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BILL NO. G-11-08-08

General Ordinance No. G- 31-11

**AN ORDINANCE AMENDING SECTION 99.140
OF THE FORT WAYNE CODE OF
ORDINANCES**

WHEREAS, the Emerald Ash Borer has caused extensive devastation to Fort Wayne's tree canopy;

WHEREAS, white ash has been listed in City Code as a permitted street tree variety;

WHEREAS, there are numerous trees determined to be appropriate for restoration of our City's glorious tree canopy;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. Chapter 99 of the Municipal Code of Ordinances is hereby amended to delete Section 99.140, Paragraphs (A) and (B) VARIETY OF TREES PERMITTED TO BE PLANTED ALONG STREETS, in its entirety and replaced with the following:

**§99.140 VARIETY OF TREES PERMITTED TO BE PLANTED
ALONG STREETS.**

(A) The following varieties of trees may be planted along specified streets, namely: Norway maple, crimson king maple, summer shade maple, sugar maple, red maple, freeman maple, hackberry, American linden, little leaf linden, tulip poplar, paul scarlet thorn, red oak, pin oak, white oak, scarlet oak, swamp white oak, shingle oak, English oak, Heritage oak, Regal Prince oak, Chinquapin oak, European hornbeam, American hop hornbeam, Espresso Kentucky coffee tree, sweet gum, sunburst or imperial locust, ginkgo (male), Bloodgood London plane tree, Princeton American elm, Valley Forge American elm, New Harmony American elm,

1 Japanese Zelkova, sycamore and other trees as permitted by the Board of Park
2 Commissioners ('74 Code § 30-5).

3 (B) The planting of trees other than those listed in §99.140(A) is
4 prohibited along any street except by permission of the Board of Park
5 Commissioners. ('74 Code, §30-6).

6 **SECTION 2.** That the City is directed to take all action necessary and
7 proper for the implementation of this Ordinance.

8 **SECTION 3.** That this Ordinance shall be in full force and effect from and
9 after its passage and any and all necessary approval by the Mayor, but shall expire,
10 unless action is taken to extend it, three (3) years after it becomes effective.

11
12 

13 _____
14 Mitch Harper, Council Member

15
16 APPROVED AS TO FORM AND LEGALITY

17 
18 _____
19 Joseph G. Bonahoom, City Council Attorney

1 **BILL NO. G-11-08-08**

2 **General Ordinance No. G- 31-11**

3
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5 **OF THE FORT WAYNE CODE OF**
6 **ORDINANCES**

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8 Wayne's tree canopy;

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11 WHEREAS, there are numerous trees determined to be appropriate for
12 restoration of our City's glorious tree canopy;

13 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
14 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

15 **SECTION 1.** Chapter 99 of the Municipal Code of Ordinances is hereby
16 amended to delete Section 99.140, Paragraphs (A) and (B) VARIETY OF TREES
17 PERMITTED TO BE PLANTED ALONG STREETS, in its entirety and replaced
18 with the following:

19 **§99.140 VARIETY OF TREES PERMITTED TO BE PLANTED**
20 **ALONG STREETS.**

21 (A) The following varieties of trees may be planted along specified
22 streets, namely: Norway maple, crimson king maple, summer shade maple, sugar
23 maple, red maple, freeman maple, hackberry, American linden, little leaf linden,
24 tulip poplar, paul scarlet thorn, red oak, pin oak, white oak, scarlet oak, swamp white
25 oak, shingle oak, English oak, Heritage oak, Regal Prince oak, Chinquapin oak,
26 European hornbeam, American hop hornbeam, Espresso Kentucky coffee tree, sweet
27 gum, sunburst or imperial locust, ginkgo (male), Bloodgood London plane tree,
28 Princeton American elm, Valley Forge American elm, New Harmony American elm,
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1 Japanese Zelkova, sycamore and other trees as permitted by the Board of Park
2 Commissioners ('74 Code § 30-5).

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4 prohibited along any street except by permission of the Board of Park
5 Commissioners. ('74 Code, §30-6).

6 **SECTION 2.** That the City is directed to take all action necessary and
7 proper for the implementation of this Ordinance.

8 **SECTION 3.** That this Ordinance shall be in full force and effect from and
9 after its passage and any and all necessary approval by the Mayor, but shall expire,
10 unless action is taken to extend it, three (3) years after it becomes effective.

11
12 

13 _____
14 Mitch Harper, Council Member

15
16 APPROVED AS TO FORM AND LEGALITY

17 
18 _____
19 Joseph G. Bonahoom, City Council Attorney

Read the first time in full and on motion by Didier and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 2011, at _____ o'clock _____ M..E.S.T.

DATED: 8-9-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Didier placed on its passage. PASSED LOTT and duly adopted, by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	_____	_____	_____	<u>✓</u>
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 8-23-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. D-31-11 on the 23rd day of August, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of August, 2011, at the hour of 2:00 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of August 2011, at the hour of 9:26 o'clock A M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

1 **BILL NO. G-11-08-08**

2 **General Ordinance No. G- 31-11**

3
4 **AN ORDINANCE AMENDING SECTION 99.140**
5 **OF THE FORT WAYNE CODE OF**
6 **ORDINANCES**

7 WHEREAS, the Emerald Ash Borer has caused extensive devastation to Fort
8 Wayne's tree canopy;

9 WHEREAS, white ash has been listed in City Code as a permitted street tree
10 variety;

11 WHEREAS, there are numerous trees determined to be appropriate for
12 restoration of our City's glorious tree canopy;

13 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
14 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

15 **SECTION 1.** Chapter 99 of the Municipal Code of Ordinances is hereby
16 amended to delete Section 99.140, Paragraphs (A) and (B) VARIETY OF TREES
17 PERMITTED TO BE PLANTED ALONG STREETS, in its entirety and replaced
18 with the following:

19 **§99.140 VARIETY OF TREES PERMITTED TO BE PLANTED**
20 **ALONG STREETS.**

21 (A) The following varieties of trees may be planted along specified
22 streets, namely: Norway maple, crimson king maple, summer shade maple, sugar
23 maple, red maple, freeman maple, hackberry, American linden, little leaf linden,
24 tulip poplar, paul scarlet thorn, red oak, pin oak, white oak, scarlet oak, swamp white
25 oak, shingle oak, English oak, Heritage oak, Regal Prince oak, Chinquapin oak,
26 European hornbeam, American hop hornbeam, Espresso Kentucky coffee tree, sweet
27 gum, sunburst or imperial locust, ginkgo (male), Bloodgood London plane tree,
28 Princeton American elm, Valley Forge American elm, New Harmony American elm,

1 Japanese Zelkova, sycamore and other trees as permitted by the Board of Park
2 Commissioners ('74 Code § 30-5).

3 (B) The planting of trees other than those listed in §99.140(A) is
4 prohibited along any street except by permission of the Board of Park
5 Commissioners. ('74 Code, §30-6).

6 **SECTION 2.** That the City is directed to take all action necessary and
7 proper for the implementation of this Ordinance.

8 **SECTION 3.** That this Ordinance shall be in full force and effect from and
9 after its passage and any and all necessary approval by the Mayor, but shall expire,
10 unless action is taken to extend it, three (3) years after it becomes effective.

11
12 

13 _____
14 Mitch Harper, Council Member

15
16 APPROVED AS TO FORM AND LEGALITY

17 
18 _____
19 Joseph G. Bonahoom, City Council Attorney

Read the first time in full and on motion by Didier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 2011, at _____ o'clock _____ M..E.S.T.

DATED: 8-9-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Didier placed on its passage. PASSED LOST and duly adopted, by the following vote.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	_____	_____	_____	<u>✓</u>
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 8-23-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. D-31-11 on the 23rd day of August, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Mitchell Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of August, 2011, at the hour of 2:00 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of AUGUST 2011, at the hour of 9:20 o'clock A M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

1 **BILL NO. G-11-08-08**

2 **General Ordinance No. G- 31-11**

3
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5 **OF THE FORT WAYNE CODE OF**
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14 Mitch Harper, Council Member

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16 APPROVED AS TO FORM AND LEGALITY

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19 Joseph G. Bonahoom, City Council Attorney

Read the first time in full and on motion by Didier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____, 2011, at _____ o'clock _____ M.E.S.T.

DATED: 8-9-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Didier placed on its passage. PASSED ~~LOST~~ and duly adopted, by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	_____	_____	_____	<u>✓</u>
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 8-23-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. D-31-11 on the 23rd day of August, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of August, 2011, at the hour of 2:00 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of August 2011, at the hour of 9:30 o'clock A. M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR