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§ 92.01 PURPOSE AND INTENT.

   (A)   *Purpose.* The town recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community. It is in the best interests of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the town.

   (B)   *Intent.* It is the intent of the Town Council that the terms of this chapter shall be construed as to promote:

      (1)   The planning, planting, maintenance, restoration, protection and survival of desirable trees within the town; and

      (2)   The protection of community residents from personal injury and property damage, and the protection of the town from property damage caused or threatened by the improper planting, maintenance or removal of trees located in and upon public areas and rights-of-way within the town.

(Ord. 71, passed 10-3-2013)

§ 92.02 DEFINITIONS.

   For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***MINOR LIMBS.***

   ***PARK TREE.*** Any trees or other woody vegetation in public parks and grounds.

   ***STREET TREE.*** Any tree planted within the town right-of-way on either side of all streets, lanes, trails or ways within the town.

   ***TOP*** or ***TOPPING.*** The severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree.

   ***TREE BOARD.*** The group of citizens charged by ordinance to develop and administer a tree management program for trees on public property.

   ***TREE TRIMMING.*** The removal of plant parts to control growth and enhance performance or function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth and hanging limbs is not considered ***TREE TRIMMING*** according to the provisions of this chapter.

(Ord. 71, passed 10-3-2013)

§ 92.03 DESIGNATION OF A STREET TREE ADVISORY BOARD.

   (A)   *Tree Board.* A Tree Board shall be designated by the Mayor. The Board shall consist of members of the community interested in promoting the benefit, growth and health of trees.

   (B)   *Assist the town.* It shall be the responsibility of the Tree Board to study, investigate, counsel and assist with the development of a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas. The Tree Board ~~shall write and implement an annual work plan and submit an annual budget to qualify and be deemed a Tree City USA.~~ submit to the Town Council member in charge (authority) the following:

1. Every year by January 31st, the part of the annual work plan that concerns all street trees to be pruned for safety.
2. Before adding or removing any trees in the park the Tree Board shall submit their plan to the Park Committee for approval. The Park Committee then shall submit their plan for final review to the Town Council.
3. Meet with the Town Clerk by March 31st to discuss and update financial records.
4. Annually submit to the Tree City U.S.A. their annual plan and documents required to maintain the status of a Tree City.

   (C)   *Service without pay.* All members of the Tree Board shall serve without pay.

(Ord. 71, passed 10-3-2013)

§ 92.04 ORDINANCE ADMINISTRATION.

   (A)   *Authority.* The Council member responsible for administering and enforcing this chapter will be appointed by the Mayor. He or she shall:

      (1)   Have supervision of all trees planted or growing in public rights-of-way or town-owned places within the town;

      (2)   Supervise the planting, trimming, spraying, preservation and removal of street trees and other plants in public streets, in town cemeteries and in town parks to promote safety, protect town utilities and preserve the beauty of such public places; and

      (3)   Supervise the maintenance of street trees and park trees.

   (B)   *Desirable street tree list.* The Tree Board shall prepare a “suggested street tree list” containing the botanical and common names of all trees approved to be planted in streets, trails, parks or easements. The Tree Board shall also develop an undesirable street tree list containing the botanic and common names of all trees not approved to be planted in streets, trails, parks or easements. These lists may be revised from time to time by the Tree Board to include other suitable or undesirable trees.

   (C)   *Public awareness.* The Town Clerk shall make copies of this chapter available to any interested persons through the town office and on the town website.

(Ord. 71, passed 10-3-2013)

§ 92.05 STREET TREE MAINTENANCE AND CARE BY THE TOWN.

   (A)   *Standards.* The town should make reasonable efforts to maintain all trees located within town streets, parks, rights-of-way, landscape borders or on town-maintained property.

   (B)   *Town tree planting and maintenance.* The town shall have the right to plant, prune, maintain and remove street trees located within the public rights-of-way.

   (C)   *Tree replacement.* The town may replace street trees which have died or been removed for any reason, or plant additional street trees deemed appropriate and consistent with available resources.

   (D)   *Tree topping.* It shall be unlawful as a normal practice for any person or firm to top any street tree, park tree or other tree on public property excepting on easements controlled by local utility companies. Trees damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the Town Council.

   (E)   *Town authority.* The town may condemn and remove, or order to be removed, any tree or tree stump upon any of the public owned property within this town where the same is dead, diseased or for any reason whatsoever deemed undesirable or unsafe by the ~~Tree Board~~Town Council.

(Ord. 71, passed 10-3-2013) Penalty, see § 10.99

§ 92.06 STREET TREE MAINTENANCE AND CARE BY CITIZENS.

   (A)   *Planting.* Any person, firm, partnership, corporation or organization of any kind must obtain written approval from the ~~Tree Board~~ Town Council prior to planting a tree in any public right-of-way. Said approval shall specify with a drawing/plan the location and variety of trees to be planted.

   (B)   *Trimming.* Any person, firm, partnership, corporation or organization of any kind must obtain approval from ~~the Tree Board and~~ the Town Council prior to trimming any designated street tree/plant. Approval is not required for removing minor limbs (Define a minor limb) causing obstructions.

   (C)   *Adjacent property owners to maintain trees on their property.* Trees and other plantings on adjacent property shall not inappropriately overhang or encroach upon sidewalks, streets, public rights-of-way or other designated pedestrian ways, nor obstruct the view of traffic signs or any street intersection. Trees and other plantings that project over any street or access road that may be used for emergency purposes shall be trimmed to a safe height and shape. Adjacent property owners shall remove all dead, diseased or dangerous trees; or broken or decayed limbs which constitute a menace to public safety, at their expense; or prune to eliminate encroachment on sidewalks and streets. They shall be given by the town a 30 day notice to respond back to the town with a plan for pruning or removal to have completed no later then 75 days from the first notice date. If the property owner fails to comply within the 75 days given, the town will then take action, have the work completed and will bill the property owner.

   (D)   *Removing stumps.* Any tree that shall be removed from any of the public streets or places within the town shall be removed below the surface of the ground so that the top of the stump shall not project above the level of the ground, unless permission to leave a projecting stump is granted by the ~~Tree Board~~. Town Council

   (E)   *Approval required.* Any person, firm, partnership, corporation or organization of any kind must obtain approval from the Town Council prior to removing any tree found upon any public street or on any town-owned property. ~~within the town~~.

   (F)   *Considerations on removing or replacing a street tree.* In determining whether a tree may be removed and replaced, the ~~Tree Board~~ Town Council shall consider, among other things, the following:

      (1)   Whether the tree(s) pose a potential for safety problems despite a sound maintenance program;

      (2)   Whether the roots from adjacent park or street trees are interfering with sewer lines servicing the abutting property to the extent that the property owner requires frequent repair of said sewer lines;

      (3)   Whether the tree is dead, dying or incurably diseased;

      (4)   Whether the tree is diseased and weakened by age, storm, fire or other injuries so as to pose a danger to persons, property, improvements or other trees;

      (5)   Whether the tree(s) is of an undesirable species;

      (6)   Whether the tree poses a hardship to the adjacent property owner such as, but not limited to, the cracking or raising of a garage floor or, in the case of a handicapped person, special circumstances exist which cause the location of the tree to become a hindrance for vehicle and handicapped access; and

      (7)   Whether removal is necessary for construction of a street widening or other public improvement project, or necessary street or public improvement repair work.

(Ord. 71, passed 10-3-2013) Penalty, see § 10.99

§ 92.07 APPEALS.

   The decision of the ~~Tree Board~~ Town Council may be appealed by any person. The appeal shall be in writing, signed by the applicant with a statement of reasons supporting the appeal. The appeal shall be filed with the Town Clerk no later than the 15th calendar day following the decision of the ~~Tree Board~~ Town Council. The Town Council shall hear the appeal and render an opinion within 45 days after the appeal is filed.

(Ord. 71, passed 10-3-2013)