

Sec. 29-87. Trees, shrubs and sight obstructions.

All trees and shrubs within the scope of this section, grown or maintained in the city, shall conform to the following specifications:

- (1) *Height above street:* No tree, shrub, vine or similar plant shall be grown, maintained or cultivated in such a manner so that any portion of such tree, shrub, vine, etc., may overhang or obtrude upon or over any dedicated alleyway, street, or highway in the city, unless there be a full twelve-foot clearance between the surface of all portions of such street or highway and the overhanging tree, limb, shrub, vine or plant of any description or kind.

Height above sidewalk: No tree, shrub, vine or similar plant shall be grown, maintained, or cultivated in such a manner so that any portion of such tree, shrub, vine, etc. may overhang or obtrude upon or over any sidewalk used by the public, unless there be a full seven foot clearance between the surface of the sidewalk and the overhanging tree, limb, shrub, vine or plant of any description or kind.

- (2) *Fire plug clearance:* No tree, shrub, vine, hedge or any similar plant of any description or kind shall be grown or maintained between the sidewalk and the curb or ditch line on any street or highway at a lesser distance than seven and one-half (7 1/2) feet from any fire plug in the city.

- (3) *Street intersection clearance between sidewalk and curb:* No tree, shrub, vine or any similar plant of any description or kind shall be grown or maintained between the sidewalk and the curb on any public street or highway in the city at a lesser distance than thirty (30) feet from the corner of any block on any such public street or highway, such measurements to be computed at the point of intersection of two (2) lines extended parallel with the curb line of the streets or avenues intersecting and causing such corners.

- (4) *Street intersection clearance in corner triangle:* No tree, shrub, plant, fence or obstruction of any kind shall be erected or maintained within the restricted area hereinafter described to a height greater than thirty (30) inches from the street gutter flow line. Any tree planted, grown or maintained in such restricted areas shall not have branches or foliage extending from the trunk thereof at a height lower than eight (8) feet from the street gutter flow line. The areas in the city by this subsection restricted are as follows:

- a. All of that portion of land lying within a triangular-shaped area at each intersection of a public right-of-way or curb cut within the city described as follows: Beginning at the precise corner of the intersection point of the curb of the street with the curb of a driveway or curb of another public right-of-way intersection forming each corner and extending thirty (30) feet along each such curb line from said curb intersection point, the third side being determined by the drawing of a straight line from the ends of each such

thirty-foot extension (whether said land be privately owned or unpaved or untraveled street right-of-way property). Where no curbs are in existence at such intersections, said thirty-foot lines shall coincide with the central flow line of the ditch paralleling such uncurbed street (as such central flow line shall be determined by the city engineer).

- b. By "street gutter flow line" is meant the street gutter flow line of the curb adjacent to and bordering upon each such restricted area. In the event that there is no such curb as aforesaid, the aforesaid height restrictions shall be based upon the actual level of the paved or used portion of the public street adjacent to and bordering upon each such restricted area.

(Ord. No. 5059, § 1, 12-15-92; Ord. No. 6234, § 1, 3-21-00)

Sec. 23-53. Conformance with public improvements.

- (a) Whenever by reasons of widening or straightening of streets, water or sewer line projects, or any other public works projects, (i.e. install or improve storm drains, water lines, sewer lines) it shall be deemed necessary by the governing body of the city to remove, alter, change, adapt, or conform the underground or overhead facilities of a right-of-way user, such alterations shall be made by the owner of the facilities at their expense unless otherwise provided for by federal law, state law or a current franchise within one hundred eighty (180) days from receipt of notice to make the alterations, unless a different schedule has been approved by the director. The notice shall identify the public works project and provide plans and drawings of the project that are sufficient to enable the utility to develop plans for, and determine the cost of, the necessary relocation of the facilities, and provide the owner with an opportunity to discuss with the city engineer the public works project and potential design alternatives that could avoid facility relocation. Facilities not moved after one hundred and eighty (180) days or within the approved schedule, shall be deemed abandoned after thirty (30) days written notice. When a purpose of a project is beautification or to benefit a private developer, the owner of the facilities subject to alteration may be eligible for reimbursement.
- (b) The right-of-way user, its contractor or agent may trim trees over the public right-of-way for the safe and reliable operation, use and maintenance of its facilities. All tree trimmings shall be done in consideration of the health of the trees and shall be done in accordance with the American National Standards Institute A300 Pruning Standards and Public Utility Commission Guidelines.
- (c) Under normal circumstances users shall notify adjacent residents and occupants at least forty-eight (48) hours in advance of any trimming. Any tree trimmings generated by the user, its contractors or agents shall be removed within twenty-four (24) hours, excepting emergency conditions wherein users shall remove tree trimmings upon completion of all service restoration activities. Should the user, its contractors or agents fail to timely remove such trimmings, the city may remove

same or have them removed and shall bill the user for all costs incurred, which costs shall be promptly paid by the user.

- (d) Nothing herein shall be construed to grant a user the right of access to private property.

(Ord. No. 7174, § 1, 3-1-05)