

CHAPTER 94: TREES AND SHRUBS

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GENERAL PROVISIONS

§ 94.01 DEFINITIONS.

For the purpose 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, 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.

§ 94.02 CONFLICTING PROVISIONS.

Where the provisions of this chapter conflict or are inconsistent with any other ordinance or code provision of the city, the provisions of this chapter shall supersede except in instances where one provision is more restrictive than another, in which case the more restrictive shall apply.

REGULATIONS**§ 94.15 PLANTING.**

(A) *Street tree species to be planted; spacing and distance from curbs.*

(1) Only species deemed suitable for the city's hardiness zone will be considered for new plantings. A list of suitable tree species will be kept by the Utilities Superintendent with consultation of area nursery professionals and forestry and conservation agency staff members.

(2) Spacing of suitable trees will be determined either with professional landscape assistance or in accordance with approved plans. The planting of trees lying between any lot line and curb line shall be supervised by the Utilities Superintendent. Property owners desiring to plant one or more trees on the boulevard shall contact the office of the Utilities Superintendent and request that the proposed locality of the trees be investigated. If the location will permit the normal growth and development of each tree, is consistent with existing plants in the immediate vicinity, and will present no interference with any utility wire, water line, sewer line, transmission line, or other utility line or hazards to traffic or pedestrian safety, the planting will then be recommended by the Utilities Superintendent or other authorized person.

(B) *Distance from street corners, fireplugs, and utilities.* New street tree plantings shall not be placed closer than ten feet to any street corner, measured from the point of nearest intersection curbs or curb lines. No street tree shall be planted closer than ten feet to any fireplug. Unless an approved small species, no street trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility lines.

Penalty, see § 10.99

§ 94.16 CLEARANCE AND PRUNING.

Owners of trees overhanging any street or right-of-way within the city shall prune the branches so that the 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 feet above the surface of the street or sidewalk. The owners shall remove 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 notify owners of private property containing a tree or shrub of the need for pruning 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. The city shall have the right to prune the trees or shrubs for public safety.

Penalty, see § 10.99

§ 94.17 PUBLIC TREE CARE.

(A) 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 the public grounds.

(B) The Utilities Superintendent may remove or seek removal of any tree or plant thereof which is 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 the selection and location of the trees is in accordance with § 94.15.

§ 94.18 REMOVAL OF TREES 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 the 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 Utilities Superintendent or another designated person will notify in writing the owners of any such trees. Removal shall be done by the owners at their own expense within 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 the trees and charge the cost of removal on the owner's property tax notice.

§ 94.19 REMOVAL OF STUMPS.

All stumps of street and park trees on public property 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. The Utilities Superintendent or another designated person may notify owners of private property with unsightly or unsafe stumps that removal is recommended.

§ 94.20 DAMAGING PLANTS.

No person shall injure or destroy any tree, shrub, or other plant, or injure or destroy any turf or sod, set out or planted in or upon any of the parks or parkways of the city or upon that portion of the streets and avenues of the city lying between the curb line and the property lot line.
Penalty, see § 10.99

§ 94.21 WOODPILES.

The stockpiling of wood within the limits of the city shall be permitted if piled in an orderly and neat fashion and not less than three feet from any property line. Any wood not stockpiled in an orderly and neat fashion must then be removed and disposed of as provided by this chapter and the regulations incorporated thereby.
Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 94.30 COMMUNITY TREE BOARD.

A Community Tree Board consisting of not more than nine people shall be appointed by City Council. The Community Tree Board, along with the Utilities Superintendent shall be responsible to the City Council to investigate, plan, and make recommendations regarding care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. The Utilities Superintendent or another designated member of the Community Tree Board shall consider, investigate, make findings, and report and recommend upon any special matter or question coming within the scope of this work.

§ 94.31 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the Utilities Superintendent or other persons.