

CHAPTER 151

TREES

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151.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Parking” is that part of the street right-of-way in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street right-of-way lying between the lot line and that portion of the street usually traveled by vehicular traffic.
2. “Park trees” are 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.

151.02 PLANTING RESTRICTIONS. No trees, shrubs, bushes or woody vegetation shall be planted in any parking or within island medians of divided streets unless otherwise permitted by the Council.

151.03 PUBLIC TREE CARE. Except as limited by Section 151.02, the City has the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, avenues, stands and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

151.04 TREE TOPPING. It is unlawful as a normal practice for any person or City department to top any street tree on public property. Topping is defined as the severe cutting back of limbs to stubs 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 chapter at the determination of the City Tree Board.

151.05 DUTY TO TRIM PRIVATE TREES. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches do not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there is a clear space of eight (8) feet above the surface of the sidewalk and fifteen (15) feet above the traveled surface of the street. 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 has 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, interferes with visibility of any traffic control device or sign, or violates the terms of this section.

151.06 DUTY TO TRIM TREES IN PARKING. In the case of trees existing in the parking, the owner or person in possession of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

151.07 ASSESSMENT. If the abutting property owner or person in possession of the abutting property fails to trim the trees as required in Section 151.06, the City may serve notice on the abutting property owner requiring the property owner to do so within fifteen (15) days. If the property owner fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

151.08 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The owner or person in possession of private property shall remove any trees constituting a hazard to life or property, or trees harboring insects or disease which constitute a potential threat to other trees within the City located on the private property within the City. If the owner or person in possession fails to remove any such tree, the City may serve notice on the property owner requiring the property owner to do so within sixty (60) days. If the property owner fails to remove any such tree within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

151.09 REMOVAL OF STUMPS. All stumps of park trees and trees in the parking shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground, except trees in the Greenbelt Park.

151.10 LANDSCAPE PLAN.

1. In connection with the submission of a site plan, site plan amendment or preliminary plat for approval by the Planning and Zoning Commission and the Council, the applicant shall submit a landscape plan, which must contain, at a minimum, the following information:

A. The location of all existing trees four inches (4") in diameter or larger, measured two feet (2') above the ground, on public or private property, specifying the size, species and condition of such existing trees (any such existing trees to be removed shall be noted);

B. The location of all new plant material to be planted on the property, shown by size and species; and

C. A landscape plan filed in connection with a preliminary plat need only show the outline of existing trees and foliage, clarifying the drip line area of trees with the use of "clouded" areas of individual or clumping of trees.

2. In evaluating any preliminary plat or site plan for approval, the Commission and the Council shall consider the following issues addressed by the landscape plan:

A. Whether an excessive or unnecessary number of existing trees are to be removed, taking into consideration the City's goal of preserving existing trees and any reasonable alternatives available to the developer;

B. All site plans in all zoning districts shall be planted with a variety of trees and shrubs which are substantial in size and number, and are in accordance with the Public Works Department Policy on Recommended Trees;

C. Whether the applicant has provided for the replacement of existing trees to be removed, at other locations on the property;

D. Whether the landscaping provides a visual buffer, where necessary, from the surrounding property including headlight screening for streets; and

E. Whether the streets, sidewalks and lots are laid out in a manner to preserve existing trees, where feasible, and whether the applicant has provided for fencing off or protecting trees during construction, to the extent feasible.

3. Any and all existing trees which are not to be removed pursuant to the landscape plan shall be clearly identified and, prior to the issuance of a grading permit, shall be protected at the construction site by fencing located around the drip line of the tree, where feasible, maximizing the protection of the root zone area of the tree. The foregoing fencing requirements may be waived or modified by the Community Development Department if the trees to be saved are not located in an area where construction is occurring.

4. Prior to the issuance of any grading permit or demolition permit for the development of any property that will require site plan or plat approval, the applicant shall disclose to the City whether any existing trees, four inches (4") in diameter or larger, measured two feet (2') above the ground, are to be removed. If any such trees are to be removed, the City shall not issue a grading permit or demolition permit until a site plan or preliminary plat has been approved by the Council. This is not to include occupied single-family dwellings, duplexes or townhouses. Prior to the issuance of a certificate of occupancy, a new residential unit shall have, at a minimum, two (2) trees not less than one inch (1") in diameter.

5. If any trees are removed in violation of an approved site plan or plat, the owner or developer shall plant three times such number of trees, of equal quality and caliper, on such plat or site plan. If it is impractical to replace such a tree with an equal caliper tree, then several trees of a smaller caliper, totaling, in aggregate, the caliper of the improperly removed tree, shall be required. The specific number and size of such trees shall be determined by

the City. For purposes of example only, if one 8-inch caliper tree is improperly removed, the City may require: (i) that three 8-inch caliper trees be planted; (ii) that six 4-inch caliper trees be planted; or (iii) that twelve 2-inch caliper trees be planted. If it is impractical to place all of such trees on that particular plat or site plan, the City may require that some of the trees be planted on public property, such as in a park.

6. If any trees, vegetation or other landscape materials shown on an approved landscape plan shall become diseased or substantially damaged at any time after the landscape plan is approved, the owner of the property shall promptly replace such trees, vegetation or landscape material to bring the property in compliance with the landscape plan.

151.11 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

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