

## CHAPTER 100: TREES

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### § 100.01 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 and all areas owned or used by the city as public areas.

***STREET TREES.*** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, alleys or ways within the city.  
(1999 Code, § 8-501)

### § 100.02 STREET TREE SPECIE LIST.

The Street Tree Specie List, regulations on spacing distance from street corners, sidewalks, buildings, fire plugs, overhead utility wires and underground sewer, water and gas laterals, contained in the City Comprehensive Plan are adopted as the minimum requirements with regard to those trees until the Tree Board shall recommend and the City Council shall adopt other or new and different regulations.  
(1999 Code, § 8-502)

**§ 100.03 PUBLIC TREE CARE.**

The city shall have the right to plant, replant, prune, maintain and remove trees, plants and shrubs within the lines of streets, alleys, avenues, lanes and squares and public grounds, as maybe necessary to ensure public safety or to preserve or enhance the symmetry and beauty of public grounds. The Tree Board may remove or cause 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 or infected with any disease or injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that their selection and location of the trees is in accordance with this chapter, the existing Comprehensive Plan or any other plan adopted by the Tree Board and the City Council. However, any person desiring to plant trees in the street tree area or public parks or areas, shall first apply for and obtain a permit to do so from the Tree Board. The application shall be made to the City Clerk who shall transmit the application to the Tree Board for investigation and they shall either issue or decline to issue the permit within five days of receipt or the application shall be deemed issued.  
(1999 Code, § 8-503)

**§ 100.04 TREE TOPPING.**

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 three 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 section at the determination of the City Tree Board.  
(1999 Code, § 8-504) Penalty, see § 100.99

**§ 100.05 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

(A) The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when those 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 Tree Board will notify in writing the owners of the trees.

(B) Removal shall be done by the owners at their own expense within 60 days after the date of service of notice.

(C) In the event of failure of owners to comply with these provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owners property tax notice.  
(1999 Code, § 8-505)

**§ 100.06 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.  
(1999 Code, § 8-506)

**§ 100.07 INTERFERENCE WITH CITY TREE BOARD.**

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of street trees, park trees or trees on private grounds, as authorized in this chapter.  
(1999 Code, § 8-507) Penalty, see § 100.99

**§ 100.08 REVIEW BY CITY COUNCIL.**

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make final decision.  
(1999 Code, § 8-508)

**§ 100.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this title, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.  
(1999 Code, § 8-601) (Ord. 00-20, passed 6-6-2000)

