

**CHAPTER 8-03: STREET TREE PROGRAM**

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**8-03-010. Street Tree Program.**

The City has adopted provisions within the Land Development Code as set forth in Title 11 of this Code regarding the establishment of street trees within the public right-of-way within residential subdivisions within the City (hereinafter referred to as the AStreet Tree Program@).

**8-03-020. Street Tree Maintenance.**

In accordance with and pursuant to the provisions of the Street Tree Program, the City shall maintain street trees, shrubs and plants (exclusive of lawn or sod) planted in any public right-of-way, park or public place within the City.

**8-03-030. Street Tree Restrictions.**

Unless otherwise authorized by permit in accordance with Section 8-03-040, no person shall:

- (a) Plant, remove, top, prune or in any way injure or mutilate a street tree;
- (b) Fasten any sign, wire or injurious material to any street tree; or
- (c) Excavate any ditch or tunnel or place concrete or other pavement within a distance of six (6) feet of the center of the trunk of any street tree.

**8-03-040. Street Tree Permit.**

(a) Application. Any person desiring to do any work described in Section 8-03-030 shall apply for a permit from the Community Development Department. The applicant shall state the nature of the work and location where it will be done.

(b) Issuance of Permit. A permit to perform work on street trees, shrubs or plants owned and maintained by the City may be issued in the discretion of the Community Development Director upon a determination that the work:

- (1) Will not create, continue or aggravate any hazardous condition or public nuisance;
- (2) Will not prevent or interfere with the growth, location or planting of approved street trees; and
- (3) Is consistent with the planting plan being followed by the City.

**8-03-050. Public Nuisances.**

For the purposes of this Chapter, the following are defined to be public nuisances:

- (a) Any dead, diseased or dying tree in any street, or on any public property so near to any street tree as to constitute a danger to street trees, or streets or portions thereof.
- (b) Any tree or shrub on any private property or on any street of any type or species apt to destroy, impair or otherwise interfere with any street improvements, sidewalks, curbs, approved street trees, gutters, sewers or other public improvements, including utility mains or services.
- (c) Any street tree limbs, shrubs or plants reaching a height more than three (3) feet above the curb grade, within the thirty (30) foot triangle of public or private property measured from the projected curb lines at the intersections of any street approved for vehicular traffic flow. In addition, no street tree limbs, shrubs or plants may interfere with any traffic signals, stop signs or yield signs at any street intersections.
- (d) Vines or climbing plants growing into or over any street tree or any public hydrant, pole or other street improvement.
- (e) Existence of any tree within the City limits that is infested, infected or in danger of becoming infested or infected with objectionable insects, scales, fungus or growth injurious to trees.
- (f) The existence of any branches or foliage which interfere with the visibility on or free use of or access to any portion of any public street.
- (g) Hedges or dense thorny shrubs or plants on any street or part thereof.
- (h) Shrubs or plants more than two (2) feet in height in any street measured above top back of curb.
- (i) Trees projecting into the street traveled way below twelve (12) feet above the pavement.

**8-03-060. Abatement of Public Nuisances.**

When any public nuisance as defined herein exists, a notice may be sent by mail to the owner or tenant involved. Such notice shall describe the conditions, state the work necessary to remedy the condition, and shall specify the time within which the work must be performed. If at the end of the time specified, such work has not been performed, the City may perform such work and the cost thereof shall constitute a charge against such owner or tenant, and such charge shall be a lien against the property, and may be assessed on the property taxes of such property.

**8-03-070. Damage to Street Trees.**

Damages to any street tree caused by any act or omission by any person, whenever such act or omission is prohibited by or not authorized pursuant to this Chapter, shall be charged to such person or persons.

**8-03-080. Interference with Enforcement.**

No person shall interfere with or delay the authorized representatives of the City from the execution and enforcement of this Chapter except as provided by law.

**8-03-090. Street Tree Topping.**

It shall be unlawful as a normal practice for any person 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 within the tree's crown to such a degree as to remove the normal canopy or disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where standard pruning practices are impractical may be exempt from this Section by determination of the Community Development Director.

