

ARTICLE 3. STREET TREES

11-301. **STREET TREES DEFINED.** Street trees are those trees on any parkway or immediately adjacent to any parkway of any street, avenue or public way within the city. (Ord. 628, Sec. 1)

11-302. **APPROVED SPECIES.** The governing body of the city shall compile an official list of approved street tree species which list may be revised from time to time and shall be openly displayed in the office of the city clerk and no tree species other than those included on the list may be planted as street trees within the city. (Ord. 628, Sec. 2)

Small Deciduous Trees

Flowering Crabapple
Washington Hawthorn
Bradford Pear
Plum Newport Purpleleaf
Redbud
Russian Olive
Soapberry

Tall Deciduous Trees

Cottonless Cottonwood
London Plane Tree
Silver Maple
Bur Oak
Sycamore

Medium Deciduous Trees

Shademaster Honeylocust
Marshall Seedless Ash
Northern Catalpa
Common Hackberry
Thornless Honeylocust
Skyline Honeylocust
Moraine Honeylocust
Kentucky Coffeetree
American Linden
Fruitless Mulberry
Japanese Pagoda Tree
Silver Popular

11-303. **PLANTING REGULATIONS.** (a) No street tree may be planted closer together than 40 feet.

(b) No street tree may be planted closer than 25 feet to any street corner measured from the point of the nearest intersection curbs or curblines and no street tree shall be planted closer than 10 feet to any fire plug.

(c) No street tree may be planted closer than three feet to any curb or sidewalk.

(d) No street tree may be planted under or within 20 feet of any overhead utility wire, excluding service cables or over or within five feet of any underground waterline, sewer line, transmission line or other utility.

(e) All trees and shrubs planted in the parking abutting upon or adjacent to any street or public way shall be located not closer than 15

feet to the lot line of intersecting streets or avenues, except that this provision shall not prevent the planting of shrubs or bushes near intersections when the same shall be cultivated and trimmed to a height of not more than three feet.

(f) All street trees planted on real property adjacent to any street or public way, shall be planted and cultivated as not to extend lower than eight feet above the surface of any sidewalk and not lower than 14 feet from the traveled portion of any street, avenue, alley or other public way in the city.

(Ord. 628, Sec. 3)

11-304. TREE REMOVAL. Where a street tree is planted in violation of this article and the occupant, owner or agent refuses, after 10 days' written notice by the governing body or in cases where the owner is unknown or is a nonresident and there is no resident agent, the street superintendent shall remove such tree and shall keep an account of the cost of the same and report to the city clerk; the city may levy special assessment by ordinance for such costs against the lot or piece of land in the same manner as is required for the building of sidewalks and the same shall be certified to the county clerk for collection as in other cases. (Ord. 628, Sec. 6)

11-305. UNLAWFUL ACTS. It is unlawful for the owner of any real property situated in the city and abutting upon or adjacent to any street, avenue, boulevard, public way, highway or alley in the city to plant, care for, cultivate, grow, keep or maintain any trees or shrubs upon such property or in or upon the parking or parkings abutting upon or adjacent thereto so that the same shall in any manner interfere with public travel and use of the streets, avenues, boulevards, public ways, highways, alleys and sidewalks or obscure the streets, avenues, boulevards public ways, highways, alleys and sidewalks or constitute a menace or danger to any person or persons using or desiring to use the streets, avenues, boulevards, public ways, highways, alleys and sidewalks. (Ord. 628, Sec. 7)

11-306. DUTY OF OWNERS. It is the duty of every owner of real property situated in the city and abutting upon or adjacent to any street, avenue, boulevard, public way, highway or alley in the city to care for, cultivate, trim, prune, cut, keep and maintain or cause to be cared for, cultivated, trimmed, pruned, cut, kept or maintained, all trees and shrubs growing or planted thereon and in the parking or parkings abutting upon or adjacent to such real property in such manner that such trees and shrubs and the branches and limbs thereof shall not in any manner interfere with public travel and use of the streets, avenues, boulevards,

public ways, highways, alleys and sidewalks or obscure the vision of any person or persons using or desiring to use the streets, avenues, boulevards, public ways, highways, alleys, or sidewalks. (Ord. 628, Sec. 8)

11-307. **AUTHORITY OF THE CITY.** In case of the failure of any owner of real property situated within the city to comply with the terms and provisions of section 11-308, the city may cause such trees and shrubs and the branches and limbs thereof to be removed, cared for, cultivated, trimmed, pruned and cut in such manner and to such extent that the same shall not interfere with public travel and use of streets, avenues, boulevards, public ways, highways, alleys, and sidewalks; or constitute a menace or danger to any person or persons using or desiring to use the streets, avenues, boulevards, public ways, highways, alleys and sidewalks. The cost of removing, caring for, cultivating, trimming, pruning and cutting such trees and shrubs and the branches and limbs thereof shall be levied and assessed against the property and collected in the same manner as other taxes upon such property. Before the city shall cause any trees and shrubs or the branches and limbs thereof to be removed, trimmed or cut, the city clerk, shall give at least 10 days' notice in writing to the owner or occupant of the premises abutting upon any street or other public way to be served by the street superintendent, requiring the obstructions arising from the trees or shrubs to be cut and removed. Where there is imminent danger or likelihood that any dead tree or shrub or any branches or part thereof is eminently dangerous and hazardous to public travel and the same may be removed by officers of the city without any notice. (Ord. 628, Sec. 9)

11-308. **REMOVAL ON PRIVATE PROPERTY.** The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The city clerk will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and assess the cost of removal to the owner's property to be collected in like manner as other special assessments. (Ord. 628, Sec. 10)

11-309. **REVIEW BY CITY COUNCIL.** The city council shall have the right to review the conduct, acts and decisions of the city tree board and the street superintendent. Any person may appeal from any ruling or order of the city tree board or the street superintendent to the city council who may hear the matter and make final decision; provided

intent to appeal is filed with the city clerk in writing not more than 10 days after notification. (Ord. 628, Sec. 11)