

CHAPTER 93: TREES

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§ 93.01 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other woody plants in the city.

(Ord. 77, passed 7-8-1992)

§ 93.02 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, or to which the public has free access as a park.

PUBLIC TREES. Trees, shrubs, bushes and all other woody vegetation within public rights-of-way and public property, including park trees and street trees.

STREET TREES. Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or public rights-of-way within the city.
(Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015)

§ 93.03 PLANNING COMMISSION; DUTIES AS TREE BOARD.

(A) The City Planning Commission shall serve as the designated city authority for all tree related matters within the city, and will serve in lieu of a designated Tree Board as recognized by the State Department of Forestry and the National Arbor Day Foundation.

(B) It shall be the responsibility of the Commission to study, investigate, counsel, and develop or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. This plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city.

(C) The Commission, when requested by the City Council, shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work. (Ord. 77, passed 7-8-1992)

§ 93.04 STREET TREE PLANTING.

(A) *Tree species to be planted.* The City Planning Commission will develop and maintain a list of desirable trees for planting along streets in 3 size classes based on mature height: small (under 30 feet), medium (30 - 50 feet), and large (over 50 feet). Lists of trees not suitable for planting will also be created by the Planning Commission.

(B) *Spacing.* The spacing of street trees will be in accordance with the 3 species size classes listed in division (A) of this section, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect or urban forester.

(C) *Distance from curb and sidewalk.* The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the 3 species size classes listed in division (A) of this section, and no trees may be planted in tree lawn widths less than the following: small trees, 3 feet; medium trees, 5 feet; and large trees, 8 feet.

(D) *Distance from street corners and fire hydrants.* No street tree shall be planted within 25 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within 10 feet of any fire hydrant.

(E) *Utilities.* No street trees other than those species listed as small trees in division (A) of this section may be planted under or within 10 feet of any overhead utility wire. (Ord. 77, passed 7-8-1992; Am. Ord. 81, passed 12-2-1992; Am. Ord. 159-2015, passed 4-14-2015) Penalty, see § 10.99

§ 93.05 PUBLIC TREE MAINTENANCE CARE.

(A) *Tree Maintenance.* It shall be the responsibility of the property owner adjacent to any street tree to maintain the tree according to the tree maintenance standards detailed in the Municipal Code. 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 and to preserve or enhance the symmetry and beauty of the public grounds. Any tree, plant or shrub, 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, streets, sidewalks or other public improvements or is affected with any injurious fungus, insect or other pest, may be removed or ordered to be removed by order of the City Planning Commission. Street trees maybe planted by adjacent property owners provided that the selection and location of the trees are in accordance with § 93.04.

(B) *Standards.* All street and public trees must be pruned to National Arborist Association Pruning Standards.

(C) *Pruning; corner clearance.* Every owner of any tree over hanging any street or rights-of-way within the city shall prune the branches so that the branches shall not severely 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 12 feet above the street surface of 8 feet above the sidewalk surface. The 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 or sight triangle at intersections. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of the conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and City Planning Commission prior to any trimming by the utility company. (Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015; Am. Ord. 167-2016, passed 6-14-2016) Penalty, see § 10.99

§ 93.06 TOPPING PROHIBITED; EXCEPTIONS.

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 3 inches in diameter within the tree's crown to 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 Planning Commission. (Ord. 77, passed 7-8-1992) Penalty, see § 10.99

§ 93.07 TREE REMOVAL ON PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees or trees or parts of trees and shrubs within the city which damage or threaten to damage public improvements, constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. Such threats and conditions are deemed to constitute a public nuisance. Where a public nuisance under this Section is determined to exist, the City Planning Commission shall direct the City Manager to abate the nuisance in accordance with the administration and enforcement proceedings set forth in §§ 91.46 through 91.51.

(Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015; Am. Ord. 167-2016, passed 6-14-2016) Penalty, see § 10.99

§ 93.08 INTERFERENCE WITH PLANNING COMMISSION UNLAWFUL.

It shall be unlawful for any person to obstruct or interfere with the City Planning Commission, or in connection with any of the requirements of this chapter.

(Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015) Penalty, see § 10.99

§ 93.09 DISTURBING STREET OR PARK TREE; PERMIT REQUIRED.

No person shall plant, prune, remove, fertilize, or excavate within 10 feet of a street or park tree without first obtaining a city permit.

(Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015) Penalty, see § 10.99

§ 93.10 TREE PRUNING; LICENSE AND BOND REQUIRED.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street, park, or private trees within the city without first applying for and procuring a business license. No license shall be required of any public service company including electric utilities and their agents and contractors or city employees doing that work in the pursuit of their public service endeavors. Before any business license shall be issued, each applicant shall first file evidence of possession of liability and property damage insurance indemnifying the city or any person injured or damaged resulting from the pursuit of the endeavors as herein described in accordance with business license requirements.

(Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015) Penalty, see § 10.99

§ 93.11 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the City Planning Commission. Any person may appeal from any ruling or order of the City Planning Commission to the City Council who may hear the matter and make final decisions.

(Ord. 77, passed 7-8-1992)

§ 93.12 VIOLATIONS; TREE REPAIR OR REPLACEMENT.

If the violation of any provision of this chapter results in injury, mutilation, or death of a street or park tree, the cost of repair or replacement shall be borne by the party in violation. The replacement value of street or park trees shall be determined in accordance with the method prescribed by the Council of Tree and Landscape Appraisers, and as revised.

(Ord. 77, passed 7-8-1992; Am. Ord. 159-2015, passed 4-14-2015) Penalty, see § 10.99