

City of St. Clair, MI 2/28/05

ARTICLE II. TREES, SHRUBS AND PLANTS

DIVISION 1. GENERALLY

Sec. 66-26. 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:

Public grounds means all property which is owned or its use controlled by the state, its agencies or its municipal subdivisions.

(Code 1975, § 20-11)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 66-27. Administration of article; rules and regulations.

The city superintendent shall administer this article and shall make such rules and regulations as the council may approve for the administration of this article.

(Code 1975, § 20-12)

Sec. 66-28. Manner of giving notices under article.

Any notice required to be given by this article shall be made by first class mail.

(Code 1975, § 20-13)

Sec. 66-29. Contents of notices required by article.

Any notice required by this article shall contain at least the following:

- (1) The action taken, and the reasons therefor;
- (2) The remedy;
- (3) The time in which the remedy shall be completed;
- (4) The right to appeal to the city council, together with the steps necessary for such an appeal; and
- (5) Any further information which will fairly appraise the person of the proceedings.

(Code 1975, § 20-14)

Sec. 66-30. Appeals from orders issued under article.

Any person who wishes to appeal to the city council an order issued under the provisions of this article may do so by filing, in writing, a notice of the appeal and a statement of the grounds therefor, with the city clerk at least 14 days prior to the next regularly scheduled council meeting and within 30 days from the date of service of the order appealed from.

(Code 1975, § 20-15)

Secs. 66-31--66-40. Reserved.

DIVISION 2. ON PUBLIC GROUNDS

Sec. 66-41. Permission to plant.

No tree, shrub or plant shall be planted on public grounds in the city without the prior written permission of the city superintendent. Any tree, shrub or plant which is planted without such permission may be removed by the city superintendent or his agent, at the discretion of the superintendent.

(Code 1975, § 20-26)

Sec. 66-42. Planting of certain trees prohibited.

The planting on public grounds in the city of softwood trees and other trees which, due to their wood or fruit, require more maintenance than other trees is prohibited. The following list of trees represent some but not all of those types of trees which are prohibited: soft and silver maple, American basswood, horse chestnut, catalpa, willow, poplar, box elder, Chinese elm and fruit trees, except flowering crab.

(Code 1975, § 20-27)

Sec. 66-43. Minimum size of trees to be planted.

The trees to be planted on public grounds in the city shall have a trunk of not less than 1 1/2 inches in diameter, when measured six inches from the ground, and shall not be less than eight feet high, after planting, from ground to the top.

(Code 1975, § 20-28)

Sec. 66-44. Location of trees.

(a) No tree shall be planted nearer than 40 feet to any other tree or building, or nearer than four feet to the edge of any sidewalk or to the curb of any street or alley.

(b) No tree shall be planted nearer than 25 feet to the intersection of the curblines at a street intersection or nearer than six feet to the edge of a driveway or alley.

(Code 1975, § 20-29)

Sec. 66-45. Permission for and supervision of maintenance or removal.

No tree, shrub or plant on public grounds in the city shall be maintained or removed without the prior written permission of the city superintendent. The city superintendent, in his sole discretion, may require that he or his agent be present to advise or supervise the maintenance or removal.

(Code 1975, § 20-30)

Sec. 66-46. Removal for convenience of landowner.

Any tree, shrub or plant on public grounds in the city which is removed for the convenience of any landowner shall be replaced by such landowner, or an amount equal to the value of the removed tree, shrub or plant shall be contributed by such landowner to a special fund which shall be used for the planting and/or maintaining of trees, shrubs or plants on public grounds in the city. The city council shall determine the value of the removed tree, shrub or plant, if such determination is made under this section.

(Code 1975, § 20-31)

Sec. 66-47. Mutilating, girdling, etc.

No tree, shrub or plant on public grounds in the city shall be mutilated, girdled or used for any purpose, except by the prior, written permission of the city council.

(Code 1975, § 20-32)

Sec. 66-48. Impeding passage of air or water into ground at trunk.

No person shall place or cause to be placed concrete or other impervious material, which will impede the passage of air and water into the ground, upon the ground at the trunk of a tree, shrub or plant within an area which, for trees, shall be determined by the following scale: nine square feet for every three inches of diameter of the trunk at a height of six inches above the ground; and for shrubs and plants, such area as shall be sufficient for their healthful growth.

(Code 1975, § 20-36)

Sec. 66-49. Protection from excavating or tunneling.

No person shall excavate or tunnel within six feet of a tree, shrub or plant on public grounds in the city without the prior, written permission of the city superintendent.

(Code 1975, § 20-33)

Sec. 66-50. Protection from burning.

No person shall burn or cause to be burned material in a manner or in a position which will cause injury to trees, shrubs or plants on public grounds in the city.

(Code 1975, § 20-35)

Sec. 66-51. Protection from chemicals.

No person shall place or expose or cause to be placed or exposed chemicals, in any form or state, which are injurious to trees, shrubs or plants, in a position which will cause injury to trees, shrubs or plants on public grounds in the city.

(Code 1975, § 20-34)

Sec. 66-52. Penalty for violating sections 66-47 through 66-51.

A violation of the provisions of sections 66-47 through 66-51 shall be deemed a municipal civil infraction.

(Code 1975, § 20-37; Ord. No. 1999-09, § 1, 9-7-99)

Secs. 66-53--66-65. Reserved.

DIVISION 3. ON PRIVATE PROPERTY

Sec. 66-66. Maintenance, treatment or removal of diseased trees by property owner.

Any tree located on private property, which is diseased in part or in whole, or is dead in part or in whole, shall be maintained, treated or removed by the property owner.

(Code 1975, § 20-50)

Sec. 66-67. Shrubs and plants not to interfere with view at street intersections.

Any shrub or plant located on private property near an intersection shall be maintained by the property owner to allow an unobstructed view of the intersecting streets from a height of three feet to 12 feet above the ground.

(Code 1975, § 20-49)

Sec. 66-68. Trimming tree branches which extend over public grounds.

Any tree located on private property adjacent to public grounds which has branches extending over such public grounds shall be maintained by the property owner so as to allow a clear passage of such public grounds to a height of eight feet, except that where such branches extend over a street or alley, clear passage shall be maintained to a height of 12 feet.

(Code 1975, § 20-48)

Sec. 66-69. Inspections.

The city superintendent or his agent shall inspect the trees, shrubs and plants on private property in the city and is hereby authorized to enter upon private property for the purpose of carrying out an inspection.

(Code 1975, § 20-51)

Sec. 66-70. Nuisances; abatement.

(a) Any tree, shrub or plant which, in the opinion of the city superintendent, violates this division, or because of its diseased or dead condition, endangers public property or members of the public while on public property, shall be declared a nuisance. The property owner on whose land such nuisance exists shall be notified of the condition constituting the nuisance, his obligation to abate the nuisance condition and the time in which he shall abate the nuisance.

(b) The city superintendent shall, upon the property owner's failure to act as directed within the terms of the notice prescribed by subsection (a) of this section, take such action as shall abate the nuisance.

(c) The cost, if any, which the city superintendent incurs under subsection (b) of this section shall be certified by him, sent by him to the property owner who refused or failed to act as directed, and if not paid within one year, the city superintendent shall refer the amount to the city assessor who shall place such amount on the tax roll, for collection in the same manner as any tax assessed against real property. Such amount shall become a lien against the property when certified by the city superintendent. The amount may also be referred to the city attorney for collection as a debt for services rendered.

(Code 1975, § 20-52)

DIVISION 4. TREE PLACEMENT

Sec. 66-71. Definitions.

Activity shall mean any new residential construction caused by any person located specifically in zoning districts R-1, R-1A and R-3.

City shall mean the City of St. Clair.

Department shall mean City of St. Clair Building or Zoning Department.

D.B.H. shall mean diameter at breast height or the diameter in inches of a tree measured at four and one half (4") feet above the existing grade.

Person shall mean any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind conducting operations within the city, including all tree removal companies and persons removing trees on behalf of others.

Qualifying tree shall mean a tree meeting the minimum size and type requirements listed elsewhere in this division.

(Ord. No. 2001-03, § 1, 6-4-01)

Sec. 66-72. Findings.

The city finds that growth and the spread of development have had the effect of eliminating many trees in the city. Specifically, the city finds:

That trees protect the public health through the absorption of air pollutants and contamination, by the reduction of excessive noise and through their cooling effect in the summer months;

That trees are an essential component of the general welfare of the city by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future city residents;

That trees play a role in filtering waste water which passes through the ground from surface to groundwater tables and lower aquifers;

That trees, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control and flood control.

That trees appreciably reduce carbon dioxide content and increase the oxygen content of the air and play a vital role in purifying the air.

(Ord. No. 2001-03, § 1, 6-4-01)

Sec. 66-73. Tree placement.

On any vacant lot or condominium site where construction activity occurs, trees shall be planted as follows:

One tree (minimum) shall be planted on the site for every 60 feet of frontage abutting a public or private road. If the width of the building lot, as measured at the road is more than 60 feet, one tree shall be planted for every additional 60 feet or portion thereof. If there are existing qualifying trees located in the right of way or within 15 feet of any private road abutting the site no additional trees shall be required to be placed to meet the requirements of this division.

These trees shall be planted in the boulevard area between the street and sidewalk in the road right of way or within 15 feet of any private road abutting the site unless circumstances prohibit in the determination of the department; in this case the trees will be planted in the front yard area.

Trees must be nursery stock, large deciduous trees of 1 1/2" minimum caliper, from the following list or other trees as established by resolution of the city council:

TABLE INSET:

Oak	Linden	Hackberry
Hop Hornbean	Ginko (male)	Hard Maple
Sweet Gum	Honey Locust (thornless)	Birch
Beech	Sycamore	Ash (seedless)

(Ord. No. 2001-03, § 1, 6-4-01)

Sec. 66-74. Deposit required.

Whenever a person shall engage in activity as defined in this section, said person shall first place on file with the department a deposit of \$250.00 per tree or an amount as established by resolution of the city council, which deposit shall be held by the department as follows:

Prior to the issuance of the final certificate occupancy permit the person shall supply evidence of the trees required by this section to be planted. Having been planted and the department upon inspection determines that the trees are alive and healthy and that the requirements of this division have been complied with, the department shall refund the deposit.

If at the issuance of the final certificate of occupancy no such evidence of compliance with the terms of this division shall have been received by the department, the department shall remit the said deposit to a city account which use shall be solely for the purchase of and planting of trees in the city.

(Ord. No. 2001-03, § 1, 6-4-01)

Sec. 66-75. Reserved.

DIVISION 5. WOODLAND AND TREE PRESERVATION

Sec. 66-76. Findings.

The city finds that rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees, woodlands and other forms of vegetation and natural resources and processes associated therewith which if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational, health, and economic assets to existing and future residents of the city. Specifically, the city finds:

- (1) That trees and woodlands protect the public health, through the absorption of air pollutants and contamination, by the reduction of excessive noise and mental and physical damage related to noise pollution and through their cooling effect in the summer months.

- (2) That trees and woodlands are an essential component of the general welfare of the city by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future city residents.
- (3) That trees and woodlands play a role in filtering waste water which passes through the ground from surface to groundwater tables and lower aquifers.
- (4) That trees and woodlands, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control and flood control.
- (5) That trees and woodlands appreciably reduce carbon dioxide content and increase the oxygen content of the air and play a vital role in purifying the air.
- (6) That the protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan and the Michigan Environmental Protection Act M.C.L.. 324.1701 et seq. (Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-77. Purposes.

The purposes of this section are:

- (1) To provide for the protection, preservation, proper maintenance and use of trees and woodlands located in this city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.
- (2) To protect the trees, woodlands, and other forms of vegetation of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, ecological or historical significance;
- (3) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this city. (Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-78. Definition of terms.

The following definitions shall apply in this section:

Activity shall mean any use, operation, development, or action caused by any person, including but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structure; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water, pump or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operation.

Caliper shall mean the trunk diameter measured six inches above the ground on trees that are four inches in caliper or smaller.

City shall mean the City of St. Clair.

Construction zone means areas on the site where disturbance will occur including but not limited to cleaning, grubbing and grading activity, street right-of-way improvements and any activity involved in utility, parking lot, retention and building construction.

Department shall mean the city building and zoning department.

Development shall mean man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

D.B.H. shall mean diameter at breast height or the diameter in inches of a tree measured at four and one-half feet above the existing grade.

Drip line shall mean an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Grubbing shall mean the effective removal of understory vegetation from a site.

Land clearing shall mean those operations where trees and vegetation are removed and which occur previous to construction or building; e.g road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.

Landmark tree shall mean a tree of the Genus and/or species and diameter listed in the section of the division regulating landmark trees, and any tree of 24 inches D.B.H. or greater, which meet the health/condition criteria set forth elsewhere in this division.

Person shall mean any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind conducting operations within the city, including all tree removal companies and persons removing trees on behalf of others.

Protected tree shall mean any tree having a DBH of six inches or greater or any tree designated as a landmark tree.

Remove or removal shall mean the act of removing a tree by digging up or cutting down, or the effective removal through damage to the tree or its root system.

Replacement tree means any wood plant having, and least one well-defined stem at least three inches in caliper for deciduous trees, and ten-foot height for evergreen trees.

Transplant shall mean the digging up of a tree from one place on a property and the planting of the same tree in another place on the same property, in accordance with city tree transplanting standards and specifications.

Tree shall mean a woody plant with an erect perennial trunk, which at maturity is 13 feet or more in height, which has a more or less definite crown of foliage.

Woodland shall mean either:

(1) An area of land two contiguous acres or larger which is covered by at least 50 percent tree canopy from one or more groups of trees which have a natural understory and the remainder of the area not within the tree canopy is covered by other natural vegetation, or:

(2) An area meeting the requirements, of the subparagraph with no less than one-half acre and up to two acres in size and which also meets one or more of the following criteria:

- a. The area acts a major buffer for residential property.
- b. The area is a significant entry landmark to a residential subdivision or other prominent public area which in its absence would have a significant negative impact on the area.
- c. The area is an important greenbelt linkage between other natural areas for pedestrians, recreational activities and/or wildlife
- d. The area has high environmental value due to unusual topography, diversity of habitat, unique beauty, rare plant species or unusually large quality trees.

(Ord. No. 2001-06, § 1, 10-15-01)

TREE PROTECTION, REMOVAL, AND REPLACEMENT

Sec. 66-79. Tree permit required.

(a) It shall be a violation of this division for any person, except as otherwise provided herein, to remove, relocate or destroy any protected tree in the city or construct any structure, deposit any materials, clear land, grub or grade within the drip line of any protected tree, without a tree permit issued by the department in accordance with this division unless specifically exempted elsewhere in this division.

(b) Where a tree permit is required, a zoning application shall be filed with the department for review and approval. The application shall be submitted together with the following:

(1) A fee as established by resolution of the city council from time to time.

(2) Any additional items specified in the division as required by the department or the planning commission.

GENERAL PERMIT EXEMPTIONS OR REQUIREMENTS

TABLE INSET:

Property	Requirements*
Any vacant or occupied residential property with one-half acre or less in area.	No more than six protected trees per calendar year may be removed without a permit or replacement as required per the specifications of the division.
Any vacant or occupied residential property with more than one-half acre in area.	No more than 30 percent of the total number of protected trees on the lot per calendar year may be permitted to be removed without a site plan review and a permit or replacement as required per the specifications of the division.
Any non residential property of one-half acre or more.	No more than 40 percent of the total number of protected trees on the lot, whichever is less, may be permitted to be removed (or where removal has occurred) without site plan review and a permit, with the requirements as set forth else where in the division.
All property within the city limits.	A permit is required to remove any tree 24 inches or greater in diameter.
* Where the city is required to install utilities that remove trees in excess of the amounts listed, they shall replace the trees at the same ratio required as listed in the division.	

(c) Where a permit is required, an on site examination shall be required by the department. Landmark trees will not be required to be replaced if they do not meet the minimum score listed in the health/condition standard chart.

(d) Tree permits shall be issued for only the following reasons:

(1) Trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public utility service.

- (2) Trees which pose a safety hazard to buildings or structures.
 - (3) Trees which unreasonably prevent access to a lot or parcel.
 - (4) Trees which unreasonably prevent development of a lot or parcel or a physical use thereof. It is the intent of this provision that a permit shall not be granted for the removal of any tree where a reasonable alternative design solution exists consistent with the permitted use of the property under the city zoning ordinance.
 - (5) Where a landmark tree is proposed for removal and there is no reasonable alternative that would allow preservation of the tree while still meeting other city requirements.
 - (6) Diseased trees or trees so weakened by age, storm, fire or other injury so as to pose a danger to persons, property, improvements, or other trees and trees which are determined by the department to have a health condition factor ranking less than 16 per the division.
- (Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-80. Site plan application and review.

- (a) Determine if the plan removes an excessive number of trees in regards to the spirit of this division or if the site may be classified as a woodland under the definition of this division. If either of the above are determined to be true, a tree location survey shall be required by the commission.
- (b) Where a tree location survey is required, it shall be submitted along with the site plan and accompanying documentation as a part of the review process. Site plan approval shall precede issuance of a tree permit.
- (c) When a tree location survey is not required, the department shall review the application and other documentation as required within 15 working days of the site plan approval for issuance of a tree permit.

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-81. Tree location survey guideline.

- (a) When a tree location survey is required, it shall be submitted in a form acceptable to the department and shall bear the following information and details:
 - (1) Minimum scale of 1" = 50' The scale shall be the same as the site plans.
 - (2) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of the structures and improvements, including existing and proposed utilities.
 - (3) Locations and dimensions of all setbacks and existing or proposed easements.
 - (4) All trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags.
 - (5) Locations of all existing trees six-inch D.B.H. or more including trees within the adjoining street right-of-way, trees within 25 feet of the property lines and all trees to be erected by the development such as trees located within areas of right-of-way improvements or off site utility work. All such trees proposed to remain, to be relocated or to be removed, shall be so designated. The survey shall be accompanied by a separate

key identifying the numbered trees by size, existing and proposed grade at the base of each tree shall be indicated on the tree location survey.

(6) Tree location surveys are to be performed by actual field survey by a registered land surveyor and verified on site by a registered landscape architect, certified arborist or forester. Both professionals must verify the contents by seal or signature, whichever applies.

(7) If existing trees are to be relocated the proposed location for such trees, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction and how they are to be maintained after construction.

(8) A statement showing how trees to remain are to be protected during land clearance, construction and on a permanent basis including the proposed use of tree wells, protective barriers, tunneling or retaining walls.

(9) The number of trees to be removed which are six inch DBH or more.

(10) The requirement for a tree location survey may be waived by the department for areas 50 feet or more outside the construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area will be required. The area to remain undisturbed shall be snow fenced prior to any activity.

(b) For tracks of land ten acres or larger, where a tree location survey meeting the conditions of the ordinance is required, it shall be submitted with the following supplemental documentation:

An aerial photograph or copy thereof, of suitable quality 1" = 100' minimum.

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-82. Tree protection during land development.

(a) Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer or agent shall do the following:

(1) All trees for which application is being made for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the department.

(2) Erect barriers of four foot high fencing or similar material staked with metal stakes ten feet on center which will shield and protect trees, no closer than six feet from the trunk or at the drip line, whichever is greater, of all such trees or groups of trees.

(3) Keep clear all debris or fill, equipment and material from within the required protective barrier.

(b) During construction the owner, developer or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including but not limited to the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree.

(c) No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this division.

(d) The department shall conduct periodic inspections of the site during land cleaning and construction in order to ensure compliance with this division.

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-83. Tree replacement or relocation during land development.

(a) As a condition of granting a tree permit, the applicant will be required to replace protected trees being removed, in excess of the amount allowed for removal as follows:

(1) The permit grantee shall either relocate or replace protected trees at a ratio of 30 percent of the amount of trees removed in excess of the amount allowed for removal. All replacement trees shall measure three-inch caliper for deciduous trees, ten-foot height for evergreen trees, or greater. Where it is not feasible and/or desirable to replace or relocate trees onsite, the city may substitute greater size for replacement trees or require replacement trees at another location on public property in city.

(2) Replacement trees shall have shade potential and other characteristics comparable to the trees proposed for removal and shall be State Department of Agriculture Nursery Grade No. 1 stock or better. Replacement trees shall be staked, if necessary, wrapped and mulched and shall be guaranteed for one year. Trees must be nursery stock, large deciduous trees of three inch minimum caliper from the following list or other trees as established by resolution of the city council:

TABLE INSET:

Oak	Linden Pine	
Hop Hornbean	Ginko (male)	Hackberry
Sweet Gum	Birch	Hard Maple
Beech	Sycamore	Evergreen
Ash(seedless)	Honey Locust (thornless)	

(3) As an alternative or partial alternative to the above, the city may approve trees which are smaller in caliper size in situations where the intent is to recreate or create a densely wooded area. Such groupings of trees shall consist of tightly grouped trees and shall be a minimum of three-quarter inch caliper and shall be used only in situations and locations where it is appropriate to create a densely wooded effect. Spacing between trees shall be approved by the planning commission. When this alternative is used, the sum of the caliper of the replacement trees shall be equal to the sum of the caliper of the trees which are being replaced. (Landscape Design Principles for Densely Wooded Areas adopted by the Planning Commission shall be used as guidelines for this alternative).

(4) When landmark trees are permitted to be removed, replacement trees shall be provided to a minimum of 25 percent of DBH of the trees to be removed. Replacement trees measured in DBH or calipers, shall be provided either individually or on an accumulative basis to meet the 25 percent DBH requirement.

(5) The applicant shall be required to replace trees originally indicated and intended to be saved when such trees are excessively damaged or removed in violation of an approved site plan during construction to the extent that it puts the tree at risk of death as determined by the department. The replacements shall have at least equal shade potential and other characteristics comparable to those of the damaged trees and be a minimum five inch caliper, excluding landmark trees. Landmark trees shall be replaced at 100

percent DBH on an individual or a cumulative basis using minimum five inch caliper stock.

(6) Trees required to be planted in accordance with this division shall be in place and properly supported prior to the issuance of a final certificate of occupancy. Center of said trees shall not be located closer than four feet to any property line or ten feet to any utility line.

(7) All trees replaced or planted as replacements must exhibit a normal live growth cycle in compliance with all other requirements of this division.

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-84. Emergency tree removal.

(a) When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health and general welfare following high winds, storms, tornadoes, floods, freezes, fires or other natural or man-made disasters the requirements of this division may be suspended by the department for a period of 30 days in the affected areas.

(b) The public works department of the city shall be exempt from the permit process for the purposes of performing their required duties during an emergency.

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-85. Penalties.

(a) Each unauthorized activity regarding trees protected by this ordinance shall be deemed a municipal civil infraction as defined in this Code, subject to payment of a civil fine of not less than an amount adopted by resolution of the city council, plus costs for the replacement of all trees affected by such activity and any other costs associated with each infraction. Repeat offenses under this ordinance shall also be subject to increased fines as provided in this Code.

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-86. Landmark trees.

The following is the list of landmark trees according to common name, species and DBH which are protected as listed in the enclosed chart.

(1) The listed DBH for the landmark trees represent the minimum size protected for each species.

(2) Landmark tree list;

a. All trees 24" DBH or greater are considered landmark trees.

b. The following trees listed in the enclosed chart shall also be considered landmark trees.

LANDMARK TREE CHART

TABLE INSET:

Common Name	Species	Size DBH
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Ash	<i>Frazinus</i> spp.	18"
American Beech	<i>Fagus grandifolia</i>	18"
American Chestnut	<i>Castanea dentata</i>	8"
Birch	<i>Betula</i> spp.	18"
Black Alder	<i>Alnus gultinosa</i>	12"
Black Tupelo	<i>Nyssa sylvatica</i>	12"
Black & White Walnut	<i>Juglans nigra</i> , <i>J. cinerea</i>	20"
Buckeye	<i>Aesculus glabra</i>	18"
Cedar, Red	<i>Juniperus</i> spp.	12"
Crab Apple (cultivar)	<i>Malus</i> spp	12"
Douglas Fir	<i>Pseudotsuga menziesii</i>	18"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
Flowering Dogwood	<i>Cornus florida</i>	8"
Ginkgo	<i>Ginkgo biloba</i>	18"
Hickory	<i>Carya</i> spp.	18"
Horsechestnut	<i>Aesculus carnea</i>	18"
Kentucky Coffeetree	<i>Bymnociadus dioicus</i>	18"

Larch/Tamarack	Larix laricina (Eastern)	12"
London Planetree/Sycamore	Plantanus spp.	18"
Maple	Acer spp.	18"
Oak	Quercus spp.	16"
Pine	Pinus spp.	18"
Sassafras	Aassafras albidum	15"
Spruce	Picea spp.	18"
Tuliptree	Liriodendron tulipifera	18"
Choke Cherry	Prunus spp.	18"

(Ord. No. 2001-06, § 1, 10-15-01)

Sec. 66-87. Tree health/condition standard.

The department shall be responsible for determining the health/condition standard for trees as listed in the enclosed chart.

(1) By field inspection of trees, the department shall evaluate the trunk condition, growth rate, structure, insects, and diseases, crown development and life expectancy. From the evaluation, the department shall determine a point value which describes the trees health/condition.

(2) Any listed landmark tree or any 24-inch or greater DBH tree with a score of 16 or higher is protected under this section.

HEALTH/CONDITION STANDARD CHART

TABLE INSET:

FACTOR	5 OR 4	2 OR 3	1	RANKING
Trunk	Sound & Solid	Sections of bark missing	Extensive and hollow	
Growth/Rate	More than 6" twig elongation	2"--6" twig elongation	Less than 2" twig elongation	

Structure	Sound	One major or several minor limbs dead	2 or more major limbs dead	
Insects/Diseases	No pests present	One pest present	Two or more pests present	
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	
Life expectancy	Over 30 years	15--20 years	Less than 5 years	
			TOTAL:	

(Ord. No. 2001-06, § 1, 10-15-01)