

Chapter 9, Article VIII, COMMUNITY TREE BOARD

§ 9-29. Public tree care.

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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Director of Public Works may remove or order to be removed any tree 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 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, provided that the selection and location of said trees is in accordance with the street tree list and the other provisions of this article.

A. Tree topping. No person, firm or City department shall 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 three inches in diameter 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 article at the determination of the Director of Public Works.

B. Pruning, corner clearance.

(1) All trees and shrubs within the City shall be pruned when such trees or shrubs obstruct the light from any street lamp, obstruct the visibility of any traffic control device or sign, obstruct the passage of pedestrians on sidewalks or obstruct the view of any street or alley intersection.

(2) The minimum clearance for any overhanging branches or limbs shall be 15 feet above all streets and eight feet above all sidewalks. All shrubs and hedges defined as street trees in this article shall be kept trimmed by the abutting property owner at least two feet back from all curbs, sidewalks, delivery ways or alleys and the same shall be at all times kept trimmed to a height not greater than 30 inches above the top of the curb for other than corner lots unless the Director of Public Works determines that a greater height would not constitute a hazard to pedestrians or vehicular traffic.

(3) The City shall notify, in writing, by regular United States Mail postage prepaid, the property owners of such trees or shrubs that pruning must be done by said owners at the owner's expense within 30 days after the date of notification.

(4) In the event of the failure of the property owner to comply with said notice, the Director of Public Works shall have the authority to prune said trees or shrubs and cause the cost thereof to be billed to the property owner. If the property owner fails to reimburse the City after having been billed, the cost may be assessed by the City against

the real estate and certified to the county treasurer as a special assessment and the same collected as provided by law.

C. Dead or diseased tree removal on private property.

(1) All trees and shrubs within the City shall be pruned or removed when such trees or shrubs constitute a hazard to life and property or harbor insects or disease which constitutes a threat to other trees or shrubs within the City.

(2) The Director of Public Works shall have the power and authority to prune or remove or to order the pruning or removal of any such trees or shrubs on private property. The Director of Public Works shall notify, in writing, by regular United States Mail postage prepaid, the owner of the property on which said trees or shrubs are located.

(3) Pruning or removal shall be done by said property owners at the property owner's expense within 30 days after the date of notification. In the event of the failure of the property owner to comply with said notice, the Director of Public Works shall have the authority to prune said trees or shrubs and cause the cost thereof to be billed to the property owner. If the property owner fails to reimburse the City after having been billed, the cost may be assessed by the City against the real estate and certified to the County Treasurer as a special assessment and the same collected as provided by law.

D. Removal of stumps. All stumps of street and park trees 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.