

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## ORDINANCE NO. 2023-34

By: Councilwoman Mary K. Brown Sponsor: Councilwoman Coble; Councilman Zacharyasz

### AN ORDINANCE

**AMENDING ORDINANCE NO. 2023-30 WHICH ESTABLISHED A NEW PROGRAM FOR THE PAYMENT OF LIMITED REIMBURSEMENT TO HOMEOWNERS IN THE CITY OF BERA WHO PLANT A TREE OR TREES IN THE CITY-OWNED TREE LAWN AREA AND/OR YARD IN FRONT OF THEIR HOMES, TO REVISE THE MINIMUM DIMENSIONS OF TREES THAT WILL QUALIFY FOR REIMBURSEMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, in Ordinance No. 2023-30, the Council of the City of Berea re-established a program for the payment of limited reimbursement to homeowners planting trees in City-owned tree lawns and/or in front yard areas; and

**WHEREAS**, the submission of the Ordinance by the Administration to the Clerk of Council for placement on Council's agenda, inadvertently included a version of Section 7 that had been changed during the editing process by the Director of Public Service and members of the Shade Tree Commission; and

**WHEREAS**, it is necessary to amend Section 7 of Ordinance No. 2023-30 to properly reflect the intent of the Administration and Shade Tree Commission regarding the minimum dimensions for trees that will qualify for limited reimbursement.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That Section 7 of Ordinance No. 2023-30, approved by this Council on June 20, 2023, which states:

Section 7. That the trees to be planted pursuant to this program shall measure a caliper of at least six (6) inches above grade level.

**shall be and is hereby amended to read as follows:**

Section 7. That the trees to be planted pursuant to this program shall measure a minimum of one and a half (1.5) inches measured at a point, six (6) inches above grade level.

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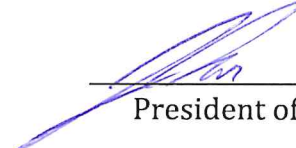
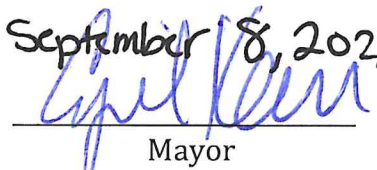
**SECTION 2.** That the remainder of Ordinance No. 2023-30 is reaffirmed and remains in full force and effect.

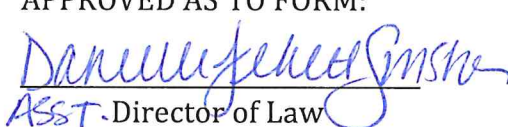
**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that homeowners should have the ability to plant trees and seek reimbursement in accordance with this policy and during the current growing season. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: September 5, 2023

ATTEST:   
Clerk of Council

  
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President of Council  
APPROVED: September 8, 2023  
  
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Mayor

APPROVED AS TO FORM:  
  
ASST. Director of Law