

## CHAPTER 151

### TREES

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**151.01 DEFINITIONS.** For the purposes of this chapter, the following terms are defined:

1. “Public right-of-way” means any public street, sidewalk or other public property, and includes, but is not limited to, the parking area between the curb of any public street and the adjacent public sidewalk.
2. “Tree” means any tree, shrub, plant or other vegetation which, when mature, will exceed a height of ten (10) feet.

**151.02 TREE PLANTING PROHIBITED.** No person shall plant or cause to be planted any tree on or in any public right-of-way located within the City except in compliance with the provisions of this chapter.

**151.03 PLAN SUBMITTED.** Any person proposing to plant a tree on or in a public right-of-way shall first prepare a written plan which shall contain the following information:

1. The names and addresses of the person making the proposal and of all private property owners whose property is adjacent to or contiguous with the public right-of-way upon or in which the proposed trees are to be planted.
2. The location of the property where the proposed planting is to take place.
3. The type and number of trees proposed to be planted and a sketch or drawing showing how the plantings will be placed on the property. The sketch or drawing shall show distances between proposed trees and distances of proposed tree plantings from existing streets, sidewalks, traffic signs, utility lines, utility poles, hydrants and intersections.
4. The plan shall be signed by the person submitting the same.

**151.04 REVIEW OF PLAN.** The City Public Works Director shall review each plan submitted and shall either approve it or deny it, in writing, within thirty (30) days after it is received. The Public Works Director shall provide the City Tree Board with a copy of all plans submitted and shall obtain the advice and assistance of the City Tree Board in determining whether to approve or deny any plan. If the plan is denied, the denial shall state the reasons therefor. If denied, the plan may be resubmitted with any modifications required by the Public Works Director. The decision of the Public Works Director shall be final.

**151.05 GUIDELINES.** No plan submitted pursuant to the provisions of this chapter shall be approved unless all of the following conditions are met:

1. Any tree proposed to be planted in accordance with the terms of this chapter must be of a type included on the list of tree species suitable for planting within the right-of-way, as established by the City Tree Board.

2. Trees must be spaced at least fifteen (15) feet apart, center to center.
3. Every tree to be planted must have a trunk diameter of at least one inch, measured twelve (12) inches from the base.
4. Trees must be planted a minimum of:
  - A. Five (5) lineal feet from water service stop boxes.
  - B. Ten (10) lineal feet from water hydrants, utility poles, transformers, telephone junction boxes, manholes and driveway approaches.
  - C. Twenty (20) lineal feet from traffic signs and street lights.
5. No tree shall be planted closer than three (3) feet from the curb line and no closer than three (3) feet from the edge of the sidewalk closest to the street. No tree shall be planted where there is, or will be at the tree's maturity, less than two and one-half (2.5) feet of soil on all sides of such tree.
6. Trees shall not be permitted within thirty (30) feet of the intersection of the right-of-ways of public streets or within twenty (20) feet of the intersection of the curb line of driveways of commercial, industrial or institutional properties with a public street.
7. No tree shall be permitted in any case which, because of its size or location, or because of its eventual growth, will interfere with street signs, fire hydrants, street lights, utility poles or utility lines; or which will create any hazard to the safe flow of traffic by obstructing vision or otherwise.
8. During the development, redevelopment, razing or renovating of any property, no more than fifty percent (50%) of the trees existing in the public right-of-way adjoining such property shall be cut, damaged or removed, nor shall any person excavate any ditch, tunnel or trench or lay any driveway within a radius of twenty (20) feet from any tree in the public right-of-way. Provided, however, the Public Works Director may issue a special permit to allow cutting or removal of trees or excavation which would otherwise violate this provision on application therefor by the owner of the property and upon determination by the Public Works Director that variance from the provisions of this section is reasonably necessary to enable development of the property in accordance with previously approved development plans.
9. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree in or on a public right-of-way; or allow any gaseous, liquid, chemical or solid substance that is harmful to such trees to come into contact with them; or set fire to any such tree or part thereof, or cause or permit any burning which will damage any such tree or a part thereof.
10. Tree topping is not permitted on any tree in or on a public right-of-way.
11. All trees or shrubs, whether on public or private property, which have branches overhanging a public street or sidewalk shall be kept trimmed to a clearance height of fourteen (14) feet for branches overhanging a street and ten (10) feet for branches overhanging a sidewalk. It is the duty of any person owning or occupying real property adjoining a public street or sidewalk and on which there may be trees, to prune such trees, at a minimum, in such a manner as to comply with this section, and in addition, to the extent necessary, to preclude any obstruction or shading of street lights, any obstruction to the passage of pedestrians on sidewalk, any obstruction to the vision of traffic signs, or of street or alley intersections.

12. All trees removed from public right-of-way shall be completely removed from the growing site and disposed of in a lawful manner.

**151.06 ENFORCEMENT.** Any tree planted without approval as provided in this chapter or which is planted in deviation from an approved plan or which, having been approved, becomes a hazard because of changed circumstances or which is not maintained in accordance with the provisions of this chapter is hereby declared to be a public nuisance. The Public Works Director is authorized to issue written orders to persons violating the provisions of this chapter directing such persons to take specific actions within a specific time to correct any such violation. In the event any person to whom such an order is directed fails to comply with the same, the City may take whatever action is necessary to correct the violation and assess the cost thereof for collection in the manner of real estate taxes. In addition, any violation of this chapter is declared to be a municipal infraction. The rights and remedies of the City hereunder are in addition to and not in substitution of any other or further rights or remedies the City may have under this Code of Ordinances or State law.

**151.07 MAINTENANCE; LIABILITY.** Any person planting trees in or on a public right-of-way pursuant to this chapter and such person's successors in interest shall be and remain solely responsible for the proper maintenance of such tree or trees in compliance with this chapter and all other ordinances and regulations of the City. At the time that the request for approval for the planting of such trees is made, such person shall agree in writing, as a condition to such approval being given, to assume, pay and hold the City harmless from payment or liability for any damages of any nature whatsoever caused by the planting or maintenance of the trees.

**151.08 TREE SERVICE BUSINESSES.** Any person owning or operating a tree service business within the City shall obtain, maintain and provide to the Clerk evidence of liability insurance coverage covering all risk of damage or liability arising out of the conduct of such business in minimum amounts of \$100,000 for property damage and \$300,000 for injury to or death of any one person. Proof of such coverage delivered to the Clerk shall be a prerequisite to the conduct by any person of a tree service business in the City.