

CHAPTER 943
Trees

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CROSS REFERENCES

- Injury or destruction of trees - see GEN. OFF. 541.06
- Permit to trim trees to avoid utility lines - see S.U. & P.S. 927.09(b)

943.01 DEFINITIONS.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

- (a) "Street tree" means any tree, shrub, bush and any other woody vegetation on land lying between the paved edge of all streets, avenues or ways within the City and the adjacent sidewalk, and any tree, shrub, bush and any other woody vegetation lying within the right-of-way of all streets, avenues or ways within the City.
- (b) "Park tree" means any tree, shrub, bush and any other woody vegetation on property located within public parks or other areas owned by the City.
- (c) "Public tree" means all street trees and all park trees.
(Ord. 2013-034. Passed 6-18-13.)

943.02 OWNERSHIP AND CONTROL OF PUBLIC TREES.

All public trees lying within the City of Norwalk shall be subject to the ownership and control of the City. All public trees may be maintained, trimmed, planted and removed by the City as provided in this Chapter. (Ord. 2013-034. Passed 6-18-13.)

943.03 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD.

There is hereby created and established a City Tree Board for the City, which shall consist of five members, citizens and residents of this City, who shall be appointed by the Mayor.

(Ord. 2013-034. Passed 6-18-13.)

943.04 TERM OF OFFICE AND VACANCY.

(a) The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years.

(b) A member of the City Tree Board shall vacate his/her office and shall cease to be a member upon his/her removal of his/her residence from the City, death, written resignation delivered to the Clerk of the Tree Board, or his/her absence that is not excused by a vote of three of the other members of the Board from three meetings of the Board in one calendar year.

(c) In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion.

(Ord. 2013-034. Passed 6-18-13.)

943.05 COMPENSATION.

Members of the Board shall serve without compensation.

(Ord. 2013-034. Passed 6-18-13.)

943.06 DUTIES AND RESPONSIBILITIES.

(a) It shall be the responsibility of the Board to study, investigate, counsel and develop and/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. Such plan will be presented annually to Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City.

(b) The Board, when requested by Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(c) Upon the request of the Safety/Service Director the Board shall render advice on the planting or removal of any tree subject to the jurisdiction of the City.

(Ord. 2013-034. Passed 6-18-13.)

943.07 OPERATION.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 2013-034. Passed 6-18-13.)

943.08 PUBLIC TREE SPECIES TO BE PLANTED.

A list of the official public tree species shall be compiled and updated by the City Tree Board, and shall be made available in the office of the Safety/Service Director. The list shall divide the applicable species into three categories, by average height:

- (a) Small trees that are less than thirty feet;
- (b) Medium trees that are from thirty to forty-five feet; and
- (c) Large trees that are over forty-five feet.

(Ord. 2013-034. Passed 6-18-13.)

943.09 SPACING.

(a) The spacing of street trees will be in accordance with the three species size classes listed in Section 943.08, and no trees may be planted closer together than the following:

- (1) Small Trees, thirty feet;
- (2) Medium Trees, forty feet;
- (3) Large Trees, forty feet.

(b) Special plantings in deviation of the foregoing, designed by a landscape architect, may be approved by the City Tree Board.

(Ord. 2013-034. Passed 6-18-13.)

943.10 DISTANCE FROM CURB AND SIDEWALK.

(a) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 943.08, and no trees may be placed closer to any curb or sidewalk than the following:

- (1) Small trees, two feet;
- (2) Medium Trees, three feet;
- (3) Large Trees, four feet.

(b) Exceptions for narrower spaces may be approved by the City Tree Board.
(Ord. 2013-034. Passed 6-18-13.)

943.11 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No Street Tree shall be planted closer than thirty-five feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than ten feet of any fireplug.

(Ord. 2013-034. Passed 6-18-13.)

943.12 UTILITIES.

No street tree other than those species listed as Small Trees in Section 943.08 may be planted over, under or within 10 lateral feet of any overhead utility wire, sewer line, transmission line or other utility. (Ord. 2013-034. Passed 6-18-13.)

943.13 PUBLIC TREE CARE.

(a) The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs lying within or over-hanging the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety, preserve utilities or to preserve or enhance the health and integrity of public trees.

(b) The City may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to streets, sidewalks, sewers, electric power lines, gas lines, water lines, or other public improvements or infra-structure, or is affected with any injurious fungus, insect or other pest.

(c) Upon the request of the City the Tree Board shall render advice on the matters set forth in Sections 943.13(a) and (b).
(Ord. 2013-034. Passed 6-18-13.)

943.14 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or City Department to top any public tree. 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 that are severely damaged by storms or other causes, or certain trees where other pruning practices are impractical, may be exempted from this chapter at the determination of the City Tree Board.

(Ord. 2013-034. Passed 6-18-13.)

943.15 PRUNING, CORNER CLEARANCE.

(a) Every owner of any tree overhanging any sidewalk, street or right-of-way within the City shall prune the branches so that such 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 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 otherwise obstructs traffic on any sidewalk or street.

(b) For the purposes of this Section, the owner of any lot or land adjacent to any sidewalk, street or right-of-way shall be deemed to be the owner of any tree located on said lot or land. (Ord. 2013-034. Passed 6-18-13.)

943.16 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The City, with the advice of the Tree Board, shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such 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 City shall notify in writing the owners of such trees. Removal shall be done by such owners at their own expense within sixty 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 such trees. The cost of such removal may be recovered from the owners in a civil suit or, at the option of the City, may be certified to the County Auditor and shall become a lien on the owner's property as with other taxes.

(Ord. 2013-034. Passed 6-18-13.)

943.17 REMOVAL OF STUMPS.

Except as otherwise approved by the Safety/Service Director all stumps of public 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.

(Ord. 2013-034. Passed 6-18-13.)

943.18 INTERFERENCE WITH BOARD.

No person to prevent, delay or interfere with the Safety/Service Director, the City Tree Board, or any of its agents, while carrying out the duties of this Chapter and otherwise engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any public trees, or trees on private grounds as authorized in this chapter.

(Ord. 2013-034. Passed 6-18-13.)

943.19 ARBORIST'S LICENSE AND BOND.

(a) No person or firm shall engage in the business or occupation of pruning, treating, or removing public trees within the City without first applying for and procuring a license from the Office of the Safety/Service Director.

(b) The license fee shall be twenty-five dollars (\$25.00) annually in advance.

(c) No license shall be required of any public utility service company, its agents, or any City employee doing such work in the pursuit of their public endeavors.

(d) Each applicant shall first file evidence of possession of liability insurance in the minimum amounts for bodily injury and property damage, in amounts set annually by the Tree Board, indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.

(Ord. 2013-034. Passed 6-18-13.)

943.20 CLERK OF CITY TREE BOARD.

The City Tree Board shall appoint a Clerk, who shall be a person other than the Clerk of Council, to serve as Clerk to the City Tree Board, and who shall be the keeper of records and perform such other duties as the Board may assign.

(Ord. 2013-034. Passed 6-18-13.)

943.21 RESTRICTIONS ON PLANTING AND REMOVAL OF PUBLIC TREES.

(a) No person shall plant any tree, shrub, bush and any other woody vegetation on land lying between the paved edge of all streets, avenues or ways within the City and the adjacent sidewalk, and any tree, shrub, bush and any other woody vegetation lying within the right-of-way of all streets, avenues or ways within the City, or within public parks or other areas owned by the City, without the prior written approval of the Safety/Service Director.

(b) No person shall prune or remove any tree, shrub, bush and any other woody vegetation on land lying between the paved edge of all streets, avenues or ways within the City and the adjacent sidewalk, and any tree, shrub, bush and any other woody vegetation lying within the right-of-way of all streets, avenues or ways within the City, or within public parks or other areas owned by the City, without the prior written approval of the Safety/Service Director.
(Ord. 2013-034. Passed 6-18-13.)

943.99 PENALTY.

Any person violating any provision of this Chapter shall be, upon conviction or a plea of guilty or no contest, subject to a fine not to exceed one hundred fifty dollars (\$150.00).
(Ord. 2013-034. Passed 6-18-13.)