

## ARTICLE III - Trees

### Sec. 7-3-10. - Purpose.

The purpose of this Article is to establish policies for planting, maintenance and removal of trees, and to establish the position of City Forester.

(Ord. 01-06 Art. 2)

### Sec. 7-3-20. - Definitions.

For purposes of this Article, the following terms shall have the meanings indicated:

*Park trees* means trees, shrubs, bushes and all other woody vegetation in public parks and open space, all areas owned by the City and private/special district-owned parks to which the public has free access.

*Street trees* means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets or rights-of-way within the City.

(Ord. 01-06 Art. 3; Ord. 04-17 §1)

### Sec. 7-3-30. - City Forester.

- (a) There is hereby established the position of City Forester, which shall be appointed by the City Council by separate instrument.
- (b) The City Forester shall be compensated in an amount as may be determined by the City Council.
- (c) The City Forester shall be responsible for investigating, developing and administering a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, open space, along streets and in other public areas. Such plan shall be reviewed periodically by the City Council, and upon their acceptance and approval, the plan shall constitute the official City Tree Care Plan. In addition, upon the request of the City Council, the City Forester shall investigate, report and make findings and recommendations regarding any special matter within the scope of the City Forester's duties.
- (d) The City Forester, or other person designated by the City Council, shall be responsible for the coordination of annual Arbor Day celebrations/activities, and will act as City liaison to any area Arbor Day committees.

(Ord. 01-06 Arts. 4-6)

### Sec. 7-3-40. - Street tree species, spacing and location.

- (a) Specific species of trees permitted for use as street trees within the City shall be submitted to the City Forester for review and approval prior to planting. The quantity and spacing of street trees shall also be submitted to the City Forester for review and approval.
- (b) The distance that trees shall be planted from curbs or curblines and sidewalks adjacent to rights-of-way shall be subject to review and approval by the City Forester prior to planting.
- (c) The location of street trees at street corners, adjacent to fire hydrants, and in relation to existing overhead utility lines or utility easements of record shall be subject to review and approval by the City Forester prior to planting.

(Ord. 01-06 Art. 7)

Sec. 7-3-50. - Public tree care, removal and planting.

- (a) The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-way lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) The City may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sanitary or storm sewer lines, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.
- (c) This Article does not prohibit the planting of street trees by adjacent private property owners, provided that the selection and location of said trees is in accordance with Section 7-3-40 above.

(Ord. 01-06 Art. 8)

Sec. 7-3-60. - Tree topping.

It shall be discouraged as a normal practice for any person or City agent or representative 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, disease, insects or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical, may be exempted from this Article.

(Ord. 01-06 Art. 9)

Sec. 7-3-70. - Pruning; corner clearance.

At the written request of the City, an 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 light 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. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The City shall have the right to prune 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 the visibility of any traffic control device or sign.

(Ord. 01-06 Art. 10)

Sec. 7-3-80. - Dead or diseased tree removal on private property.

- (a) The City shall have the right to remove or cause to be removed any dead or diseased trees on private property within the City limits, when such trees are determined to constitute a hazard to life and property, or to harbor insects or disease which constitute a potential threat to other trees within the City. The City Forester shall issue a notice to the owners of any such trees. Such notice shall be delivered by certified mail, return receipt requested. Said notice shall state the condition that constitutes a violation, and order that the trees be removed. Removal shall be performed by said owners at their own expense within sixty (60) days of the date of the written notice. In the event of the failure of an owner to comply with such provisions, the City shall have the authority to remove or cause to be removed such trees. All costs incurred by the City pursuant to this Article shall be

assessed against the owner or against the owner's property. Such costs shall include, but shall not be limited to, administrative and legal expenses.

- (b) Upon removal of any dead or diseased tree by the City, the City shall issue notice of all costs and expenses associated with the removal. The notice shall include copies of all related invoices. The owner shall have thirty (30) days from the date of the notice to remit payment of all costs and expenses. Failure to remit full payment within thirty (30) days shall result in the City pursuing alternative collection remedies permitted by law, including placing a lien on the property on which the tree was located, and/or initiation of a suit for damages in which the City may seek payment of all expenses, associated fees and costs, including but not limited to, administrative and legal fees.

(Ord. 01-06 Art. 11)

Sec. 7-3-90. - Removal of stumps.

All stumps of street or park trees shall be removed to a point that is below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 01-06 Art. 12)

Sec. 7-3-100. - Interference with City.

It is unlawful for any person to prevent, delay or interfere with the City or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removal of any street trees, park trees or trees on private property as authorized in this Article.

(Ord. 01-06 Art. 13; Ord. 04-17 §1)

Sec. 7-3-110. - Penalty.

- (a) Any person violating any provision of this Article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred dollars (\$100.00).
- (b) If, as the result of the violation of any provision of this Article, the injury, mutilation or death of a tree, shrub or other plant located on City-owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the cost of plant materials of the same size and species available at local nurseries or garden supply centers.

(Ord. 01-06 Art. 14)