

**ORDINANCE NO. 2015-11**

**AN ORDINANCE  
AMENDING SECTION 1153.07 OF THE CODIFIED  
ORDINANCES OF THE VILLAGE OF WAITE HILL,  
OHIO, TO ALLOW THE REMOVAL OF DEAD OR DYING  
TREES WITHOUT PRIOR APPROVAL OF THE ZONING  
ADMINISTRATOR.**

WHEREAS, Section 1153.07 of the Codified Ordinances requires the approval of the Zoning Administrator prior to cutting more than six (6) trees having a trunk caliper of six inches (6") or greater on any piece or parcel of land located in the Village; and

WHEREAS, Section 1153.07 of the Codified Ordinances requires the approval of the Zoning Administrator prior to the clear-cutting, timbering, selective cutting or commercial cutting of trees on any piece or parcel of land located in the Village; and

WHEREAS, this Council desires to amend Section 1153.07 of the Codified Ordinances to make clear that the Zoning Administrator does not need to approve the removal of dead or dying trees on any piece or parcel of land located in the Village, irrespective of the number of dead or dying trees that are being removed; and

WHEREAS, this ordinance was referred to the Planning and Zoning Commission for report and recommendation, and the Planning and Zoning Commission held a public hearing on this ordinance; and

WHEREAS, this Council has held a public hearing prior to the enactment of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:**

SECTION 1. That existing Section 1153.07, "Cutting of Trees," of Chapter 1153 "General Use Regulations," of the Codified Ordinances of Waite Hill, Ohio, is amended as follows:

**"1153.07 CUTTING OF TREES.**

(a) Definitions.

(1) As used in this Section, "timbering, selective cutting or commercial cutting" means the cutting of trees having a trunk caliper of six inches (6") or greater, measured at the diameter-at-breast-height.

(2) Clear-cutting, as used in this Section, means a system of tree harvesting that removes all the trees in a given area.

(3) "Dead," as used in this Section, means that the tree is obviously lifeless without any live leaves, needles, or buds in the late spring or summer season.

(4) "Dying," as used in this Section means that the tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of the infestation or disease to other trees. In the event of a dispute about whether trees are dying, the Village shall engage an arborist to assist the Village in evaluating the condition of trees that are proposed to be removed.

(b) Approval.

(1) No Zoning Administrator approval is required for the selective cutting of up to six (6) trees having a trunk caliper of six inches (6") or greater on any piece or parcel of land located within the Village during a calendar year.

(2) No Zoning Administrator approval is required for the removal of Dead or Dying trees.

~~(2)~~(3) Except as provided in subsections (b)(1) or (b)(2) of this section, there shall be no clear-cutting, timbering, selective cutting, or commercial cutting of trees on any piece or parcel of land located within the Village, unless an application for such has been approved by the Zoning Administrator, as further provided in this section.

(c) Clear-Cutting. Clear-cutting is prohibited, except to the extent necessary to clear a building site, yard, driveway and right-of-way providing access to the site from a public street, after approval has been given by the Zoning Administrator.

(d) Selective Cutting. Except as provided in subsections (b)(1) or (b)(2) of this section, selective cutting of timber shall be permitted under the following conditions, upon application to the Zoning Administrator:

(1) The Zoning Administrator, an arborist selected by the Village and the owner or his or her representative shall together inspect the wooded area to be selectively cut, to butt brand and paint stripe the specific trees to be cut.

(2) Only trees so branded and marked shall be cut. Each unauthorized cutting of an unmarked tree shall constitute a separate violation of this Zoning Code and shall constitute grounds for the immediate revocation of the approval to cut trees and/or any other permit issued.

(e) Applications. An application required by this Section shall be in writing and shall set forth in full the name and address of each owner of the premises upon which it is proposed to engage in the cutting of trees; the name and address of each person who shall engage in the cutting of trees on such premises, either under contract or any other arrangement with the owner; a copy of the contract covering such arrangement for the cutting of trees, or if there is no such contract reduced to writing, a succinct statement of the terms and provisions of such arrangement; and a legal description of the premises upon which such cutting of trees is proposed, or in lieu thereof a description of such premises which will adequately describe them so that they may be located on the plat map of the Village.

(f) Conditions of Approval; Performance Guarantee. The conditions under which applications shall be approved under this Section are as follows:

(1) Approval of an application for the cutting of trees shall not be given by the Zoning Administrator in any case where such cutting of trees would result in

interference with the natural water supply of the Village or any of the lots or lands therein, or if it would result in the undue erosion of the soil on such lots or lands.

(2) Approval of an application for the cutting of trees shall not be given by the Zoning Administrator unless and until adequate assurance is furnished by the applicant that if such approval is given and such cutting of trees is done, all of the cordwood, branches, brush, rubble and refuse resulting therefrom will be removed from the premises or cut up, chipped and placed on the forest floor in such a way that no fire hazard shall result therefrom.

(3) The Zoning Administrator is authorized to require the filing with the Village by the applicant of a performance guarantee, the penal sum of which shall be in an amount which the Zoning Administrator reasonably estimates will be sufficient to pay the cost and expense of the clean-up operation.

(4) The performance guarantee hereinabove provided for shall be signed by the owner of the premises concerned and by each of the persons with whom arrangements have been made for the cutting of the trees under contract or otherwise as principals, and by such sureties as the Zoning Administrator shall deem sufficient.”

SECTION 2. That existing Section 1153.07 of the Codified Ordinances of Waite Hill, Ohio, and any ordinances in conflict herewith, are repealed.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2015

\_\_\_\_\_  
Council President

Submitted to the Mayor for  
his approval on this  
\_\_\_\_\_ day of \_\_\_\_\_, 2015

Approved by the Mayor

ATTEST:

\_\_\_\_\_, 2015

\_\_\_\_\_  
Clerk-Treasurer

\_\_\_\_\_  
Mayor