

CHAPTER 7

TREES AND SHRUBS

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4-7-1: **STREET TREES DEFINED:** "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

4-7-2: **CITY TREE BOARD:**

- A. **Composition:** The City Tree Board shall consist of seven (7) members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the Council.
- B. **Term of Office:** The terms of the seven (7) persons to be appointed by the Mayor shall be for three (3) years and shall be staggered.
- C. **Compensation:** Members of the Board shall serve without compensation.
- D. **Duties and Responsibilities:** 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 along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the Official Comprehensive City Tree Plan. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
- E. **Operation; Quorum:** 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.
- F. **Interference With Board:** It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees or trees on private grounds, as authorized in this Chapter.

- G. Review by City Council: The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council which may hear the matter and make a final decision.

4-7-3: **ARBORISTS' LICENSE AND INSURANCE:**

- A. License Required; Fee: It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street trees within the City without first applying for and procuring a license. The license fee shall be fifty dollars (\$50.00) annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in pursuit of their public service endeavors.
- B. Liability Insurance: Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

4-7-4: **STREET TREE SPECIES TO BE PLANTED:** The following list constitutes the official street tree species for the City. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board

SMALL TREES

Apricot
Crabapple
Flowering (sp)
Golden Rain Tree
Hawthorne (sp)
Pear, Bradford
Redbud
Soapberry
Lilac, Japanese Tree
Peach, Flowering
Plum, Purpleleaf
Serviceberry

MEDIUM TREES

Ash, Green Hackberry
Honeylocust
(thornless)
Linden or Basswood (sp)
Mulberry Red (fruitless male)
Pin Oak
Oak, English
Oak, Red
Pagodatree, Japanese
Pecan
Birch, River
Osageorange (male thornless)
Persimmon
Poplar, White
Sassafras

LARGE TREES

Coffee Tree
Kentucky Maple
White Oak
Sugar Oak
Bur Sycamore
Sycamore, London
Plantree
Cottonwood
(Cottonless, Male)

4-7-5: PLANTING REQUIREMENTS AND RESTRICTIONS:

A. Spacing Between Trees: The spacing of street trees will be in accordance with the three (3) species size classes listed in Section 4-7-4 of this Chapter, and no trees may be planted closer together than the following:

Small trees	30 feet
Medium trees	40 feet
Large trees	50 feet

Except in special plantings designed or approved by a landscape architect.

B. Distance from Curb and Sidewalk: The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in Section 4-7-4 of this Chapter, and no trees may be planted closer to any curb or sidewalk than the following:

Small trees	2 feet
Medium trees	3 feet
Large trees	4 feet

C. Distance from Street Corners and Fireplugs: No street tree shall be planted closer than thirty five feet (35') of any street corner, measured from the point of the nearest intersecting curbs or curb lines; nor closer than ten feet (10') of any fireplug.

D. Utilities: No street trees, other than those species listed as small trees in Section 4-7-4 of this Chapter, may be planted under or within ten (10) lateral feet or any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility.

4-7-6: 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City 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 with any injurious fungus, insect or other pest. This Section does not prohibit the planting of street trees by adjacent property owners; providing, that the selection and location of said trees is in accordance with Sections 4-7-4 and 4-7-5 of this Chapter.

4-7-7: **TREE TOPPING:** It shall be unlawful as a normal practice for any person, firm or City Department to top any street tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") 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 Chapter at the determination of the City Tree Board.

4-7-8: **PRUNING, CORNER CLEARANCE:** Every owner of any tree overhanging any street 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 (8') above the surface of the street or sidewalk. Said 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 visibility of any traffic-control device or sign.

4-7-9: **DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY:** The City 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 Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) 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 and charge the cost of removal as a lien against the property.

4-7-10: **REMOVAL OF STUMPS:** All stumps of street 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.

4-7-11: **PENALTY:** Any person violating any provision of this Chapter shall be, upon conviction or plea of guilty, subject to a minimum fine of forty dollars (\$40.00) and maximum fine not to exceed one hundred dollars (\$100.00).