

**ORDINANCE NO. 26-2022 (AMENDED)**

**INTRODUCED BY: Council as a Whole and Mayor James Graven**

**AN ORDINANCE AMENDING PART TWO –  
ADMINISTRATION CODE, TITLE EIGHT – BOARD AND  
COMMISSIONS CHAPTER 280 – SHADE TREE  
COMMISSION AND DECLARING AN EMERGENCY**

**WHEREAS**, it is deemed appropriate and necessary to update the city’s codified ordinances regarding the Shade Tree Commission composition of the board and powers and duties. Now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** That Chapter 280 is hereby amended to read as shown on Exhibit “A” attached hereto and incorporated herein by reference; specifically, Sections 280.01, adopted by Ord. 36-91 on 6/11/91 and 280.03 adopted by Ord. 71-85 on 12/23/85.

**SECTION 2.** All prior legislation inconsistent with this legislation in whole or in part are hereby repealed to the extent necessary to avoid conflict with this legislation.

**SECTION 3.** Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the further reason that it is immediately necessary to update the Codified Ordinance to be in compliance with the City Charter. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

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*Cornel Munteanu, President of Council*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*James Graven, Mayor* *Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Andrew D. Bemer, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

	Yea	Nay
Munteanu	_____	_____
Chitester	_____	_____
Jones	_____	_____
McFadden	_____	_____
Wolanin	_____	_____
Buchholz	_____	_____
Saari	_____	_____

**Exhibit “A”  
“AMENDED”**

**March 14, 2023**

PART TWO – ADMINISTRATION CODE  
TITLE EIGHT – BOARDS AND COMMISSIONS

280.01 ESTABLISHMENT; COMPOSITION; COMPENSATION OF MEMBERS.

(a) There is hereby established a Shade Tree Commission in and for the City, which shall consist of ~~five~~ **three (3)** members, appointed by the Mayor and confirmed by Council, ~~all of whom~~ shall be residents of the City but not a member of any other board or commission of the City. The term of office shall be five years with the terms of the first Commission to expire on December 31 of 1986, 1987 and 1988, respectively. (Ord. 36-91, Passed 6-11-91)

(b) In addition to the appointed members of the Commission, one member of Council, who shall be appointed by the President of Council, and the ~~Maintenance Supervisor,~~ **Service Director, City Arborist, City Planner, and City Engineer,** all shall be ex-officio members and shall meet with and advise the Commission but shall not have the right to vote.

(c) Members of the Commission shall serve without remuneration, other than the regular salary, if any, provided for the City officials and employees who are ex-officio members.  
(Ord. 71-85. Passed 12-23-85.)

280.02 OFFICERS; PROCEDURES.

The officers of the Shade Tree Commission shall be a Chairman, a Vice-Chairman and a Recording Secretary, who shall be elected annually by the Commission from its membership. The Commission may adopt rules of procedure and hold such meetings, either regular or special, as it may deem necessary to carry on its work.  
(Ord. 71-85. Passed 12-23-85.)

280.03 PROGRAM; GUIDELINES; BUDGET; OTHER DUTIES.

(a) The program of the Shade Tree Commission is to study, formulate and develop plans for the placing, planting and preservation of trees and shrubs in the streets of, and on public property owned by, the City.

(b) To effect regulation of the planting, maintenance and removal of trees and shrubs in the streets of, and on public property owned by, the City, the Commission shall establish and may subsequently amend, subject to ratification by Council, guidelines for the sizes, types and species of trees and shrubs it determines are suitable for specified locations. Arboricultural specifications and standards of practice and a Master Street Tree Plan may constitute such guidelines.

(c) Once established, such guidelines shall govern the planting of trees as provided for in Chapter 1228, Appendix C, Paragraph (C) of the Subdivision Regulations. The Planning Commission shall refer the part of the improvement plan pertaining to the street trees of any subdivision to the Shade Tree Commission for its approval. As an alternative, the developer may request the Commission to develop the street tree plan and/or plant the trees with all costs to be paid by the developer. To ensure the planting of such street trees, a bond shall be posted by the developer, in such amount as determined by Council upon recommendation of the Commission.

~~(d) The Commission shall prepare a budget for the funds the City may designate or receive to implement plans for the placing, planting and preservation of trees and shrubs in the streets of, and on public property owned by, the City.~~

(d) The Service Director can provide to the commission, if requested, the fiscal year's budget or remaining funds. The Service Director can inform the commission to the prioritization of the funds towards tree removal, tree trimming, and the replanting of new tree's within the City's public right-of-way.

(e) The Commission shall act as trustee for any property, assets or funds donated to the City for the planting or preservation of trees and shrubs, whether or not the donor has designated the Commission as such trustee. The Commission is hereby conferred the powers and duties necessary to carry out the purposes of the trust.

(f) The Commission may publish and distribute pertinent educational materials to residents of the City. Any costs incurred by such an effort are subject to approval by Council.

~~(g) Where requested to do so, the Commission may advise residents of the City as to the placing, planting and removal of trees and shrubs on their private property.~~

(g) When requested to do so, the Commission may advise other Boards and Commissions as to its recommendations for the placing, planting, and removal of trees and shrubs related to said applicant. The Commission shall issue its findings to the requesting Board or Commission no later than thirty (30) calendar days after said Board or Commission's request for advice.

(Ord. 71-85. Passed 12-23-85.)