

## Chapter 90 - VEGETATION

### PART I. - IN GENERAL

Secs. 90.000—90.100. - Reserved.

### PART II. - REMOVAL AND PROTECTION OF TREES

Sec. 90.110. - Applicability generally.

- (a) A tree must have a minimum overall future height of 15 feet, with a trunk diameter of 2½ inches measured at three feet above grade, to come under the recommendations of this part; provided, however, that palm trees are not classified as shade trees.
- (b) This part shall apply to all property belonging to the city and all private real property that is vacant and undeveloped or real property to be redeveloped for a new use or altered as to existing use, within the city limits.

(Code 1969, § 20½-11)

Sec. 90.120. - Applicability to trees on public and city property.

Trees on public parks and public rights-of-way and on city properties shall be subject to this part, provided any removal thereof shall be subject to the approval of the superintendent of public works.

(Code 1969, § 20½-17)

Sec. 90.130. - Penalty for part violation.

Any person violating this part shall be subject to a fine as prescribed in section 1.050.

(Code 1969, § 20½-20)

Sec. 90.140. - Copies of part to be given to building, landscaping and paving operators.

Copies of this part shall be tendered to all building, landscaping and paving operators doing work within the city by the city clerk.

(Code 1969, § 20½-21)

Sec. 90.150. - Permit, approval required for removal of trees; review of application.

- (a) Under this part, no tree may be cut down or removed from the real property described in section 90.110 without a permit from the superintendent of public works.
- (b) The superintendent of public works or a representative shall check the site and review the application on the following merits:
  - (1) Would the tree reasonably restrict economic use of the property?
  - (2) Is the tree incurably infected by disease, in danger of falling, in too close proximity to existing or proposed structures or utility services?

(Code 1969, § 20½-12; Ord. No. 723, § 1, 9-1-98)

Sec. 90.160. - Waiver of permit for emergency.

For emergencies, such as storms, a written permit for removal of a tree may be waived if the tree is endangering the public health, welfare or safety and requires immediate removal. Verbal authorization may be given by the mayor, the fire chief or police chief, the building inspector or the superintendent of public works.

(Code 1969, § 20½-18)

Sec. 90.170. - Appeal from decision of superintendent of public works.

Any person adversely affected by a decision of the superintendent of public works or his representative under this part may appeal through written notice filed with the city clerk. The notice shall set forth all grounds for the appeal.

(Code 1969, § 20½-16; Ord. No. 723, § 2, 9-1-98)

Sec. 90.180. - Replacement of trees when removed for construction of paved area.

Where removal of a tree is approved for construction of a paved area, the superintendent of public works may require the owner to move or replace the tree somewhere within the property site. The replacement tree shall have an oxygen-producing capacity at least equal to that of the tree removed and of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least four inches.

(Code 1969, § 20½-13; Ord. No. 723, § 3, 9-1-98)

Sec. 90.190. - Protective barriers during construction.

During construction, builders shall be required to erect protective barriers around trees that might be injured.

(Code 1969, § 20½-14)

Sec. 90.200. - Machinery, soil deposits, harmful substances prohibited near trees.

It shall be unlawful for any person to allow machinery, soil deposits, harmful liquids, or any substance that would cause disease or destruction of any tree protected by this part to come within six feet thereof.

(Code 1969, § 20½-15)

Sec. 90.210. - Site plan required for parking areas.

No parking area for more than two cars, public or semiprivate, shall be approved until a drawing has been presented to the building inspector showing site plan, existing trees, and plans for planting of trees to provide shade and aesthetic relief from the barrenness of open paving.

(Code 1969, § 20½-19)

Sec. 90.220. - Removal of dead trees.

It shall be unlawful for the owner of any real property within the city to permit any dead canopy tree of a height equal to or greater than the distance from the base of the tree in question to the nearest real property boundary or utility easement to remain standing on such real property.

(Ord. No. 884, § 1, 12-6-05)