

§ 54.001 AUTHORITY OF DEPARTMENT PUBLIC SERVICES.

The Department of Public Services shall be charged with the duty of enforcing the provisions of this chapter and shall have power and control over all trees, shrubs and plants, planted or to be planted in the public right-of-ways or places owned by the city, the Department of Public Services shall also have the right to plant, trim, spray, preserve and remove trees, shrubs or plants within the public right-of-way or places owned by the city, as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The Department of Public Services and its representatives and/or employees may remove or cause to be removed, any tree or part thereof which, in the Department of Public Services sole discretion, is in an unsafe condition, or is affected with any injurious fungus, insect or other pest.

(Ord. 2010-4, passed 4-27-2010)

§ 54.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Any park, parking lot, parkway or other property under the control or jurisdiction of the Department of Public Services and the city.

PUBLIC RIGHT-OF-WAY. All of the land lying between property lines on either side of all public streets, boulevards and alleys.

TREES. As used in this chapter, shall not be construed to include shrubs which do not grow higher than 15 feet

(Ord. 2010-4, passed 4-27-2010)

§ 54.003 PROHIBITION.

(A) No person, firm or corporation shall prune, cut, break, deface, destroy, spray or repair upon any tree or part thereof, or in any manner interfere with, disturb, or injure any tree, shrub or plant upon the public rights-of-way or places owned by the city; nor shall any chemicals be used for control of insects or other diseases, or for any other reason, nor shall any person, firm or corporation permit any chemicals, either solids or fluids, to seep, drain or be emptied on or about any tree, shrub or plant that is now or may hereafter grow upon any public right-of-ways or place owned by the city, without first obtaining permission from the Department of Public Services.

(B) Provided further, that nothing in this section shall be construed so as to apply to the removal, under the direction of the Department of Public Services, of any tree, shrub or

plant or part thereof, when the removal shall be necessary for the construction of any sidewalk, sewer, water main, conduit, or public improvement, after notifying the Department of Public Services as to the extent of the project proposed.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.004 USE AS ANCHORING.

No person, firm or corporation shall be permitted, for the purpose of anchorage, to use any wire, rope, chain or cables, nor shall any person, firm or corporation nail, tie, or in any other manner, fasten any cards, signs, posters, boards or any other article to any tree, shrub or plant that is now or may hereafter grow upon any public right-of-ways or public places owned by the city.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.005 EXCAVATIONS.

No person, firm or corporation shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any tree, shrub or plant that is now or may hereafter be growing upon any public right-of-ways or places owned by the city, without first obtaining a written permission from the Department of Public Services. All persons, firms or corporations desiring to excavate any ditches, tunnels, and trenches by drives shall deposit, with the Department of Public Services, a sum sufficient to cover the cost of inspection and damage that may result.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.006 TRIMMING OF BRANCHES.

(A) Every owner of any tree, shrub or plant overhanging the street or rights-of-way within the city shall trim the branches so that they 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 14 feet above the surface of the street or right-of-way.

(B) The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which may constitute a menace to the safety of the public. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic-control device or sign, such trimming to be confined to the area immediately above the right-of-way.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.007 VISIBILITY.

All trees, shrubs or plants, located on any corner lot within the limits of the city, that obstruct the view of a driver of a vehicle approaching a street intersection, shall not be permitted to grow to a height of more than three feet above the street or right-of-way, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.008 DUTY OF DEPARTMENT OF PUBLIC SERVICES.

It shall be the duty of the Department of Public Services in all cases of any violation of § [54.007](#), to notify the owners of any property failing to trim any trees, shrubs or plants in conformity with § [54.007](#) and order the owners to cut the same within ten days to the height specified.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.009 VIOLATION.

If any owners of property fail to trim any trees, shrubs, or plants to the height specified within ten days after being notified so to do, the Department of Public Services shall order the tree, shrub or plant to be trimmed to the height herein specified, and the cost thereof if unpaid, shall become a legal lien against the property.

(Ord. 2010-4, passed 4-27-2010)

§ 54.010 MOVING OF BUILDINGS.

Every person, firm or corporation, whether licensed or otherwise, moving any building or other structure of either wood, metal, stone or concrete, measuring over eight feet, six inches wide; and 12 feet high, measuring from the surface of the roadway, along any street or highway or across any public place within the city, shall file a written notice with the Department of Public Services of the date of their intentions so to do, stating the time, the place from and to which the building or structure will be moved, the route proposed to be taken and shall not in any manner damage any trees or shrubs planted on any street or highway, and shall deposit, with the Department of Public Services, a sum sufficient to cover the cost of inspection and damage that may result. The Department of Public Services shall have authority to refuse issuance of a permit or change the route if, in their opinion the moving will cause damage to any property.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.011 PERMIT FOR TREE PLANTING.

The Department of Public Services shall have control over all trees located within the public right-of-way or places owned by the city and the planting and care thereof, subject to the regulations in the chapter. It is unlawful for any person, firm or corporation to plant any trees, shrubs or any other plant in any public right-of-ways within the city, either for themselves or anyone else, until he or she has secured written permission from the Department of Public Services, which permission shall be complied with in strict accordance with the rules and regulations therein. The application for permission shall designate locations and species of trees, shrubs or plants to be planted and method proposed to be followed. Every such permit authorized by the Department of Public Services shall specifically state the extent of the authorization and conditions to which it is subject. The Department of Public Services shall have authority to refuse the granting of permission when planting is likely to create a public danger or a nuisance.

(Ord. 2010-4, passed 4-27-2010)

§ 54.012 REMOVAL OF TREES AND SHRUBS.

(A) It shall be the duty of the Department of Public Services and its representatives and/or employees to remove or cause to be removed all trees, shrubs or plants, planted upon the public right-of-way and public places within the city when, in his or her judgment, removal shall be beneficial to the peace, health and safety of the public, for public improvements or where the trees, shrubs or plants are detrimental to the growth of adjacent trees. The cost for removals shall be from funds provided from general taxation.

(B) Where an owner of property abutting a public right-of-way or public places within the city requests the removal of a tree, the Department of Public Services is authorized, in its sole discretion, to require as a condition of granting the approval for such removal, that such property owner make the removal in accordance with regulations established by the Department of Public Services, assume all or part of the costs of removing such tree, shrub or plant, and also require that the tree removed be replaced at some other approved location by planting another tree, not necessarily of the same type, or require sufficient funds to be placed in escrow, with the Department of Public Services to provide for future planting.

(Ord. 2010-4, passed 4-27-2010)

§ 54.013 DEPOSIT; WHEN REQUIRED.

Any person, firm, or corporation desiring to remove a live tree for construction of walks, drives, buildings or any other structures for his or her own gain, shall deposit with the

Department of Public Services a sum equal to the value of the tree or trees as determined by the Department.

(Ord. 2010-4, passed 4-27-2010)

§ 54.014 INTERFERENCE.

It shall be unlawful for any person to prevent, delay or interfere with the Department of Public Services or any of its employees, agents or servants, while engaged in carrying out provision of this chapter and while engaged in and about the planting, cultivating, mulching, spraying or removing of any trees, shrubs or plants in or upon any public right-of-way or public place in the city or private grounds as authorized in this chapter.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.015 RULES AND REGULATIONS.

The Department of Public Services may make and publish additional rules regulations pertaining to planting, removal and care of trees, scrubs or plants not inconsistent with the provisions of this chapter. No person, firm or corporation shall fail to obey such rules or regulations.

(Ord. 2010-4, passed 4-27-2010) Penalty, see § [54.999](#)

§ 54.999 PENALTY.

Any person, firm or corporation found guilty of violating any provision of this chapter shall be punished by a fine not to exceed \$500 or by imprisonment for a period not to exceed 90 days, or both, at the discretion of the court.

(Ord. 2010-4, passed 4-27-2010)