

Richland, 2003

§ 10-173

RICHLAND CODE

Sec. 10-173. Exceptions.

None of the terms or prohibitions of sections 10-171 and 10-172 shall apply to or be enforced against the following:

- (1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway maintenance and construction.* Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

Secs. 10-174—10-200. Reserved.

ARTICLE VII. TREES

Sec. 10-201. Purpose.

It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees in the street rights-of-way within the village as trees contribute to beautification, air cooling, purification, noise abatement, property value enhancement, and present a public asset enhancing the quality of life in the village.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-202. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Landmark tree means any tree that meets one or more of the following criteria: species rarity, old age, association with an historical event or person, abnormally great scenic enhancement or beauty.

Public nuisance means a tree, shrub, or plant part located anywhere upon public or private property which interferes with the clear view of traffic by drivers approaching an intersection; and any tree, shrub, plant or plant part afflicted with any dangerous or infectious insect infestation or disease.

Street right-of-way means a public or private way dedicated for public purposes, generally between the sidewalk and the curb, where sidewalks exist.

Topping means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and/or disfigure the tree.

Ord. No. 003-1, 3-13-2003

Cross reference—Definitions generally: § 1-2.

Sec. 10-203. Tree commission—Established.

There is hereby created and established a tree commission for the village which shall consist of not more than seven members who shall be appointed by the president with the approval of the village council. Members of the tree commission will meet quarterly or at the request of the village council, the village president, or his designate.

(Ord. No. 003-1, 3-13-2003)

Cross reference—Administration, ch. 2.

Sec. 10-204. Same—Term of office.

The terms of persons appointed to the tree commission shall be three years except that the term of three members to be appointed to the first tree commission shall be for only two years and the term of the remaining members first appointed shall be three years. All members may be appointed for a second three-year term after which appointment to the tree commission cannot be made for the member until one calendar year has passed. The terms for the tree commission members shall begin on January 1 of each year.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-205. Same—Applicability.

This article provides that the tree commission shall serve in an advisory capacity over trees, plants and shrubs located within the village street rights-of-way, parks and public places of the village, and to trees, plants and shrubs located on private property that constitute a hazard or nuisance as described in this article.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-206. Same—Ex officio duties.

The tree commission will recommend to the village council areas for beautification and improvement of the village landscape. The tree commission will serve as a group to provide information and to answer questions pertaining to trees from property owners. The tree commission will provide advice on pruning in street rights-of-way by private property owners if a permit has been granted for such portion. The tree commission will provide information concerning trees to the public via the media. The tree commission will provide advice to village personnel on the planting, pruning and care of street right-of-way trees or any plantings on public property.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-207. Landscaping.

In the case of all new construction in the village the tree commission will advise the village and the party undertaking the construction on the protection of trees in the street rights-of-way at the construction site.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-208. Tree planting, maintenance and removal.

(a) *Tree species.* The tree commission will develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and large. The tree commission will provide upon request a list of trees which can and cannot be planted in the street rights-of-way. Species prohibited in street rights-of-way shall include any tree of the species of Box Elder (*Acer negundo*), Silver Maple (*Acer succharinum*), Horse Chestnut (*Aesculus hippocastanum*), Tree of Heaven (*Ajilabthus altissima*), White Birch (*Betual paperifera*), Catalpa (*Catalpa* species), Mulberry (*Morus*), Poplar (*Populus* species, including Cottonwood), Black Locust (*Rubinia pseudoacadis*), Willows (*Silax* species), Siberian Elm (*Ulmus pumila*), American Elm (*Ulmus americana*), and Red Maple (*Acer rubrum*).

(b) *Removal.* Any tree planted in the street rights-of-way area which is on the list of prohibited trees will be removed at the property owner's expense at the request of the tree commission. Existing planted trees are exempted from this requirement.

(c) *Spacing.* The spacing of street trees in the street rights-of-way will be in accordance with the three species size classes listed in subsection (a) of this section, and no trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; large trees, 40 feet; except the special plantings designed or approved by a landscape architect and the tree commission. Any tree planted must be centered in the street rights-of-way and be 30 feet from any intersection or as approved by the village president or his designate.

(d) *Topping.* It shall be unlawful for any firm, person or village department to top any street tree, park tree or other tree on public property including street rights-of-way. Trees severely damaged by storm or other causes which require immediate remedy may be exempted from this provision at the determination of the village president or his designate. Trees under utility wires or other obstructions where the wire area cannot be cleared in a six foot diameter through the tree may be exempted from this subsection at the determination of the tree commission.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-209. Injury to trees.

No person shall plant, remove, mutilate, cut above the ground or disturb any tree in the village streets or any other public property without first procuring a permit from the tree commission. If a person makes proper application for a tree permit including providing all necessary information and the tree commission fails to act on that application within 30 days from the date of submission, the application shall be considered approved. The village shall be exempt from these permit provisions in the exercise of its normal tree maintenance program on condition that the tree commission has had an opportunity to review and advise on that tree maintenance program.

(Ord. No. 003-1, 3-13-2003)

Sec. 10-210. Landmark trees.

The tree commission shall have the duty to locate, select and identify any trees which meet the definition of landmark trees.
(Ord. No. 003-1, 3-13-2003)

Sec. 10-211. Private trees.

Subject to the due process of law, the village president or his designate may enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance, and if a public nuisance exists to take appropriate action including but not limited to trimming or removing the tree, shrub, plant or plant part so as to abate the nuisance. Any costs of nuisance abatement on private property shall be the responsibility of the owner of that property and may be made a lien against that property.
(Ord. No. 003-1, 3-13-2003)

Sec. 10-212. Permits.

A permit is required from the tree commission before any person may remove or prune trees in the public street rights-of-way.
(Ord. No. 003-1, 3-13-2003)

Sec. 10-213. Enforcement.

On request of the tree commission or on his own authority, the village president or his designate shall have the power to promulgate and enforce rules, regulations, and specifications concerning the trimming, spraying, removal, planting and protection of trees, shrubs and other plantings in the street rights-of-way or on any public property, subject to the approval of the village council.
(Ord. No. 003-1, 3-13-2003)

Sec. 10-214. Violations.

Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to the provisions of the article, upon being found guilty of violation, shall be subject to a fine not to exceed \$100.00 for each separate offense. Each day during which any violation of the provisions of this article shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this article, the injury, mutilation or death of a tree in the village street right-of-way or on village property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation.
(Ord. No. 003-1, 3-13-2003)