

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 TREES

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6-8-1 **PURPOSE.** The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees.

6-8-2 **DEFINITIONS.** For use in this chapter, the following terms are defined:

1. "Parking" means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

2. "Superintendent" means Superintendent of Public Works or such other person as may be designated by the Council.

6-8-3 **PLANTING RESTRICTIONS.** No tree shall be planted in any street or parking except in accordance with the following:

1. **Alignment.** All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. **Spacing.** Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to the driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. **Planting.** No person shall hereinafter plant in any street, any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, or evergreens. All trees must be free of insects, disease, mechanical injury, and objectionable features at the time of planting. Trees shall be of the following accepted species and size:

Maple	Locust
Schweidler	Imperial
Common Norway	Sunburst
Crimson King	Skyline
Columar	Shademaster
Sugar	
Red	Linden
	Redman
Ash	Little Leaf
Marshall Seedless	Green Spire
Summit	

6-8-4 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least ten (10) feet above the surface of the street and ten (10) feet above the sidewalks.

6-8-5 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

6-8-6 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-8-7 REMOVAL OF TREES. The superintendent shall remove, on the order of the Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

1. All trees within the public right-of-way are the property of the City of Rockwell. Removal of any city tree without written approval of the City Council is strictly forbidden and is a violation of this ordinance. In addition to penalties as specified in Title I, Chapter 3, of this Code, violators shall be responsible for damages and the cost of replacing the removed tree.

2. Authorization to remove City trees may be obtained by first submitting a completed application to the City Council. Applications may be obtained from the City Clerk. Upon inspection by the Council or its representatives, authorization may be granted for the following:

- a. The tree created a safety hazard.
- b. The tree is dead or diseased.
- c. The tree is designated a nuisance or undesirable species that provides fruit, sap or pods etc.

6-8-8 REPLACEMENT OF TREES. When a tree is removed from the parking area or other public land, and it is not deemed by the City Council as undesirable or in conflict with approved plans for impending improvements in the location of the tree, the tree when removed shall be replaced in accordance with the following:

1. Removal by property owner. If a tree is removed by the property owner, either by his/her request or on his/her own action after receiving approval, the owner shall be responsible for and given the option of replacing the removed tree with an approved species according to 6-8-3(3) within a period not to exceed six (6) months, or by paying a replacement fee to the City as determined by the City Council. The time frame to replace the tree may be extended by the City Council until the next appropriate planting season if the Council, after examining all existing circumstances, deems that replacement of the tree by the property owner during the established time frame is either not appropriate or would not serve the public good.

2. Removal by City. If the City removes a tree from the parking area or other public land it shall abide by the provisions established in section 6-8-8 (1) for the replacement of the tree removed.