

CHAPTER 37

TREE CODE

37-1-1 DEFINITIONS.

"STREET TREES" are herein defined as 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.

"PARK TREES" are herein defined as 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.

"SMALL TREES" are those up to **twenty-five (25) feet** in height.

"MEDIUM TREES" are those trees between **twenty-five (25) to fifty (50) feet** in height at maturity.

"LARGE TREES" are **fifty (50) feet** and up in height.

37-1-2 STREET TREES TO BE PLANTED. The City Superintendent will determine the species of trees to be planted annually.

37-1-3 SPACING. The spacing of Street Trees will be in accordance with the **three (3)** size classes listed in **Section 37-1-1** of this Code, 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.

37-1-4 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)** size classes listed in **Section 37-1-1** of this Code, 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**.

37-1-5 DISTANCE FROM STREET CORNERS AND FIREPLUGS. No Street Trees shall be planted closer than **thirty-five (35) feet** of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than **ten (10) feet** of any fireplug.

37-1-6 UTILITIES. No Street Tree other than Small Trees may be planted under or within **ten (10) lateral feet** of any overhead utility wire, or over or within **five (5) lateral feet** of any underground water line or sewer line.

37-1-7 PUBLIC TREE CARE. 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 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 Code.

37-1-8 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 exempted from this Code at the determination of the City.

37-1-9 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. 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 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 visibility of any traffic control device or sign.

37-1-10 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 will notify in writing the owners of such trees. Removal shall be done by said 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 owners property tax notice.

37-1-11 REMOVAL OF STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

37-1-12 INTERFERENCE WITH CITY. It shall be 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 removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Code.

37-1-13 LICENSE. Any tree work on City Street Trees or Park Trees shall be done under the direction of the City Superintendent.

37-1-14 PENALTY. Any person violating any provision of this Chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed **Five Hundred Dollars (\$500.00).**

(Ord. No. 06-12; 04-24-06)
[See Section 1-1-20 for applicable penalty.]