

CHAPTER 99: TREE PROTECTION

Section

- 99.01 Definitions
- 99.02 Creation and Establishment of a City Tree Board
- 99.03 Term of office; compensation of Board; operation
- 99.04 Duties and responsibilities
- 99.05 Tree planting regulations 99.06 City authorized to plant, maintain, remove
- 99.07 Tree maintenance; rights of city
- 99.08 Interference with Board prohibited
- 99.09 Arborist's license established; bond; fee
- 99.10 Review by City Council; appeal

- 99.99 Penalty

§ 99.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"PARK TREES." Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

"STREET TREES." Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.
(Ord. 1994-8, passed 5-17-94)

§ 99.02 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD.

There is hereby created and established a City Tree Board for the city which shall consist of five (5) members, citizens, and residents of this city who shall be appointed by the Mayor with the approval of the City Council.
(Ord. 1994-8, passed 5-17-94)

§ 99.03 TERM OF OFFICE.

(A) The term of the five (5) persons to be appointed by the Mayor shall be three (3) years except that the term of two (2) of the members appointed to the first Board shall be for only one year, and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(B) Members of the Board shall serve without compensation.
(Ord. 1994-8, passed 5-17-94)

§ 99.04 OPERATION OF BOARD.

(A) It shall be the responsibility of the Board to study, investigate, counsel, develop, administer, and update annually a written

plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. The plan will be presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city.

(B) The Board, when requested by the City Council, shall consider, investigate, make findings, report, and recommend upon any special matter of question coming within the scope of its work.

(C) The Board shall choose its own officers, makes its own rules and regulations, and keep a journal of its findings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 1994-8, passed 5-17-94)

§ 99.05 TREE PLANTING REGULATIONS.

(A) Street Tree species. The Tree Board will formulate an official Street Tree species list for the city. The list of allowable species shall be broken down into categories of small, medium, and large trees. No species other than those included in this list may be planted as Street Trees without the written permission of the City Tree Board.

(B) Spacing. The spacing of Street Trees will be in accordance with the three (3) species classes referred to in subsection (A) and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet, except in special plantings designed or approved by a landscape architect.

(C) Distance from curb and sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in subsection (A) and no trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

(D) Distance from street corners and fireplugs. No Street Tree shall be planted closer than twenty (20) feet of any street corner, measured from the point nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet of any fireplug. (Ord. 1994-8, passed 5-17-94)

§ 99.06 CITY AUTHORIZED TO PLANT, MAINTAIN, REMOVE.

The city shall have the right to plant, prune, maintain, 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 public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board 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, electric power lines, gas lines, water lines, or other public

improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter.
(Ord. 1994-8, passed 5-17-94)

§ 99.07 TREE MAINTENANCE; RIGHTS OF CITY.

(A) Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this section at the determination of the City Tree Board.

(B) Pruning, corner clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune 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 sidewalk. 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 prune any trees 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.

(C) Dead or diseased tree removal on private property. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
(Ord. 1994-8, passed 5-17-94; Am. Ord. 2010-04, passed 5-18-10)

§ 99.08 INTERFERENCE WITH BOARD PROHIBITED.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park trees, or trees on private grounds, as authorized in this chapter.
(Ord. 1994-8, passed 5-17-94)

§ 99.09 ARBORISTS LICENSE ESTABLISHED; BOND; FEE.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$25,000 for bodily injury and \$10,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 1994-8, passed 5-17-94)

§ 99.10 REVIEW BY CITY COUNCIL; APPEAL.

The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

(Ord. 1994-8, passed 5-17-94)

§ 99.99 PENALTY.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilt, subject to a fine not to exceed \$500.

(Ord. 1994-8, passed 5-17-94)