



DAVID RHODES
NEWARK CITY
DIRECTOR OF PUBLIC SERVICE

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CITY OF NEWARK TREE TRIMMING

NOTICE TO PROPERTY OWNERS

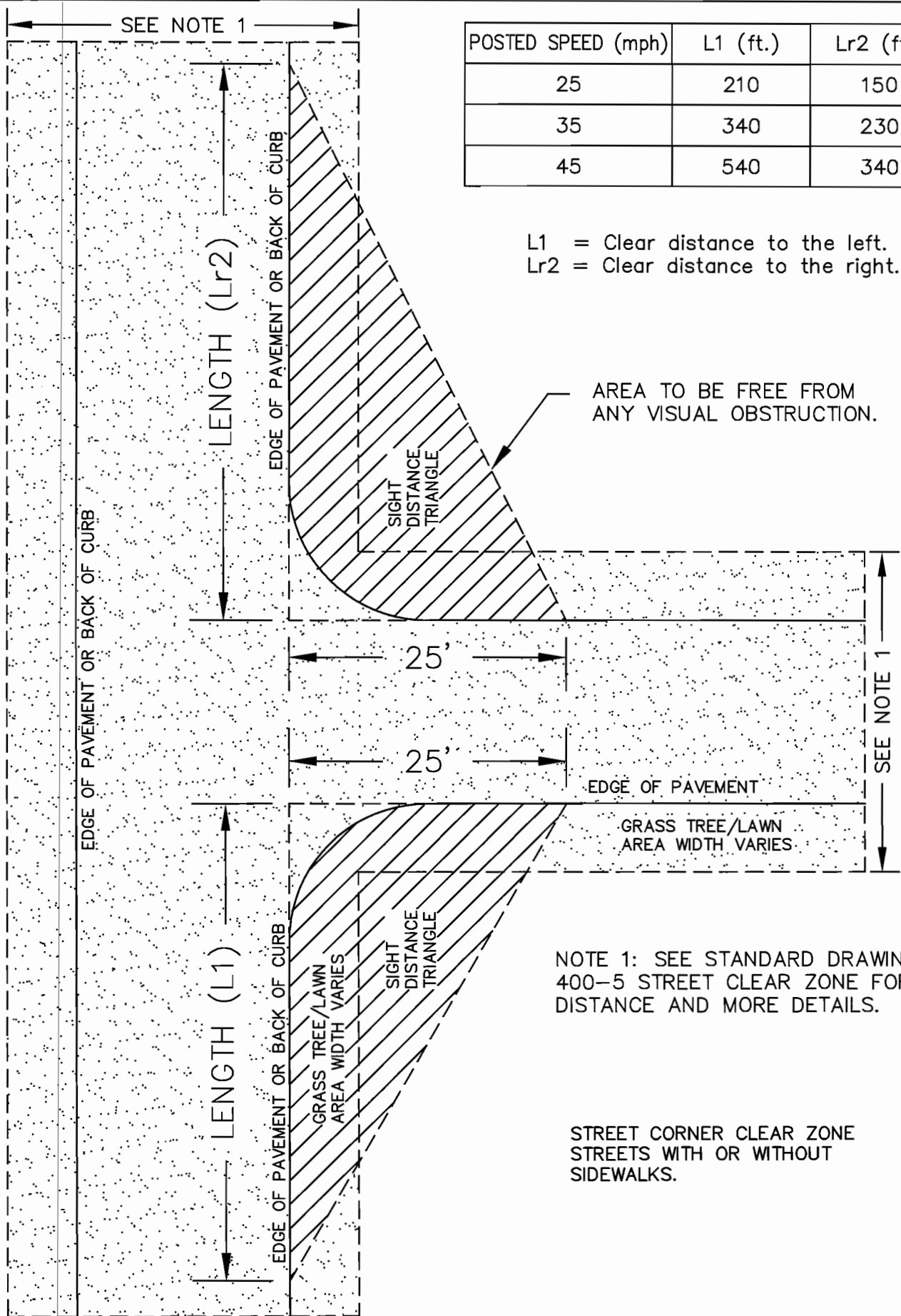
Beginning August 1, 2017, the City of Newark will increase its enforcement efforts regarding traffic visibility obstructions. Traffic visibility obstructions caused by plant and tree overgrowth (low-hanging limbs, plant materials, and shrubs) that are interfering with street lights, signs, fire hydrants, alleys, sidewalks, or intersections, may result in code enforcement upon the property owner. Therefore, property owners are asked to trim shrubs and trees next to streets and alleys so that minimum overhang distances are as follows:

- Tree overhang (from sidewalk, vertical to the lowest growth) is at least eight (8) feet above the sidewalk.
- Tree overhang (from improved roadway, vertical to the lowest growth) is at least (16) sixteen feet above the street.

Please note, Right-of-Way Permits (free-of-charge) must be obtained prior to trimming by streets and alleys. Tree ordinances, diagrams, and a Right-of-Way Application, are located on the City's website at www.newarkohio.net under Hot Topics. Right-of-Way Permit questions should be directed to the City of Newark Engineering Department by calling (740)670-7727 Monday through Friday 8:00am to 4:30pm. For further information regarding tree trimming code enforcement, or to report a visibility issue, please call the City of Newark Streets/Traffic Department at (740)670-7740 Monday through Friday 7:00am to 3:30pm.

POSTED SPEED (mph)	L1 (ft.)	Lr2 (ft.)
25	210	150
35	340	230
45	540	340

L1 = Clear distance to the left.
Lr2 = Clear distance to the right.



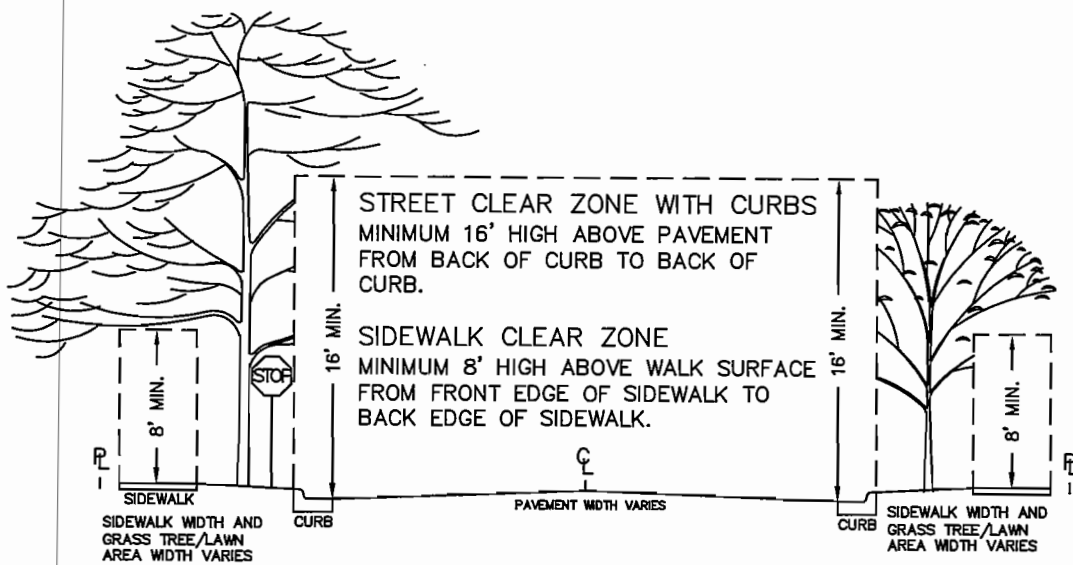
NOTE 1: SEE STANDARD DRAWING 400-5 STREET CLEAR ZONE FOR DISTANCE AND MORE DETAILS.

STREET CORNER CLEAR ZONE
STREETS WITH OR WITHOUT
SIDEWALKS.

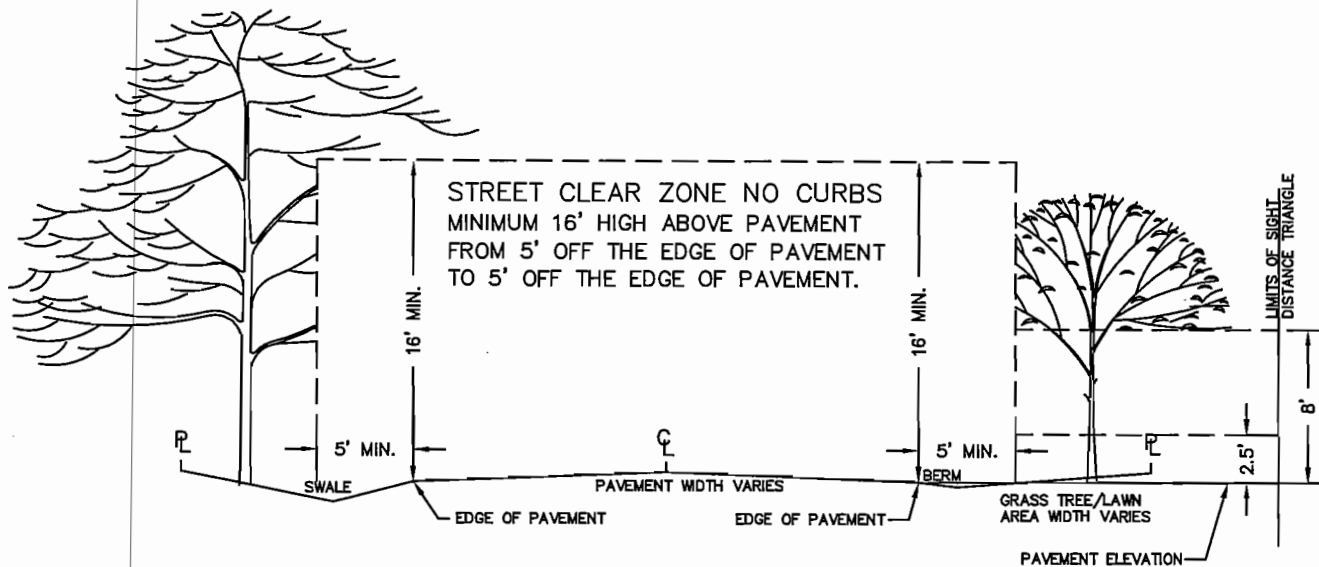
CITY OF NEWARK, OHIO
DIVISION OF ENGINEERING

STANDARD DRAWING 400-6
CORNER SIGHT DISTANCE

3-07
KELLEY
REVISED
3-07 KELLEY



CURBED STREETS OR ALLEYS



UNCURBED STREETS OR ALLEYS

NOTE: SEE STANDARD DRAWING 400-6 CORNER SIGHT DISTANCE FOR DETAILS ON STREET CORNER CLEAR ZONES.

CITY OF NEWARK, OHIO
DIVISION OF ENGINEERING

STANDARD DRAWING 400-5
STREET CLEAR ZONE

3-07
KELLEY
REVISED
3-07 KELLEY



City of Newark, Ohio
Department of Public Service, Division of Engineering
PERMIT FOR THE USE OF PUBLIC RIGHT-OF-WAY

PERMIT # _____

Applicant Name: _____

Applicant Address: _____ Phone No: _____

E-Mail: _____ Fax No: _____

A permit is requested to use _____ at the following exact location of
(Street Name)
_____ for a period beginning at _____ am/pm on _____
(Address, Location) (Time) (Date)
and ending at _____ am/pm on _____ for the following purpose:
(Time) (Date)

The use described above will involve the following:

- Close the Street Close _____ lane(s) of traffic Close Alley
(Direction & number)
- Close Sidewalk(s) on _____ side(s) of the street.
(Direction, One, Both)
- Restrict Parking on _____ side(s) Parking Space # _____
(Direction, One, Both)
- Operate oversize/overweight vehicle on the street: ODOT Special Hauling Permit # _____

Will any work require cutting a sidewalk or street pavement? Yes No (if Yes, see Page 2)

Concrete Placement – Curb / Sidewalk / Driveway – Call Engineering (740-670-7727) to schedule inspection of forms prior to placing concrete.

The following materials and information are attached to this permit request:

- Construction Drawings Traffic Control or Detour Plan Route of convoy
- Other (please explain): _____
- Estimated Completion Date: _____

I/We the undersigned do hereby state that the information provided herein and contained on any attachments are true and accurate to the best of my/our knowledge. I/We agree to abide by all laws, standards, regulations, ordinances of the City of Newark and the State of Ohio. I/We understand that failure to comply with the above may result in revocation of this permit. I/We accept all and full liability for my/our work and/or actions.

_____ _____
Applicant's Signature Date

The permit is hereby approved for the request as submitted upon the conditions set forth on this form and as stated on the second page of this application.

Permit Expires: _____
Date

City Engineer

Date: _____

Director of Public Service

Date: _____

Original to Applicant

CC: Service Director Safety Director Engineer Water Admin Street/Traffic Control
 Police Fire

The following items shall be considered as a condition of this permit and failure to comply will be reason for revocation and/or other penalties as determined by City Ordinances:

1. Traffic control shall be per the Ohio Manual of Uniform Traffic Control Devices, latest edition, and other applicable sections of the Ohio Revised Code and Codified Ordinances of the City of Newark, Ohio. The contractor shall provide, erect and remove all signs, barricades and other necessary traffic control devices to warn and/or detour traffic around construction work. All traffic control shall be in place prior to any work activities.
2. Street pavement and sidewalk replacement, including trench fill material shall conform to the standards and specifications of the City current on the date of approval of this permit. The City Engineer shall determine the thickness and composition of the pavement.
3. The applicant shall notify all utilities and the Ohio Utilities Protection Service (1-800-362-2764) no less than 48 hours prior to any excavation activities. (ORC 153.64)
4. The applicant shall restore all areas disturbed by his/her operations to their original, or better condition, insofar as practical.
5. It is the applicant's responsibility to contact the Newark Police Department (740-670-7200) and to pay any applicable fees for special duty law enforcement officers. A minimum of 72 hours notice is required.
6. A copy of this permit must be placed on site during the hours of activity that was stated on the permit application.
7. Special Permit Conditions:

The following phone numbers are provided for your convenience:

Newark City Departments

Public Utilities

Service Director.....740-670-7702
Safety Director740-670-7713
City Engineer..... 740-670-7727
Police Department..... 740-670-7200
Street Department..... 740-670-7734
Traffic Control..... 740-670-7737
911 Center..... 740-349-6758

The Energy Cooperative.....1-800-255-6815
Windstream.....1-800-362-2764
Columbia Gas.....1-800-344-4077
Time Warner Cable.....1-800-934-4181
American Electric Power....1-800-362-2764
Ohio Utilities Protection Service
1-800-362-2764 (Free Service)

BY Ellington Kennedy Wible Michael Henderson Michael Henderson Rauch

AN ORDINANCE TO AMEND SECTION 1028 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, TO MODIFY PROVISIONS FOR THE REMOVAL OR TRIMMING OF ANY TREE, SHRUB OR OTHER PLANTING WHEN SUCH REMOVAL WILL BE BENEFICIAL TO THE PUBLIC HEALTH OR PUBLIC SAFETY; AND DECLARING AN EMERGENCY.

WHEREAS, the Traffic Control Division, hereinafter called Traffic Control, within the Department of Public Service, has been entrusted with the responsibility for the identification of tree, shrub or other planting located upon or above a public that constitute a hazard to public health or public safety; and

WHEREAS, Traffic Control, when such identification indicates that removal or trimming will be beneficial to the continued public health or public safety, has been responsible for the notification of the property owner on whose property the offending tree, shrub or other planting is located and advise the property owner(s) of his/her responsibility to remove or trim the offending tree, shrub or other planting; and

WHEREAS, not all property owner(s) so notified have complied with the requirement to trim or remove the offending tree, shrub or other planting; and

WHEREAS, such failure to comply causes the continued public health or public safety to be at risk and causes the City of Newark to be at risk due to the failure to cause compliance with the requirement to trim or remove the offending tree, shrub or other planting; and

WHEREAS, the Service Committee of Newark City Council considered this ordinance amendment on September 25, 2006 and recommended that it be considered by the full Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT ORDINANCE CHAPTER 1028 TREES, SHRUBS, AND PLANTS BE AMENDED AS SET FORTH BELOW;

1028.001 DEFINITIONS.

- (k) "Shrubs" shall mean any low woody plant having several stems but no single trunk and being planted singularly or in groups.
- (i) "Other plantings" shall mean any type plant or vegetation having no permanent woody stem, including flowers and ornamental grasses, and of no specific height.

1028.01 TREES, SHRUBS OR OTHER PLANTINGS; DUTY OF OWNER TO TRIM

No owner of any tree, shrub or other plantings located between the property line and the curb line of the street shall permit any over-growth to extend over any part of the traveled portion of the street or sidewalk. Such trees, shrubs or other plantings shall be trimmed (including removal of limbs, branches, etc.) by the owner so that the growth is not less than eight feet above the surface of the sidewalk. The owner shall also remove all dead or dangerous

portions of such tree, shrub or other plantings and shall cut down and remove any tree, shrub or other plantings so located that are dead or decayed.

NOTICE TO TRIM; EQUITABLE REMEDY.

(a) The Director of Public Service shall cause to be published in one newspaper in the City, sometime during the first three months of each year, a notice to property owners to trim trees, shrubs or other plantings in accordance with Section 1028.01. (1969 Code Sec. 95.22)

(b) No change to this.

1028.03 PLANTING AND TRIMMING PERMIT REQUIRED.

change wording to read...."cut or otherwise disturb any tree, shrub or other planting in any public place without first".....

1028.04 REMOVAL REQUIRED.

Add...."of the abutting property the removal of all or any part of any tree, shrub or other planting, which, in his judgment".....

1028.05 AUTHORITY OF DIRECTOR TO TRIM OR REMOVE

- (a) The Director of Public Service is hereby authorized to remove or trim or cause to be removed or trimmed any tree, shrub or other plantings located upon or above a public place when such removal will be beneficial to the public health or safety or for public improvements.
- (b) When in the opinion of the Director of Public Service or his/her designee, such tree, shrub or other plantings constitutes an immediate threat to public health or safety, the Director of Public Service or his/her designee is hereby authorized to immediately remove or trim or cause to be removed or trimmed the offending tree, shrub or other plantings without prior notification of the property owner. A door hanging tag shall be left on the main entry door of the premises where the immediate work has been done, if accessible. If it is determined the property owner is not the occupant of the home, a separate letter stating the nature of the work performed at no expense to the property owner shall be mailed to the property owner at his/her home address.
- (c) When in the opinion of the Director of Public Service or his/her designee such tree, shrub or other plantings does not constitute an immediate threat to public health or safety, the Director of Public Service or his/her designee is hereby authorized to advise the occupant(s) of the property on which the offending tree, shrub or other plantings is located, of the need to remove or trim by placing a door hanging tag on the main entry door of the premises, if accessible. The Director of Public Service or his/her designee shall then follow up within five (5) working days by mail notification to the property owner of the requirement for trimming or removal and the reason for such request. The property owner shall be permitted fifteen (15) calendar days from the date of the mailed notification to comply with the requirement for trimming or removal. Should the property owner fail to comply by the end of the fifteenth

An emergency is declared to exist to preserve the health, safety and welfare of the inhabitants of the City of Newark. Therefore, this Resolution shall be effective immediately as provided in Article 4.07 of the Charter of the City of Newark.

(15th) calendar day, the Director of Public Service or his/her designee shall cause such work to be performed by either City of Newark personnel or by a professional service. The property owner shall be billed by the Director of Public Service, at a rate to be determined and published yearly in conjunction with Section 1028.02(a) public notification requirements.

- (d) Collection methods for failure to pay any billed charges shall be governed under the laws set forth in the ORC.
- (e) The Director of Public Service may, at his/her discretion, waive the requirements of 1028.05(b) and 1028.05(c) in the event the proper authorities declare a public emergency or state of emergency. In the event such an emergency is declared, the City of Newark may elect to absorb the cost of trimming or removal.

1028.07 POWERS OF NEWARK TREE COMMISSION.

Add in (a)"for the care, selection, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs and other plantings in public ways, streets".....

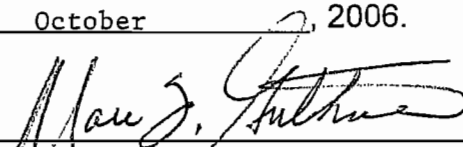
1028.09 ABUSE OR MUTILATION OF PUBLIC TREES, SHRUBS OR OTHER PLANTINGS.

Add...."no person shall intentionally damage, cut, carve, transplant or remove any tree or shrub or other planting(s); attach any rope, wire, nails, advertising posters or other contrivance to any tree or shrub or other planting(s); allow any gaseous liquid or solid substance which is harmful to such trees or shrubs or other planting(s) to come into contact with them; or set any fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub or other planting(s)."

1028.10 and 1028.11

Add....or other planting(s) to any reference to trees or shrubs.

Adopted this 2nd day of October, 2006.

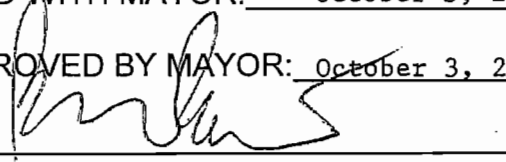


PRESIDENT OF COUNCIL

ATTEST: 
CLERK OF COUNCIL

DATE FILED WITH MAYOR: October 3, 2006

DATE APPROVED BY MAYOR: October 3, 2006



MAYOR

FORM APPROVED: 

DIRECTOR OF LAW

1028.01 TREES, SHRUBS OR OTHER PLANTINGS; DUTY OF OWNER TO TRIM

No owner of any tree, shrub or other plantings located between the property line and the curb line of the street shall permit any overgrowth to extend over any part of the traveled portion of the street or sidewalk. Such trees, shrubs or other plantings shall be trimmed (including removal of limbs, branches, etc.) by the owner so that the growth is not less than eight feet above the surface of the sidewalk. The owner shall also remove all dead or dangerous portions of such tree, shrub or other plantings and shall cut down and remove any tree, shrub or other plantings so located that are dead or decayed. (1969 Code Sec. 95.20) (Ord. 06-53. Passed 10-2-06.)

1028.02 NOTICE TO TRIM; EQUITABLE REMEDY.

Page 2 of 7

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(a) The Director of Public Service shall cause to be published in one newspaper in the City, sometime during the first three months of each year, a notice to property owners to trim trees, shrubs or other plantings in accordance with Section 1028.01.

(1969 Code Sec. 95.22)

(Ord. 06-53. Passed 10-2-06.)

(b) If the owner of any tree fails to comply with Section 1028.01 by May 1 of each year, or with Section 1028.04 within a reasonable time after order, the Director shall cause such work to be done, at the expense of the property owner. Such remedy shall be in addition to the penalty in Section 1028.99.

1028.03 PLANTING AND TRIMMING PERMIT REQUIRED.

No person shall plant, set out, move, spray, brace, trim, perform surgery on, cut or otherwise disturb

any tree, shrub or other planting in any public place without first obtaining a work permit from the

Director of Public Service as provided for in Chapter 1022.

(Ord. 74-40. Passed 6-3-74; Ord. 06-53. Passed 10-2-06.)

1028.04 REMOVAL REQUIRED.

The Director of Public Service may require of the owner of the abutting property the removal of all

or any part of any tree, shrub or other planting, which, in his judgment, endangers the public good. No

person shall fail to comply with an order made under this section.

(1969 Code Sec. 95.24)(Ord. 06-53. Passed 10-2-06.)

1028.05 AUTHORITY OF DIRECTOR TO TRIM OR REMOVE.

(a) The Director of Public Service is hereby authorized to remove or trim or cause to be removed or trimmed any tree, shrub or other plantings located upon or above a public place when such removal

will be beneficial to the public health or safety or for public improvements.

(b) When in the opinion of the Director of Public Service or his or her designee, such tree, shrub or other plantings constitutes an immediate threat to public health or safety, the Director of Public Service or his or her designee is hereby authorized to immediately remove or trim or cause to be removed or trimmed the offending tree, shrub or other plantings without prior notification of the property owner. A door hanging tag shall be left on the main entry door of the premises where the immediate work has been done, if accessible. If it is determined the property owner is not the occupant of the home, a separate letter stating the nature of the work performed at no expense to the property owner shall be mailed to the property owner at his or her home address.

(c) When in the opinion of the Director of Public Service or his or her designee such tree, shrub or other plantings does not constitute an immediate threat to public health or safety, the Director of Public Service or his or her designee is hereby authorized to advise the occupant(s) of the property on which the offending tree, shrub or other plantings is located, of the need to remove or trim by placing a door

Page 3 of 7

<http://www.amlegal.com/alpscripts/get-content.aspx> 3/29/2011

hanging tag on the main entry door of the premises, if accessible. The Director of Public Service or his or her designee shall then follow up within five working days by mail notification to the property owner of the requirement for trimming or removal and the reason for such request. The property owner shall be permitted fifteen calendar days from the date of the mailed notification to comply with the requirement for trimming or removal. Should the property owner fail to comply by the end of the fifteenth (15th) calendar day, the Director of Public Service or his or her designee shall cause such work to be performed by either City of Newark personnel or by a professional service. The property owner shall be billed by the Director of Public Service, at a rate to be determined and published yearly in conjunction with Section 1028.02(a) public notification requirements.

(d) Collection methods for failure to pay any billed charges shall be governed under the laws set forth in the ORC.

(e) The Director of Public Service may, at his or her discretion, waive the requirements of 1028.05

(b) and 1028.05(c) in the event the proper authorities declare a public emergency or state of emergency.

In the event such an emergency is declared, the City of Newark may elect to absorb the cost of trimming or removal.

(f) If a property owner who has been notified by the manner prescribed in subsection (c) hereof objects to Traffic Control's determination that a tree, shrub or other planting located on their property constitutes a public health or public safety hazard, the property owner may appeal Traffic Control's determination to the Property Maintenance Review Committee. The property owner shall provide written notice of their appeal by mail, facsimile, hand-delivery or email to the Department of Public Service no later than the fifteenth calendar day after the date of the Department of Public Service's mailed notification sent pursuant to subsection (c) hereof. The notice of appeal shall clearly state the property owner's objection(s) to Traffic Control's determination. Failure to provide the written notice of appeal by the fifteenth calendar day waives property owner's right to appeal Traffic Control's determination. Timely received appeals shall be assigned a hearing date within thirty calendar days of the Department of Public Service's receipt of said notice. In its discretion, the Property Maintenance Review Committee may schedule a hearing date more than thirty calendar days after the Department of Public Service's receipt of the written notice of appeal. After considering the appeal and hearing applicable testimony, the Property Maintenance Review Committee shall issue an order upholding, modifying or reversing Traffic Control's determination. The Property Maintenance Review Committee's order shall be made in writing within fifteen calendar days following the hearing. The Property Maintenance Review Committee's decision shall be considered a final determination of the matter. This appeals procedure does not apply to tree trimmings or removals conducted to correct conditions posing an immediate threat to public health or public safety pursuant to subsection (b) hereof. (Ord. 74-40. Passed 6-3-74; Ord. 06-53. Passed 10-2-06; Ord. 07-17. Passed 4-16-07.)