

CHAPTER 4 - TREES AND SHRUBS

SECTION

9-4-1 - CONTROL

The Municipal authorities are hereby provided full and complete control over all trees, grass, shrubs and flowers which are outside the property line of privately owned real property and real property not owned by the City.

9-4-2 - PLANTING, MAINTENANCE OR REMOVAL

It shall be unlawful to plant, prune, remove or otherwise disturb any trees, shrubs or flowers in any parkway outside of the sidewalk line on any street or public way or on any City property in the City without having secured a permit therefor. Applications for permits shall be made in writing to the City Forester.

9-4-3 - OBSTRUCTION OR ENCROACHMENT

Any owner or occupant of any real property shall trim all trees and/or shrubs on property owned or occupied by him, overhanging any public thoroughfares, so that the branches thereon will not interfere with pedestrian or vehicular travel. The owner or occupant shall cause the same to be removed within ten days of notification from the City Forester, to such owner or occupant.

9-4-4 - ABUSE, MUTILATION OR INJURY

No person, without lawful authority, shall willfully injure, deface, disfigure, cut, carve, transplant, remove, destroy, attach any rope, wire, nail, advertising posters, election posters or other contrivance to any tree, shrub, grass or flower, allow any gaseous liquid, chemical or solid substance which is harmful to such trees, shrubs, grass and flowers to come in contact with them; or set fire to, or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree, shrub, grass or flower, located on any public place or thoroughfare.

9-4-5 - REMOVAL OF HAZARDOUS AND/OR DEAD TREES AND LIMBS

Any owner or occupant of any real property shall remove any hazardous, dead or dying trees or hazardous, dead or dying limbs dangerous to life, limb or property located upon the premises of such owner of property within ten days whenever required to do so by notice from the City Forester served upon the owner or occupant of such property.

(Ord. No. 2009-107, 12-21-2009)

9-4-6 - PROTECTION

All trees along any street or on other publicly owned property near any excavation or construction of any building, structure or street construction, repair or improvement, shall be guarded so as to avoid all injury to the trunk, crown and unnecessary injury to the root system of the tree. Building materials, soil or other debris shall not be placed on City property in the root zone area of the City-owned trees, as determined by the City Forester. Persons, firms, corporations, and utility companies, when installing underground systems on City property, shall protect the root zone areas of City-owned trees by auguring the root zone area as follows:

(Tree diameter [DBH] measured at 4.5' above the ground)

0 - 2" D.B.H. Auger 1 foot from face of tree in all directions.

3 - 4" D.B.H. Auger 2 feet from face of tree in all directions.

5 - 9" D.B.H. Auger 5 feet from face of tree in all directions.

10 - 14" D.B.H. Auger 10 feet from face of tree in all directions.

15 - 19" D.B.H. Auger 12 feet from face of tree in all directions.

19" and over D.B.H. Auger 15 feet from face of tree in all directions.

New driveway and widening construction (not replacements) shall be placed at least 10 feet from the trunk of City owned trees, or at the discretion of the City Forester.

9-4-7 - INTERFERENCE

No person shall hinder, prevent, delay or interfere with a City official engaged in the execution or enforcement of this Chapter; provided, however, that nothing herein shall prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Municipality.

9-4-8 - VIOLATION AND PENALTY

- A. Any person violating or failing to comply with any of the provisions of this Chapter, other than Sections 9-4-4 and 9-4-11, shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum of no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
- B. Any person violating or failing to comply with any of the provisions of Section 9-4-4 or 9-4-11 shall be required to pay the cost of removal and replacement of damaged parkway trees and shall be fined a minimum of five hundred dollars (\$500.00) per diameter inch, as defined by Section 15-18-9, of the tree removed.

(Ord. No. 2009-107, 12-21-2009)

9-4-9 - TREE PLANTING REQUIRED AT NEW CONSTRUCTION

Any application for any building permit for any residential construction in excess of 1,000 square feet, and any new business or institutional construction, and any additional construction at any business or institutional structure increasing the bulk thereof shall, in addition to any other fee, be subject to a fee for planting of parkway trees. The amount of the fee shall be determined by the City Forester in accordance with the following:

- A. The fee shall be the City's actual cost of acquiring and planting not less than one tree for each 30 linear feet of parkway at the subject property unless the City Forester shall determine in accordance with generally accepted forestry standards that the subject property cannot accommodate such trees; provided, however, that in the case of residential construction which consists of an addition to an existing residential building the fee shall be equal to that charged for three-inch diameter trees under the City's "Share-the-Cost" reforestation program.
- B. The trees shall be of a species determined by the City Forester to be appropriate for the particular location and shall be of a diameter not less than three inches measured six inches above the ground.

9-4-10 - CONSERVATOR OF THE PEACE

The City Forester and Forester are hereby designated conservators of the peace.

9-4-11 - PRUNING BY UTILITIES

- A. Whenever any utility company having overhead facilities in public rights-of-way or in utility easements on private property in the City shall receive a permit to conduct scheduled, non-emergency pruning of trees in such rights-of-way or easement, the company shall carry out that pruning in accordance with standards set forth by the International Society of Arboriculture in its publication "Tree-Pruning Guidelines 1995" and the current ANSI A300 Integrated Vegetation Management Standard which is hereby adopted and incorporated into this Code.
- B. Permitted pruning may be conducted at any time of the year, except as follows:
 - All species of elms shall not be pruned from March 1 through October 31.
 - All species of red oak shall not be pruned from April 1 through November 1.
- C. Before a permit will be issued, an arborist certified by the International Society of Arboriculture and representing the utility company, shall meet with the City Forester, together inspect each tree to be pruned, and agree on the manner of pruning each tree.
- D. Prior to conducting any scheduled, non-emergency pruning, a utility company shall notify owners of property adjoining the area to be pruned not less than seven days prior to commencing work. Notification shall be by door hanger or other writing, placed securely at the main entrance of the property.

(Ord. of 12-1999; Ord. No. 2009-107, 12-21-2009)