

ARTICLE III. TREES

Sec. 22-201. Title.

The ordinance from which this article is derived may be known and cited as the Tree Preservation Ordinance for the city.

(Ord. No. 19-02, § 1, 5-13-2002)

Sec. 22-202. Purpose.

The city finds that the preservation of existing trees is a public purpose that protects the public health, welfare, environment and aesthetics of the city and all its citizens.

(Ord. No. 19-02, § 2, 5-13-2002)

Sec. 22-203. Applicability.

This article shall be effective within the geographical limits of the city, including any areas subsequently annexed by the city. The terms and provisions of this article shall apply to any tree, located on public and private properties.

(Ord. No. 19-02, § 3, 5-13-2002)

Sec. 22-204. Utility service providers.

In the pursuit of maintenance or installation of its facilities, utility service providers or their contractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with utility service. Said trimming shall be done in a manner such that the aesthetics and health of the trees are not destroyed and shall be done under the supervision and direction of any city official to whom said duties have been or may be delegated. Every reasonable effort shall be made to preserve trees and avoid removal. The city may require boring under trees within the drip line instead of trenching.

(Ord. No. 19-02, § 4, 5-13-2002)

Sec. 22-205. Emergency exception.

During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this article may be waived as deemed necessary by the emergency management coordinator or other designee of the city manager. In addition to rights granted by easement, utility service providers, lawfully within the right-of-way, may remove trees during the period of an emergency that are determined by the company to be a danger to public safety and welfare by interfering with utility service.

(Ord. No. 19-02, § 5, 5-13-2002)

Sec. 22-206. Diseased or damaged trees.

A diseased or damaged tree, which is beyond the point of recovery, or in danger of falling, shall be exempt from the provisions of this article. The removal of a diseased tree by the city or by an individual is required to reduce the chance of spreading the disease to adjacent, healthy trees.

(Ord. No. 19-02, § 6, 5-13-2002)

Sec. 22-207. Enforcement.

The city manager is hereby charged with the responsibility for the enforcement of this article and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the city attorney is hereby authorized to institute appropriate proceedings to that end.

(Ord. No. 19-02, § 7, 5-13-2002)

Sec. 22-208. Penalty.

Whoever violates any of the provisions of this article shall be punished by a fine of not more than \$500.00 for each such violation, and a separate and distinct violation shall be deemed to have occurred for each tree unlawfully trimmed or removed.

(Ord. No. 19-02, § 7, 5-13-2002)

Sec. 10-341. Property standards.

An owner shall:

- (1) Eliminate a hole, excavation, sharp protrusion, and other object or condition that exists on the land and is reasonably capable of causing injury to a person;
- (2) Securely cover or close a well, cesspool or cistern;
- (3) Provide drainage to prevent standing water and flooding on the land;
- (4) Remove dead trees and tree limbs properly that are reasonably capable of causing injury to a person or allow the accumulation of such which would cause a health and safety hazard; and
- (5) Keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry.

(Code 1989, § 32-10(1); Ord. No. 2-99, art. 1(32-10(1)), 6-28-1999)