

## **DIVISION 1. IN GENERAL**

### **Sec. 86-51. Removal of trees over street rights-of-way.**

#### *(a) Trees overhanging street and sidewalk pavement.*

- (1) Any tree, shrub or tree limbs, which are growing at a height less than required by this article, may be declared a public nuisance.
- (2) It shall be unlawful for any person owning or having supervision or control of any real property within the corporate limits of the city, to permit or allow a tree, shrub or tree limb to grow upon any such real property, or along the sidewalk or street adjacent to the same between the property line and the curb, or if there is no curb, between the property line and the edge of the street, if any portion of the tree, shrub or tree limb is growing at a height less than 14 feet above the pavement of the roadway, or seven feet above the pavement of the sidewalk.
- (3) A tree, shrub or tree limb shall be deemed to interfere with or cause an obstruction to motorists or pedestrians if it obscures the motorists' or pedestrians' view of any street intersection, sign or traffic control device or if it otherwise causes or creates a hazard that could reasonably cause property damage or personal injury.
- (4) In the event that any person fails or refuses to comply with the provisions of this article, the city shall give ten days written notice of the violation to the property owner prior to abating the violation. For purposes of this article, the property owner shall be the name according to the most recent official tax rolls.
- (5) If such person fails or refuses to comply with the provisions of this article within ten days after the date of notification as provided above, the city may go upon such property, or authorize another to go upon such property, and do or cause to be done the work necessary to obtain compliance with this article. The specifications in this article shall allow the city to remove a shrub, branch or tree if, after careful determination by the city, it is deemed to be an eminent threat to public safety. Taking into consideration the desire of our citizens to maintain the beauty of our tree canopied streets, limb trimming will be kept to the minimum required in order to preserve safety of vehicular travel.

#### *(b) Trees obscuring view in parkway visibility triangle.*

- (1) Trees, shrubs or tree limbs which interfere with, or cause an obstruction to motorists or pedestrians by obscuring the view within the parkway

visibility triangle as illustrated on the attached Exhibit "A", or the view of a traffic control device shall be hereby declared a public nuisance. For purposes of this ordinance, the viewing area shall be the area between 30 inches and seven feet above the ground.

- (2) In the event that a tree, shrub or tree limb is determined to be in violation of this article, the city shall give ten days written notice to the abutting property owner prior to abating the violation. The specifications in this article shall allow the city to remove a shrub, branch or tree if after careful determination by the city (or its designated committee) it is deemed to be an eminent threat to public safety.
- (3) If such person fails or refuses to comply with the provisions of this article within ten days after the date of notification as provided above, the city may go upon such property, or authorize another to go upon such property, and do or cause to be done the work necessary to obtain compliance with this article.
- (4) No live tree, which exceeds three inches in diameter, measured at 48" above the ground, shall be removed unless authorized, after review, by a committee composed of the public services director, the chief of police and the fire chief, and their decision shall be final.

(Ord. No. O-99-1200, §§ 1, 2, 1-18-00)

**GRAPHIC LINK:**[Exhibit "A" O-99-1200](#)

Secs. 86-52--86-60. Reserved.