

ARTICLE 7. TREES

- 6-701 **CITY FORESTER.** The position of "City Forester" is hereby established, with the powers and duties hereinafter specified. The powers and duties of the City Forester as specified herein may be vested in the City Inspector or in such other person or persons as designated by the City Manager. The City Forester shall have the power to administer and enforce the provisions of this Chapter and the rules, regulations and specifications promulgated under Section 2 hereof. The City Forester is authorized to enter upon ~~the~~ property in the City for the purpose of inspecting trees, shrubs, and other plants. ^{to}
- 6-702 **STANDARDS AND SPECIFICATIONS.** The Tree Board shall promulgate rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the city. Such rules, regulations and specifications promulgated by the Tree Board shall be consistent with any plan adopted by the city for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs and hedges in parks, along streets and in other public places in the city, shall be in writing and shall not be effective until approved by the Governing Body. Copies of such rules, regulations and specifications shall be available to the public through the office of the City Clerk.
- 6-703 **PERMIT.** No person or firm shall plant, prune, remove or destroy any tree, shrub or hedge along streets and in other public places in the city without first obtaining a permit from the City Forester. Such permits shall be issued without cost to the applicant. Applications for such permits shall be available in the office of the City Clerk and shall include such information as the City Forester may require. The applicant shall as part of the application agree to save the city harmless and indemnify the city from all claims and damages in connection with the planting, pruning, removal, or destruction of any tree, shrub or hedge pursuant to the permit.
- 6-704 **DUTIES OF ADJOINING PROPERTY OWNERS.** Property owners shall have the duty at their expense to remove, prune, and care for trees and shrubs on any abutting street right-of-way, alley or sidewalk in accordance with the provisions of this article and the rules, regulations and specifications promulgated by the Tree Board and approved by the Governing Body.
- 6-705 **PRUNING.** It shall be unlawful to "top" or pollard a tree growing upon the right-of-way of any street, alley, sidewalk or other public place in the city, except where necessary to prevent encroachment into transmission lines.
- 6-706 **OBSTRUCTION.** It shall be unlawful to plant or cause to be planted any species of tree on the right-of-way of any street, alley, sidewalk or other public place within the City which by its habit of growth would obstruct, restrict or conflict with necessary and safe use of the public right-of-way.
- 6-707 **VIOLATIONS.** It shall be unlawful to plant, prune, remove, destroy or cause to be planted, pruned, removed or destroyed any tree, shrub or hedge in violation of any

standards, rules, regulations or specifications duly promulgated by the Tree Board and approved by the Governing Body.

6-708 **RIGHTS OF CITY.** Nothing in this article shall prevent the city, upon recommendation of the City Forester, from planting, pruning or removing any tree, shrub or hedge from the right-of-way of any street, alley, sidewalk, or other public place in the city.

6-709 **PROHIBITED SPECIES.** It shall be unlawful to sell or import into the city or to plant or cause to be planted within the city limits any of the following species of trees:

(a) Any cotton bearing cottonwood tree (*Genus Populus*)

(b) Any box elder tree (*Acer Negundo*)

(c) Any other tree prohibited by rule or regulation duly promulgated by the Tree Board and approved by the Governing Body

6-710 **REMOVAL OF HAZARDOUS TREES.** It shall be the duty of the owner of any property at such owner's expense to remove any dead or dying trees or dead or dying limbs dangerous to life, limb, or property when located upon the premises of such owner or upon any abutting street right-of-way, alley or sidewalk whenever required to do so by notice given by the City Forester served upon the owner of such property in accordance with this article. Such work shall be performed within such time as may be specified in such notice.

6-711 **CONTROL OF DISEASE OR INFESTATION.** Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of trees or plants in the city, or which is capable of causing an epidemic spread of communicable disease or insect infestation such as Dutch Elm disease, the City Forester shall at once cause written notice to be served in accordance with this article upon the owner of the property upon which such diseased tree is situated, which notice shall require such property owner to eradicate, remove or otherwise control such conditions within such time as may be specified in such notice.

6-712 **NOTICE.** Any notice authorized in this article may be served by delivering a copy of such notice to the record owner of such property or by leaving a copy of such notice at such owner's usual place of abode with some member of his family over the age of eighteen (18) years. In the event that there is more than one owner of property, service upon any owner shall be adequate service upon all co-owners. If the owner of any property cannot be found in the city, service may be made by mailing a copy thereof to such owner postage prepaid, certified mail, addressed to the last known address. Service by mail shall be completed five (5) days after the date the notice is deposited in the mail and posted on the premises.

- 6-713 **APPEALS.** Any notice given by the City Forester pursuant to this article shall allow at least five (5) days to the property owner to perform the work required after the time the notice is served on the property owner. During such period the property owner shall have the right to appeal the order of the City Forester to the Tree Board by filing with the Tree Board a notice that said property owner desires to appeal from such order. Such appeal shall be submitted in writing to the Tree Board within five (5) days from the date of the order. If any property owner files a notice of appeal with the Tree Board, the Tree Board shall schedule a hearing of the Tree Board to consider such appeal within ten (10) days. Until a final determination by the Tree Board work required to be done by the City Forester shall not be required. If the Tree Board sustains all or any part of the order of the City Forester, it shall set the time within which the work required to be done shall be done. In hearing any appeal from an order of the City Forester, the Tree Board may on its own motion, or if so requested by any property owner, augment its membership by not more than two (2) additional licensed foresters or arborists who shall have voting privileges at the hearing.
- 6-714 **COMPLIANCE.** It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this article within the time specified in such notice.
- 6-715 **PENALTIES.** Upon conviction of a violation of any provision of this article, a fine in an amount of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) shall be assessed by the Municipal Court.
- 6-716 **COSTS.** If any work required under this article is not accomplished within the time specified in the notice, the City Forester shall cause the work to be done and the cost of the same shall be collected from the property owner. Any notice given pursuant to this article shall state that if the work required is not done within the time specified, the city will cause the same to be done at the expense of the property owner. If the City Forester causes the work to be done, the City Forester shall submit the cost thereof to the City Clerk, who shall send a statement in such amount to the property owner at the owner's last known address. Any such statement shall be paid by the property owner within thirty (30) days after the statement is so mailed.
- 6-717 **ASSESSMENT.** The City Clerk shall, at the time of certifying other city taxes to the County Clerk, certify the costs for work done by the city, which have not been paid by the property owner.
- 6-718 **COSTS IN ADDITION TO PENALTIES.** The imposition of any penalty for a violation of any provision of this article shall not be construed as a waiver of the right of the city to collect the costs of removal or treatment of any tree, shrub or other plant in accordance with the provisions of this article.
- 6-719 **REGISTRATION.** No person or firm shall engage in trimming, pruning, treating, or removing trees for consideration within the City, unless such person or firm shall first register with the City Clerk. The City Clerk shall issue the registration to an applicant upon the completion of the registration form and acknowledgment that the applicant is familiar and agrees to comply with the rules and regulations of the City.

Registration shall expire on December 31 of the year the registration was issued. Upon conviction of any provision of this Section, a fine in an amount of not less than \$50 nor more than \$500 shall be assessed by the municipal judge. In addition to the penalties provided above the registration of any person or firm violating any provision of this Section shall upon conviction be revoked. Such person shall not be eligible to reapply for registration for one (1) year from the date of the conviction. Upon conviction of a second violation, such person or firm shall not thereafter be eligible to apply for registration.