



City of Independence
Engineering Department
6335 Selig Drive, Independence, OH 44131-5045
Phone: (216)- 524-1374
ENGINEERING@INDEPENDENCEOHIO.ORG

TREE CLEARING

COMMERCIAL:

RESIDENTIAL:

JOB SITE Name: _____ Phone: _____

Address & Suite #: _____

CONTRACTOR Name: _____ Phone: _____

Address: _____ City/St/Zip: _____

Email: _____

Per Section 797.03 and 797.05 of Chapter 797 of Codified Ordinances, "Commercial Timbering and Clear Cutting":
(See reverse)

\$250.00 Permit Fee - **OR** - \$50.00 Permit Fee

\$10,000.00 Bond

Before and after topographical survey map (site plan) of the property, showing which trees will be removed. Include a detailed plan outlining: erosion control measures, sedimentation control, cleanup procedures, after-care and providing for an appropriate buffer area of natural screening

Legal description of the property.

Specified hours permitted for this work: _____

Designated streets for tree removal: _____

Any other reasonable conditions determined by the City Engineer: _____

Start Date: _____

Duration: _____

PERMIT NUMBER: _____

797.01 DEFINITIONS

As used in this chapter:

- (a) "Commercial timbering operation" means the cutting of trees, bearing a trunk diameter of not less than twelve inches, as measured at one-half the distance between the ground and the first branch, for the purpose or with the intent of offering such trees for sale, or selling or exchanging such trees for consideration or anything of value.
- (b) "Clear-cutting" means the removal of trees and other vegetation from a site in preparation for the development of such site.
(Ord. 1983-35. Passed 5-8-84.)

797.02 PERMIT REQUIRED: EXEMPTIONS.

No property owner, lessee, agent, employee, corporation, or other person shall clear-cut or engage in any commercial timbering operation within the City without first obtaining a permit therefore from the Inspector of Buildings. However, no such permit shall be required for clear-cutting for any development for which site plans, plats or improvement drawings have been approved by the Planning Commission and/or Council. In addition, no such permit shall be required for the removal of ten or fewer trees within any consecutive twelve-month period in either of the following cases:

- (a) From a residential lot containing an existing residential structure; or
- (b) For construction of a new residential structure on a single residential lot for which a building permit has been issued, even if such trees are sold or offered for sale or other consideration.
(Ord. 1983-35. Passed 5-8-84.)

797.03 PERMIT APPLICATION

Any person requesting a permit, as required by this chapter, shall make an application to the Inspector of Buildings in writing, listing or accompanied by:

- (a) The name and address of each owner of the premises upon which the commercial timbering operation or clear-cutting will occur;
- (b) The name and address of the party who or which will undertake the commercial timbering operation or clear-cutting;
- (c) A detailed plan or sketch of the area to be commercially timbered or clear-cut;
- (d) A legal description of the property;
- (e) A before and after topographical survey map of the property;
- (f) A detailed plan outlining erosion control measures, sedimentation control, cleanup procedures and after-care and providing for an appropriate buffer area of natural screening; and
- (g) A cash or surety bond, in such form as approved by the Law Director, in favor of the City, in the amount of ten thousand dollars (\$10,000), signed by the owner of the premises upon which the commercial timbering operation or clear-cutting is to be conducted and each of the persons or other legal entities with whom arrangements have been made for such commercial timbering or clear-cutting.

The application fee for such permit shall be two hundred fifty dollars (\$250.00) and shall be paid to the Inspector of Buildings with the application. Where more than ten trees are being cut from a residential lot containing an existing residential structure, the application fee shall be fifty dollars (\$50.00).
(Ord. 1983-35. Passed 5-8-84.)

797.05 GRANTING OF PERMIT

A permit shall be granted if the Inspector of Buildings finds, in regard to such proposed commercial timbering operation or clear-cutting, that:

- (a) The requested operation and/or any earth removal or change of grade associated with such operation will not result in undue erosion or undue stream siltation and contiguous or adjacent properties will not be adversely affected.
- (b) Adequate assurances have been provided by the applicant that all of the cordwood, branches, brush, rubble and refuse resulting from the requested operation will be removed from the premises or cut up, chipped or mulched and placed on the forest floor in such a way that no fire hazard will result therefrom.
- (c) The requested operation will comply with all Federal and State laws and these Codified Ordinances, including, but not limited to, the requirements of Chapters [1351](#) and [1352](#) of Part Thirteen - the Building Code.
- (d) The bond required by Section [797.03](#) has been posted.
- (e) The requested operation will not tend to create a nuisance.

If a permit is granted, the Inspector of Buildings shall specify the hours during which the requested operation may be conducted, designate the streets, if any, which may be used for the hauling of timber and provide for such other controls, such as the prevention of mud on streets, as are necessary to ensure a clean and safe timbering operation. He or she shall see that all of the provisions of these Codified Ordinances regarding use of City streets are complied with, and he or she will inspect the operation to ensure compliance with the permit and all conditions attached to it.

In granting such permit, the Inspector of Buildings shall also include as conditions any recommendations of the City Engineer pursuant to Section [797.04](#) and/or such other reasonable conditions as may be necessary to satisfy the criteria of this chapter and to protect the public peace, health, safety and welfare.
(Ord. 1983-35. Passed 5-8-84.)

797.06 RELEASE OF BOND

The bond specified in Section [797.03](#) shall not be returned or released until such time as all provisions of this chapter and all conditions of the permit have been satisfactorily complied with, as determined by the Inspector of Buildings, including, but not limited to, clean-up operations and flood, sediment and erosion control measures.

(Ord. 1983-35. Passed 5-8-84.)

797.99 PENALTY; EQUITABLE REMEDIES

(a) Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred dollars (\$100.00). For a second or any subsequent offense, such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time. A separate offense shall be deemed committed each day during or on which a violation continues.

(b) In addition to the penalty provided in subsection (a) hereof, the Inspector of Buildings may revoke any permit issued by him or her pursuant to Section [797.05](#) and may also, at his or her discretion, institute and maintain, in the name of the Municipality, an appropriate action at law or in equity to restrain any violation of this chapter.

(Ord. 1983-35. Passed 5-8-84.)