

CHAPTER 40 - TREE REGULATIONS

3.21 Definitions. As used in this Chapter, the following words shall have the meanings set forth in this section:

- (1) "Street" shall mean all of the land lying between property lines on either side of all streets, highways and boulevards in the City.
- (2) "Park" shall include all public parks having individual names and all areas owned by the City or to which the public has free access as a park.
- (3) "Tree" unless the context clearly indicates otherwise, means trees, shrubs, bushes and all other woody vegetation.
- (4) "Prohibited Species" shall mean any tree of the species of poplar (*Populus Sp.*), willow (*Salix Sp.*) and box elder (*Acer Negundo*).
- (5) "Department" shall mean the Department of Public Works of the City. The word "Superintendent" shall mean the Superintendent of Public Works.
- (6) The terms of this Chapter, unless otherwise specifically stated herein, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the City.

3.22 Departmental Responsibility. The Department shall be charged with the duty of enforcing the provisions of this Chapter under the supervision of the Superintendent.

3.23 Permits for Tree Planting, Care, Removal. The Superintendent shall have control over all trees located within the street right-of-way and parks in the City and the planting, care and removal thereof, subject to the regulations contained in this Chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the Superintendent, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of abutting property requests the removal of a tree, the Superintendent is authorized, in his discretion, to require as a

condition to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the Department, assume all or any part of the costs of removing such tree, and also to require that the tree removed be replaced at some other nearby location by planting another tree, not necessarily of the same type. No person shall plant any tree of a prohibited species.

3.24 Tree Protection. No person shall, without authority, break, injure, mutilate, kill or destroy any tree or shrub, or set any fire or permit any fire, or the heat thereof, to injure any portion of any tree. No person, owning or using, or having control or charge of gas or other substance deleterious to tree life, shall allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant, so as to kill or destroy or injure such tree, shrub or plant. No person shall attach or keep attached to any tree or shrub or to the guard or stake intended for the protection of such tree or shrub, any rope, wires, chains, signs or other device whatsoever, except for the purpose of protecting it or the public.

3.25 Public Tree Care. The Department shall have the right to plant, trim, spray, preserve, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety or to preserve the symmetry and beauty of such public grounds. The Superintendent may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers or other public improvements or is affected with any injurious fungus, insect or other pest.

3.26 Private Grounds. The Superintendent shall also have power to enter upon any private grounds in the City and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary, in his opinion, to do so to prevent the breeding or scattering of any parasite or animal pests, to prevent danger therefrom to trees and shrubs planted in public streets or other public places, and whenever, in the opinion of the Superintendent, trimming, treatment or removal of any such tree or shrub located on private grounds shall be deemed wise, he shall have the power to trim, treat or remove any such tree or shrub or cause the same to be removed, treated or trimmed.

3.27 Inspection. The Superintendent is authorized to inspect any tree within the City reported or supposed to be infected with the Dutch Elm disease or the virus disease Phloem Necrosis commonly known as "Elm Blight". If upon such inspection the Superintendent determines that such tree is infected with either of said diseases, he shall, if the tree is in any public street, ground or place within this City, immediately remove and burn the same in such manner as to prevent as fully as possible the spread of such disease. If such tree is located on private property, said Superintendent shall immediately serve upon the owner of such property a written notice that such tree is so infected and that the same must be removed and burned under the supervision of the Superintendent within five (5) days of the service of said notice. If such owner cannot be found, a copy of said notice shall be posted upon said infected tree. If said tree is not so removed and burned within five (5) days after the service or posting of said notice, the Superintendent shall cause said tree to be so removed and burned. The cost of said removal and burning may be collected from the owner of said property in the manner specified in Section 1.212 of this Code.

3.28 Trimming and Corner Clearance. Every owner of any tree overhanging any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign, such trimming to be confined to the area above the right-of-way. All shrubs and bushes located on the triangle formed by two (2) right-of-way lines at the intersection of two (2) streets and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines on any corner lot within the City shall not be permitted to grow to a height of more than thirty (30) inches above the sidewalk grade in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Any owner of any property failing to trim any trees, shrubs or bushes in conformity with this section shall be notified by the Superintendent to do so and such notice

shall require trimming in conformity with this section within five (5) days after the date of such notice. Upon the expiration of such period, the Superintendent may cause the trimming to be done and the cost thereof may be collected from the owner of said property in the manner specified in Section 1.212 of this Code.

3.29 Interference with Superintendent. It shall be unlawful for any person to prevent, delay or interfere with the Superintendent or any of his employees, agents or servants while engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plants, or shrubs in or upon any public highway or public place or upon any private grounds as authorized in this Chapter.

3.30 Rules and Regulations. The City Administrator may make additional rules and regulations pertaining to the planting, removal and care of trees, bushes and shrubs not inconsistent with the provisions of this Chapter, subject to approval by the City Commission. No person shall fail to obey any such rule or regulation.
