wauseon Annexation Agreement Pertaining To The Annexation Of 13.92 Acres In Clinton Township

Third Reading of Legislation:

Ordinance 2024-2: An Ordinance Amending Section 159 Of The Codified Ordinances Of The City Of Wauseon

DEPARTMENT HEAD REPORTS

Chief Kessler gave a report for his department. He showed council a recruitment video that will be played at the movie theater and posted on social media. A billboard is also being created for Fire Department recruitment purposes. He is working with HR on getting the captions position ready for advertisement. Chief Kessler explained he is working with Rotary on getting the AED units installed at Biddle Park. He is working with a company in Tiffin Ohio to participate in a demo for washing and sanitizing their SCBA packs. There will be an opportunity for the Fire Department to borrow the washing equipment before purchasing it.

Councilor Tijerina exited Council Chambers at 7:55 a.m.

Chief Chittenden gave a report for his department. He will be getting recertified with Ohio Collaborative. Next Monday an engineer will be looking at radios for dispatch councils. The first Safety City graduation will be this week.

Keith Torbet gave a report for his department. The Fulton Street water line is still under construction. There will be a field review with ODOT on July 1, 2024, on Fulton Street. ODOT is providing \$300,000 for the project. Keith Torbet said he will be participating in meetings regarding the old senior center and its parking lots.

Councilor Heising asked Keith Torbet about the progress of the Grounds Keeper position. He informed council that there was not any in house interest and the job is being advertised to the public.

Councilor Simon exited Council Chambers at 8:09 a.m.

Jamie Giguere gave a report from her department. She is looking at updating the copiers and updating the fax system. There will be informational Everside clinic meetings next week for city employees to attend.

ADJOURNMENT

There being no further business, this meeting adjourned at 8:19 a.m.

Korin Miller, Clerk of Council

Harold Stickley, Council President

**PARK BOARD
CITY COUNCIL CHAMBERS
TUESDAY, June 13, 2024
7:01 AM**

MEMBERS PRESENT: Russ Pauley, Brook Conrad, Dave Carroll, Larry Zimmerman, Harold Stickley and Jeremy Simon.

STAFF: Keith Torbet, John Arps, Phil Kessler and Jan Tropf

ABSENT: Mayor Huner and Jakob Flores

Matter: Park Board Minutes of May 14, 2024

Motion made by Russ Pauley, to approve the March 12, 2024, minutes, seconded by Brook Conrad

Yeas: 6 Nays: 0

Matter: AED Signs for Biddle Park

Fire Chief Phil Kessler showed signs to be hung at Biddle Park with location information for 911, it also gives instructions on how to perform CPR. The AED's were donated by Rotary through the i-Heart radio-a-thon. Currently, the only sign will be at the center hub of Biddle Park. Public works made the cabinet that can be moved to other locations if needed. Motion made by Brook Conrad to approve the AED signage at Biddle Park, seconded by Dave Carroll.

Chief Kessler also told the Park Board to think ahead for future signage and also to have Emergency Posts on the Bike Trail.

Yeas: 6 Nays: 0

Matter: Paul Zumfelde Art posts

A picture of 4 x 4 posts with a tin picture of quilt and a tin picture of the Italian Alps below was included in the agenda packet for Park Board. Previous minutes and notes stated the art the Park Board wants must be Wauseon/Fulton County related. Mr. Zumfelde was told not to purchase or create anything without prior approval of the Park Board. Motion made by Larry Zimmerman to say “no” to the posts with the quilt and Italian Alps picture, motion seconded by Brook Conrad. After further discussion, Larry Zimmerman rescinds his motion.

Motion made by Dave Carroll, second by Brook Conrad to table the posts art until Paul Zumfelde can offer more clarification.

Yeas: 6 Nays: 0

Matter: Park Updates

Keith Torbet stated the signs and trash cans were installed at the Pickleball courts.

He has received requests to have a Pickleball sign at the entrance to the Park with an arrow showing directions.

He has also talked to the American Legion about replacing the old sign due to fading etc.

Keith also told the Park Board Bedford Fence Company will be coming out to look at the new fencing to determine why some of the posts are coming up at one end.

It was discussed that there are already 3 signs at the entrance and possibly to incorporate the Pickleball sign into one of those.

Motion made by Brook, seconded by Larry Zimmerman for the City’s discretion on the Pickleball signs at the entrance.

Yeas: 6 Nays: 0

Motion made by Brook Conrad to move the ‘field named’ signs at Biddle Park up off the ground and be placed higher on the fences for easier visibility, seconded by Larry Zimmerman.

Yeas: 6 Nays: 0

Matter: Next Year's Budget

Keith Torbet stated that for next year's budget, funds will be added to finish the 3 other parks. It will be teaming up again with Rotary for this project. The order for completion will be:

- Wabash
- South
- Biddle

Rotary Park will hopefully be funded with a grant that Troy Armstrong will be writing. Because of the lower income housing around Rotary, it then has a better chance for approval.

Motion to adjourn made by Larry Zimmerman, seconded by Larry Zimmerman.

Meeting Adjourned: 07:50 hrs

Respectfully submitted,
Jan E. Tropic
Executive Assistant

	Yes	No
Emergency	_____	_____
First Reading	_____	_____
Second Reading	_____	_____
Third Reading	_____	_____

RESOLUTION 2024-18

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE EMPLOYER SPONSORED DIRECT PRIMARY CARE AGREEMENT WITH NEXUS GROWTH SOLUTIONS, LLC DBA NEXUS HEALTH CONNECT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wauseon offers certain medical insurance benefits to its employees; and

WHEREAS, the City desires to offer employees the opportunity to receive medical treatment at a local clinic pursuant to the Employer Sponsored Direct Primary Care Agreement dated as of August 1, 2024 ("Agreement") with Nexus Growth Solutions, LLC dba Nexus Health Connect; and

WHEREAS, the City desires to enter into the Agreement, a copy of which is on file in the office of the Clerk of Council;

WHEREAS, that this Resolution be, and hereby is, declared to be an emergency measure, necessary to authorize the Mayor to enter into the Employer sponsored Direct Primary Care Agreement with Nexus Growth Solutions, LLC dba Nexus Health Connect; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wauseon, Fulton County, Ohio, as follows:

Section 1.

That the Mayor or her designee be, and hereby is, authorized to execute the Agreement.

Section 2.

That this Resolution be, and hereby is, declared to be an emergency measure, necessary for the immediate authorization for the Mayor to enter into the Employer sponsored Direct Primary Care Agreement with Nexus Growth Solutions, LLC dba Nexus Health Connect, and shall be in full force and effect from and immediately after its passage.

Passed:

Kathy Huner, Mayor

Harold Stickley, President of Council

Attest: _____

Korin Miller
Clerk of Council

Approved as to Form:

Thomas A. McWatters III
City Law Director

	Yes	No
Emergency	_____	_____
First Reading	_____	_____
Second Reading	_____	_____
Third Reading	_____	_____

RESOLUTION 2024-19

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE CLINTON TOWNSHIP – CITY OF WAUSEON ANNEXATION AGREEMENT PERTAINING TO THE ANNEXATION OF 13.92 ACRES IN CLINTON TOWNSHIP

WHEREAS, the City of Wauseon recently annexed nine parcels consisting of 13.92 acres located in Clinton Township into the City of Wauseon; and

WHEREAS, the City desires to enter into the Clinton Township – City of Wauseon Annexation Agreement (“Agreement”) which would allow Clinton Township to continue to receive revenues from the “inside millage” amount of 2.0 mills; and

WHEREAS, a copy of the Agreement is on file in the office of the Clerk of Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wauseon, Fulton County, Ohio, as follows:

Section 1.

That the Mayor or her designee be, and hereby is, authorized to execute the Agreement.

Passed:

Kathy Huner, Mayor

Harold Stickley, President of Council

Attest: _____
Korin Miller
Clerk of Council

Approved as to Form:

Thomas A. McWatters III
City Law Director

	Yes	No
Emergency	_____	_____
First Reading	_____	_____
Second Reading	_____	_____
Third Reading	_____	_____
Suspension	_____	_____

ORDINANCE NO. 2024-2

AN ORDINANCE AMENDING SECTION 159 OF THE CODIFIED ORDINANCES OF THE CITY OF WAUSEON

WHEREAS, Section 159 of the Codified Ordinances sets forth certain regulations and procedures pertaining to the planting, removal, and treatment of trees within the City; and

WHEREAS, the Tree Commission recommends that Section 159 of the Codified Ordinances be updated and amended; and

WHEREAS, the Tree Commission has drafted certain amendments to Section 159, a copy of which is attached hereto as Exhibit A; and

WHEREAS, Council desires to adopt the amendments to Section 159 proposed by the Tree Commission;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wauseon, Fulton County, Ohio, as follows:

Section 1.

That Section 159 of the Codified Ordinances be amended to read in its entirety as follows: See Exhibit A.

Passed: _____

Kathy Huner, Mayor

Harold Stickley, President
of Council

Attest: _____
Korin Miller
Clerk of Council

Approved as to Form:

Thomas A. McWatters III
City Law Director

CHAPTER 159

Tree Code

- 159.01 Purpose.**
- 159.02 Definitions.**
- 159.03 Administration and Enforcement.**
- 159.04 Tree Commission.**
- 159.05 Tree Planting and Care Standards.**
- 159.06 Pruning; Clearance.**
- 159.07 Prohibition Against Harming Public Trees.**
- 159.08 Certain Trees on Private Property Declared a Public Nuisance.**
- 159.09 Trees in New Subdivisions.**
- 159.10 Appeals.**
- 159.11 Conflicting Ordinances.**
- 159.12 Severability.**
- 159.99 Violations; Penalties.**

159.01 PURPOSE.

The purpose of the Tree Code is to enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, to ensure proper planting, maintenance, and removal of trees on public property, to provide a sustainable urban forest, and to make provision for the emergency removal of trees on private property.

159.02 DEFINITIONS.

As used in this Chapter, the following definitions shall apply:

- (a) "Damage" means any injury to or destruction of a tree, including but not limited to uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials or any trauma caused by accident or collision.
- (b) "Boulevard" means the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.
- (c) "Public nuisance" means any tree on private property, or limb thereof, that has an infectious disease or insect; or threatens public health, safety, and welfare.

(d) "Park tree" means all trees, shrubs, bushes, and all other woody vegetation in public parks within the City having individual names or to which the public has free access as a park.

(e) "Public property" means all grounds owned and maintained by the City and all public rights of way.

(f) "Public trees" means all trees, shrubs, bushes, and all other woody vegetation located on public property, including, but not limited to park trees and street trees.

(g) "Street trees" means all trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either sides of all streets, avenues, or ways within the City.

(h) To "top" a tree or "topping" means an inappropriate technique to reduce tree size that cuts through a stem more than two years old at an indiscriminate location, such as between branches leaving a stub.

(i) Tree heights (at maturity) shall mean as follows: (1) "small trees" means trees 15-20 feet tall; (2) "medium trees" means trees between 21-40 feet tall; and (3) "large trees" means trees greater than 40 feet tall.

159.03 ADMINISTRATION AND ENFORCEMENT.

(a) The duty of administering and enforcing the provisions of this Tree Code is conferred upon the Public Service Director ("Director") or his designee.

(b) Subject to the provisions of this Tree Code, the Director shall have full authority and responsibility to plant, prune, maintain, and remove trees and woody plants growing in or upon public property in accordance with this Tree Code.

(c) The Director shall have the authority to promulgate and enforce such rules and regulations as he may determine to be necessary to supplement the Tree Code.

(d) It shall be the duty of all officers and employees of the City, and all departments, commissions and boards, to coordinate as may be necessary with the Director and provide services as required to ensure compliance with this Tree Code.

(e) No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in the administration and enforcement of this Tree Code.

159.04 TREE COMMISSION.

There is hereby created and established a Tree Commission for the City, which shall act in an advisory capacity to the Director and the City.

- (a) The Commission shall consist of seven members, all of whom shall be appointed at large by the Mayor with the approval of Council.
- (b) Tree Commission members shall be appointed for three-year staggered terms. In the event that a vacancy shall occur during the term of any member, the Mayor shall appoint a successor with the approval of Council for the unexpired portion of the term.
- (c) Tree Commission members shall serve without compensation.
- (d) The Tree Commission shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third person to serve as secretary.
- (e) The Tree Commission shall meet a minimum of four times each year. All meetings shall be open to the public. The Tree Commission chair may schedule additional meetings as needed.
- (f) The Tree Commission shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. A majority of the Tree Commission's members shall be a quorum for the transaction of its business.
- (g) The responsibilities and duties of the Tree Commission shall be as follows:
 - (1) Coordinate and promote Arbor Day activities.
 - (2) Create, review and update a five-year recommended plan to plant, care for, preserve, prune, replant, remove, and maintain trees on public property for the Director.
 - (3) Support public awareness and education programs relating to trees.
 - (4) Review City department concerns relating to tree care.
 - (5) Submit an annual report of its activities to the Director and City Council.
 - (6) Assist with the annual application to renew the Tree City USA designation.
 - (7) Recommend tree species for planting and tree species to be prohibited on public property.
 - (8) Review and decide requests by the Director or his designee for the removal of public trees.
 - (9) Other duties that may be assigned by the Director and/or the Mayor.

159.05 TREE PLANTING AND CARE STANDARDS.

- (a) All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (b) It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other public trees.

(c) The Director shall provide sufficient tree planting to keep pace with urban growth and offset tree removal.

(d) The Director shall increase species and age diversity to provide long-term stability; increase the proportion of large-statured trees for greater canopy effects; ensure proper compatibility between trees and planting sites to reduce sidewalk damage and conflicts with overhead utilities that lead to premature tree removal, disease and pest problems, or hazardous trees.

(e) No trees may be planted closer together than the following, except in special plantings designed or approved by a landscape architect: small trees, thirty feet; medium trees, forty feet; and large trees, fifty feet. No tree may be planted within the visibility triangle of a street intersection or within ten feet of a fire hydrant.

(f) No trees shall be planted over any underground water line, sewer line, transmission line, or other utility. No street trees other than those species listed as small trees may be planted under any overhead utility wire.

(g) The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

(h) The Director shall have the authority to remove public trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any public tree that is affected by fungus, insect, or other pest disease, or may pose a threat or risk of physical or economic harm to persons or to public or private property. Except in exigent circumstances, the Director shall first receive the approval of the Tree Commission before removing a public tree.

(1) No later than thirty days prior to the removal of a street tree, the Director shall send notice of the intent to remove the street tree to the owner of the property immediately adjacent to the street tree by regular U.S. mail to the last known address of the owner. Such notice shall state the reason for the removal of the tree, provide sufficient documentation establishing the need to remove the tree, and provide the name and telephone number of a representative from the City who the owner may call regarding the notice.

(2) No later than thirty days prior to the removal of a street tree, the Director shall cause a notice of the intent to remove the tree to be placed on a conspicuous place on the City's web page. Such Notice shall provide the telephone number of a representative from the City who the owner may call regarding the notice.

(3) Except in exigent circumstances, the Tree Commission shall not authorize the removal of more than one mature street tree on a City block in any one calendar year.

(i) The Director is authorized to trim or remove any tree or limb thereof on private property that poses an immediate threat to public health, safety, and welfare of persons or property on public property.

159.06 PRUNING; CLEARANCE

Every owner of any tree on private property overhanging any street, sidewalk, or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp, obstruct the view of any street intersection, or interfere with visibility of any traffic control device or sign, and so that there shall be a clear space of at least eight feet above the surface

of the street or sidewalk. Such owners shall remove any dead, diseased or dangerous tree, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune and/or trim any tree not in compliance with this section.

159.07 PROHIBITION AGAINST HARMING PUBLIC TREES.

(a) No private person, firm, or corporation, without prior permission from the Director or his agents, shall trim, cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on public property.

(b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

(c) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.

(d) No private person, firm or corporation may plant trees in the boulevard or on any public property.

159.08 CERTAIN TREES ON PRIVATE PROPERTY DECLARED A NUISANCE.

(a) The Director is authorized to declare any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; or that threatens public health, safety, and welfare, a public nuisance.

(b) Whenever the Director declares any tree, or limb thereof, on private property, a public nuisance, the Director shall determine the owner(s) of the property upon which the tree or limb is located pursuant to the records in the Office of the County Auditor of Fulton County, Ohio. Upon determination of the ownership, the Director shall cause a notice to be served upon such Owner(s) either personally or by certified mail at the usual place of residence, business or employment of such owner(s).

(c) The notice as set forth in subsection (b) hereof to the owner(s) of the property shall contain the following information:

(1) The findings with respect to the public nuisance.

(2) Steps necessary to abate the public nuisance.

(3) That unless the owner shall cause the abatement of the public nuisance within thirty calendar days after service of the notice, the City may take appropriate action to abate the nuisance at the expense of the owner.

(4) That the expense incurred may be certified to the tax duplicate of the individual property owners and addressed by the County Auditor and collected by the County Treasurer to satisfy the expense of abatement.

(5) That the owner(s) have a right to appeal the finding of a public nuisance to City Council pursuant to section 159.10 of this Chapter.

(d) Should any public nuisance not be abated at the expiration of the time stated in the notice or within such additional time as may be granted by the Director, the Director shall take such steps as are necessary to abate the public nuisance.

(e) In the event that the Director takes such steps as are necessary to abate the public nuisance, any expense, including cost of labor, incurred may be certified to the tax duplicate of the individual property owners and addressed by the County Auditor and collected by the County Treasurer to satisfy the expense of abatement. Nothing contained in this section, however, shall be construed to limit the City from pursuing any other method of collection or other remedy available to the City in law or in equity to recoup the expenses, including cost of labor, incurred in abatement.

159.09 TREES IN NEW SUBDIVISIONS

Subdivision regulations regarding tree planting in new subdivisions are set forth in Title One of Part Eleven—Planning and Zoning Code. Any deviation from these regulations shall be a violation of this Chapter.

159.10 APPEAL.

Any person may appeal any ruling or determination by the Director to City Council. Such appeal shall be taken by filing with the Clerk of Council, within seven calendar days after notice of the ruling or determination has been delivered to the Owner(s) as set forth in Section 159.08(b), a written statement setting forth fully the grounds for the appeal. Council shall set a time for a hearing on such appeal, which shall not be later than fourteen days after the Clerk of Council's receipt of the notice of appeal. Council shall issue a written ruling on the appeal within seven days following the hearing. Council's decision shall be final and binding on all parties.

159.11 CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this Chapter are repealed to the extent of such conflict.

159.12 SEVERABILITY.

If for any reason any one or more sections, sentences, clauses or parts of this Chapter shall be held to be invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Chapter which shall remain in full force and effect as if the offending provision did not exist.

159.99 VIOLATIONS; PENALITIES.

(a) Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

(b) Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offence.

(c) In addition to any fine that may imposed under this section, if any person or entity, as a result of the violation of any section of this ordinance, causes the injury, mutilation, or death of any tree, shrub, or other plant located on city owned property, said person or entity shall bear the cost of repair or replacement, or the appraised value of said tree, shrub, or other plant. The value of trees

and shrubs shall be determined in accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens*, as published by the International Society of Arboriculture.