

ARTICLE 1-14 TREES AND SHRUBS

Division 1. Generally

Secs. 1-14-1 through 1-14-30 Reserved

Division 2. Trees on Public Property

Sec. 1-14-31 Title

This division shall be known and cited as the tree ordinance. (Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-38)

Sec. 1-14-32 Definitions

Arborist. The director of the city parks and recreation department and/or the director's designated representative(s).

Median area. Any defined area in a street which centers between opposing traffic lanes.

Park. An area described at [section 1-13-53](#) of the city Code of Ordinances, and includes any public street, public alley, or public parking lot which is adjacent to any area described in [section 1-13-53](#).

Person. An individual, or public or private corporation or business, other than the city or a department or employee of the city, or any other governmental entity or its employee.

Public property. Any real and personal property owned or under the care, custody, and control of the city, including parks, streets and median areas.

Street. Any public right-of-way designed primarily for vehicular traffic, and shall run from curblineline to curblineline or from drainage ditch to drainage ditch.

Topping. The severe cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy, thereby disfiguring the tree.

Tree. A woody perennial plant having one (1) or more elongate stems; such term also includes shrubs and bushes.

Tree board. The city parks and recreation advisory board, while sitting formally as the tree board.

(Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-39)

Sec. 1-14-33 Penalty

It shall be unlawful for any person to violate any provision of this division, and upon being found guilty of a violation, [such person] shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each separate offense. Each day during which any violation of the provisions of this division shall occur or continue shall be a separate offense. Each tree affected by a person's violation of any provision of this division shall be a separate offense. The city, its employees, and persons and contractors who contract with the city regarding public property shall be exempt from prosecution under this section. (Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-46)

Sec. 1-14-34 Applicability

This division provides full power and authority over all trees located on public property of the city. (Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-40)

Sec. 1-14-35 Conflicting laws

Any ordinances or city policies or procedures which conflict with the intent and purpose or specifics of this division shall be resolved in favor of and superseded by this division. (Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-42)

Sec. 1-14-36 Enforcement

The arborist shall have the duty and authority to administer rules, regulations, and standards and specifications for tree care adopted by the tree board. (Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-47)

Sec. 1-14-37 Indemnity for damage to trees

- (a) All contracts entered into between the city and another party that could relate to the application of this division shall include a requirement that the other party shall comply with this division and shall provide indemnity for the city in the event that the other party damages or destroys a tree.
- (b) The value of trees damaged and to be repaired and/or replaced shall be determined in accordance with the latest revision of "Guide for Plant Appraisal," as published by the Council of Tree and Landscape Appraisers (CTLA).

(Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-48)

Sec. 1-14-38 Tree board

There is hereby created the tree board of the city, which shall be organized in the following manner and shall have the following duties and responsibilities:

- (1) The board shall consist of the current members of the city parks and recreation advisory board, each of whom shall have voting power.

- (2) The terms of appointment and designation of the board shall follow and be the same as the terms of appointment and designation of the parks and recreation advisory board.
- (3) The terms of quorum, the election of a chairperson and vice-chairperson, the adoption of rules governing the procedures and matters coming before the board, holding meetings, and the board's relationship to the city council shall be governed by the same terms which govern the parks and recreation advisory board.
- (4) The secretary to the director of parks and recreation shall serve as secretary for the board, taking the minutes and posting and furnishing all necessary notices of meetings.
- (5) The arborist or the arborist's duly appointed representative shall serve as an ex officio nonvoting member of the board.
- (6) The duties and responsibilities of the board shall be as follows:
 - (A) Recommend to the city council rules, regulations, policies, and standards and specifications for tree care, pursuant to the purpose and intent of this division;
 - (B) Be generally informed concerning any matters that relate to trees and tree care in the city;
 - (C) Regularly report and make recommendations to the city council regarding all matters related to trees and tree care in the city;
 - (D) Identify any problems or needs that exist in regard to trees and tree care in the city and develop proposed solutions and recommendations;
 - (E) Complete any special projects or requests of the city council relating to trees and tree care; and
 - (F) Hear citizen complaints or other comments regarding all matters related to trees and tree care in the city.
- (7) The members of the board shall serve without compensation.
- (8) The board, at its discretion, may appoint special subcommittees on various issues regarding trees and tree care. These subcommittees shall consist of at least two (2) members of the board appointed by the full board and other subcommittee members appointed by the arborist. The subcommittee shall appoint a chairman who shall be one (1) of the board members and who shall report the subcommittee's activities to the full board. Further duties of the subcommittee may be assigned at the discretion of the board.

(Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-49)

Sec. 1-14-39 Duties of arborist

The arborist shall follow, supervise, and otherwise administer this division upon public property, under the auspices and direction of the tree board. In addition, the arborist shall:

- (1) Designate which species of trees shall be planted on any public property. No species other than what the arborist designates shall be planted on public property without prior written approval from the arborist, unless so directed by the tree board;
- (2) Prepare and keep records, maps, or plans which show the kinds of trees planted on public property, and the arborist shall make available such records for inspection by the tree board;
- (3) Advise the tree board, the city council, and the city manager of any actions, recommendations, or other plans which pertain to this division and/or its purpose and intent;
- (4) Study, investigate, plan, report, or otherwise carry out the directives of the tree board regarding matters pertaining to this division;
- (5) Prepare agendas and other information for tree board meetings;
- (6) Develop and update a comprehensive plan for the development, conservation, and care of trees on public property of the city;
- (7) Inform city residents and other persons on matters concerning tree care and promotion;
- (8) Coordinate and conduct special projects for the betterment of trees located on public property.

(Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-41)

Sec. 1-14-40 Permission required for planting, removal, pruning or other work

No person may plant, remove, cut above the ground, or otherwise impact any tree on public property without first submitting a written request to the arborist and receiving written permission from the arborist. A drawing provided by the person and showing the proposed plans must be attached to the person's request. The person receiving permission shall abide by this division. Any denial of such permission by the arborist may be appealed to the tree board, then subsequently to the city council. (Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-43)

Sec. 1-14-41 Tree care

- (a) Pruning. No person shall top or prune any tree on public property without the prior written consent of the arborist. Trees shall be properly pruned for strength and health as well as to reduce the risk of hazardous limbs, to prevent interference with utilities, traffic lights and signs, and for pedestrian and vehicular clearance. Trees shall be pruned pursuant to the guidelines of the International Society of Arboriculture (ISA) and other local ordinances.
- (b) Removal of stumps. Any tree or tree stump removed from public property 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.
- (c) Replacement of trees. Whenever a tree is removed from public property, adequate replacement shall be made within a reasonable period of time by the person responsible for the initial removal of the tree.
- (d) Attachment of objects to trees or guards. No person shall attach any rope, wire, cable, sign, card, poster or other object to a tree or its guard located on public property without obtaining prior written consent from the arborist.
- (e) Defacing or injuring trees. No person shall peel, cut, remove, injure, damage, destroy, or otherwise deface any tree located on public property.
- (f) Stacking material against tree. No person shall stack or pile any material of any kind and description against any tree on public property, unless the tree is sufficiently equipped and protected by a proper guard to prevent possible damage of the tree.
- (g) Other standards. The arborist may consult the standards and specifications for tree care as established by the National Arborist Association and the American Association of Nurseryman.

(Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-44)

Sec. 1-14-42 Offenses

- (a) A person commits an offense if:
 - (1) The person fails to obtain the permission of the arborist as required by [section 1-14-40](#).
 - (2) The person prunes, removes a stump, fails to replace a tree, attaches an object to a tree, defaces a tree, or stacks or piles material against a tree in violation of and as required by [section 1-14-41](#).
- (b) A culpable mental state is not required for the commission of an offense under this section, unless the provision defining the conduct expressly requires a culpable mental state.

(Ordinance 95-65, sec. 1, adopted 12/12/95; 1957 Code, sec. 12-45)