

Port Clinton City Council  
Laws, Rules, and Ordinances Committee  
for Tuesday, March 22, 2016, 6:30 p.m.  
Meeting Notes

Call to Order: 6:30 p.m., City Hall Conference room

In attendance: Councilmen Beth Gillman, Jerry Tarolli, and Margaret Phillips, chairman

Community members/Others: None

Discussion/Action Topics:

Notes from Discussion/Action Topics:

Continuation of the present Tree Commission Ordinance discussion from last month. After much discussion the committee proposed the following first draft; changes made at the 3/22 meeting are notated in red and italicized . . .

557.19 Removal or mutilation of trees

No person without express permission of the *city* tree commission shall cut down, destroy, girdle, remove or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land. *Trees may be removed by filing an application for a permit for removal with the City Tree Commission and obtaining such permit in writing. Applications shall be available in the City's Safety-Service Director's office. Any violation of the section will result in a penalty as described in section 557.99. (Can we add this to this section?)*

557.99 PENALTY.

Whoever violates or refuses to comply with any provision of this chapter is guilty of a minor misdemeanor. Every person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any such provision is committed or continued.

*Original penalty (but think we can get that to say \$250 plus treble damages):*

557.99 PENALTY. *Every person, firm or corporation who violates or refuses to comply with any provision of this chapter is subject to a fine of not more than \$500 per incident.*

*Can we have this (\$500) fine, or do we need to keep it as the ORC 901.51 reads and have it be a minor misdemeanor as in section 901.99?*

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Discussion to continue at the April 26<sup>th</sup> meeting.

Motion to adjourn by Councilman Tarolli, second by Councilman Gillman, 7:10 p.m.

*Next month's meeting:* →April 26, 2016, 6:30 p.m., City Hall Committee Room

From Ohio Revised Code:

901.51 Injuring vines, bushes, trees, or crops on land of another.

No person, without privilege to do so, shall recklessly cut down, destroy, girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land.

In addition to the penalty provided in section [901.99](#) of the Revised Code, whoever violates this section is liable in treble damages for the injury caused.

Effective Date: 01-01-1974

From Ohio Revised Code:

901.99 Penalty.

- (A) Whoever violates section [901.51](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.
- (B) Whoever violates section [901.75](#) or division (C) of section [901.73](#) of the Revised Code is guilty of a misdemeanor of the first degree.
- (C) Whoever violates division (A) of section [901.76](#) of the Revised Code is guilty of a felony of the fifth degree on a first offense and of a felony of the fourth degree on each subsequent offense.
- (D) Whoever violates division (B) of section [901.76](#) of the Revised Code is guilty of a felony of the fourth degree.
- (E) Whoever violates division (B) of section [901.511](#) of the Revised Code is guilty on a first offense of a misdemeanor or a felony that is one degree higher than the penalty for the most serious underlying specified offense that is involved in the violation. However, if on such an initial violation the penalty for the most serious underlying specified offense is a felony of the first degree, the violator is guilty of a felony of the first degree.

On each subsequent violation of division (B) of that section, the violator is guilty of a misdemeanor or a felony that is two degrees higher than the penalty for the most serious underlying specified offense that is involved in the subsequent violation. However, if on such a subsequent violation the penalty for the most serious underlying specified offense is a felony of the first or second degree, the violator is guilty of a felony of the first degree.

As used in this division, "specified offense" has the same meaning as in section [901.511](#) of the Revised Code, and "most serious underlying specified offense" refers to the underlying specified offense that carries the highest maximum penalty.

- (F) Whoever violates division (C) of section [901.511](#) of the Revised Code is guilty of a felony of the third degree.

Effective Date: 07-01-1996; 10-13-2004