

Ord. 2021-047
Exhibit "A"

CHAPTER 911
Trees and Shrubs

911.01 TREE REMOVAL; PRUNING.

(a) No person shall remove or prune any tree or shrub from a tree lawn or other public place without first obtaining ~~approval~~ ~~permit~~ in writing from the Administrator ~~or his/her designee~~ and without replacing the removed tree ~~or shrub~~. Such replacements shall meet the standards of size, species, and placement as provided for in the ~~approval letter~~ ~~permit~~. The person shall bear the cost of removal and replacement of all trees removed.

~~(b) All applications made to the Administrator for tree work permits shall be investigated by the Tree Commission and the Tree Commission shall provide the Administrator a recommendation for approval or disapproval of the application based on the Commission investigation. Unless it is deemed an emergency situation, no tree shall be removed prior to completion of the Tree Removal Evaluation Form.~~

~~(e b)~~ Wherever it is necessary to remove a tree(s) from a tree lawn or other public place in connection with the paving or widening of a portion of a street, alley, or highway, or any other reason, the City shall remove and replant such trees ~~or shrubs~~, or replace them or plant in an attractive manner on adjoining property an equivalent number ~~and size~~ of trees ~~or shrubs~~. ~~If unable to replant in close proximity to removed tree, the City shall replant an equivalent number of trees elsewhere in the City.~~ (Ord. 6-91. Passed 6-10-91; Ord. 73-96. Passed 9-30-96.)

911.02 TREE TOPPING.

(a) It shall be unlawful as a normal practice from any person, firm or City Department to top any tree on City 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 excepted from this chapter at the determination of the Administrator ~~or his/her designee~~. (Ord. 6-91. Passed 6-10-91.)

911.03 PROTECTION OF TREES.

(a) All trees and shrubs on any street or other publicly owned property near any excavation or construction of any building, or street work, shall be guarded with a good substantial fence, frame or box, not less than four feet high and eight feet square, or a distance in feet from the tree or shrub equal to the diameter of the trunk in inches at chest high whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier. Construction work cannot cause severe root pruning unless authorized by the Administrator ~~or his/her designee~~.

(b) No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining a written permit from the Administrator or his/~~her~~ designee.

(c) No person shall deposit, place, store, or maintain upon any public place of the City, any stone, brick, sand, concrete or other material which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permission of the Administrator or designee. (Ord. 6-91. Passed 6-10-91.)

911.04 TREE MAINTENANCE.

(a) The owner of any tree or shrub overhanging any street within the City shall prune the branches so that such branches shall not obstruct the function of any street lamp, obstruct the view of any street intersection, or interfere with the visibility of any traffic control device or sign. There shall be a clear space of eight feet above the surface of the street or sidewalk.

(b) Every person who has a tree or part of a tree which is dead or diseased and which constitutes a hazard to persons, property or other trees shall remove the tree or offending part.

(c) The Administrator shall give notice by certified mail to any owner who fails to remove a tree or part thereof, directing them to remove the tree or part thereof within fifteen days after receipt.

(d) When a person to whom an order is directed fails to comply within the specified time, the City shall remove such trees or parts thereof and the exact cost shall be assessed to the owner as provided by law in the case of special assessment.

(e) The person to whom an order is directed may appeal the order of the Administrator or his/her designee, by notifying the Administrator of such an appeal within the fifteen days after receipt of written notice. The Administrator or his/her designee will delay enforcement of the order until such time that the appeal may be decided by the ~~Trees and Decorations Committee Commission~~. The ~~Trees and Decorations Committee Commission~~ shall meet and have a hearing on the appeal within thirty days of the filing of the appeal. The ~~Committee's Commission's~~ decision may be appealed to the City Council within ten days of the rendering of their decision by filing a written notice thereof with the Administrator. Council shall hear the appeal within thirty days after filing the notice of appeal. A majority decision of Council will be sufficient to determine the appeal.

(f) The Administrator may remove or cause or order to be removed any tree or part thereof which by reason of its nature is injurious to existing sewers, electric power lines, gas lines, water lines or their public improvements.
(Ord. 6-91. Passed 6-10-91.)

911.05 REMOVAL OF STUMPS.

All stumps on streets within the City rights of way shall be removed so that the top of the stump shall be at least eight inches below ground level.
(Ord. 6-91. Passed 6-10-91.)

911.06 ABUSE OR MUTILATION OF CITY TREES.

Unless specifically authorized by the Administrator, no person shall intentionally damage, cut, carve, transplant or remove any City owned trees, attach any rope, wire, nails, advertising posters, or other contrivance to any City tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn which such fire or the heat thereof shall injure any portion of any City owned tree.
(Ord. 6-91. Passed 6-10-91.)

911.07 CITY TREE PLAN FOR NEW DEVELOPMENTS. REPEALED

EDITOR'S NOTE: Former Section 911.07 was repealed by Ordinance 5-98, passed February 9, 1998.

911.08 PROHIBITED TREES.

The trees listed in the Attachment to Ordinance 6-91, passed June 10, 1991, and 23-95, passed May 22, 1995, shall not be planted on public property within the City.
(Ord. 6-91. Passed 6-10-91; Ord. 23-95. Passed 5-22-95.)

911.09 TREE FUND.

(a) Upon approval of the final plat, or any new street developed in a subdivision, ~~either commercial or residential~~ by a private developer and dedicated to the City, the owner/developer shall pay the sum of ~~four~~ ~~ten~~ dollars (\$~~4~~~~10~~.00) per one linear foot of street frontage and linear footage around all island to the City. This sum shall be deposited into the "Tree Fund."
(Ord. 60-98. Passed 8-24-98; Ord. 70-99. Passed 1-24-00.)

(b) This Tree Fund shall be used for the purpose of planting approved **species** trees in ~~tree lawns~~ **City right-of-way**, as well as **care, maintenance, removal, and protection of trees** and for accessory materials to be utilized in the **planting care** of such trees. ~~Interest earned on the investment of said funds shall be deposited in the Tree Fund. Said interest and all surplus funds from planting shall be used for the maintenance, removal and protection of trees planted from Tree Fund monies.~~

(c) Said Tree Fund shall be established as a special revenue fund and shall be maintained in accordance with the regulations of the Auditor of State and will be administered solely by the Finance Director.

(d) ~~Approved trees~~ Trees shall be selected from those trees listed on the approved tree list authorized by the City Trees and Decorations Committee. (Ord. 73-96. Passed 9-30-96.)

~~911.99 PERMIT.~~

~~A permit shall be required for all pruning and topping required by this chapter. The permit shall be issued, if appropriate, by the Administrator at no charge.~~
(Ord. 6-91. Passed 6-10-91.)