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Sec. 106-26. - 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:

ANSI A300 means the most recent revision of the American National Standard for tree care operations, all parts and companion publications. ANSI A300 definitions are incorporated by reference and shall be controlling.

Certified Arborist means an individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the technical competence to provide for or supervise the management of trees and other woody plants (per ANSI A300, 4.2) and is certified by the International Society of Arboriculture.

Director means the director of the city department of parks and forestry, and any representative, employee or agent authorized by the director to administer or enforce this article.

Drip line means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Lion's tailing means the removal of an excessive number of inner, lateral branches from parent branches.

Ornamental tree means a tree less than 25 feet tall, with a crown spread of ten feet or more at maturity.

Park tree means any tree, shrub, or other woody vegetation planted or located within a city park.

Pathway means a non-motorized vehicle-pedestrian pathway.

Person means any individual, firm, partnership, association, corporation or other entity.

Pruning means the selective removal of plant parts to meet specific goals and objectives (per ANSI A300, 4.30).

Public utility means water, sewer and storm drainage systems and facilities, as well as electric, gas, telephone and cable television lines.

Street tree means any tree, shrub, or other woody vegetation planted or located within a public street or road right-of-way under the city's jurisdiction.

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Topping means the reduction of a tree's size using internodal cuts without regard to tree health or structural integrity.

Tree lawn means the area between a sidewalk or pathway and the curb or street edge.

(Code 1976, § 4-14.02; Ord. No. 566, § 6, 4-2-2012)

Cross reference— Definitions generally, § 1-2.

Sec. 106-27. - Findings and purpose.

(a) The city council finds trees growing in street or road rights-of-way, parks and other public property of the city are a vital element in the appearance, character and welfare of the city and its residents. These trees provide not only aesthetic benefits but functional ones as well by removing gaseous and particulate contamination from the air, sequestering carbon, returning oxygen to the atmosphere, reducing traffic noise, screening objectionable views, providing shade that reduces air temperatures, and reducing storm water runoff and soil erosion.

(b) However, despite their many qualities, trees that interfere with the use of street or road rights-of-way, parks and other public grounds of the city and dead, damaged or structurally unsound trees located on both public and private property in the city may, when they are not properly planted, maintained or removed, endanger pedestrians, motorists and adjacent residents; cause damage to streets, pathways, sidewalks, public utilities; and other property; harm other trees; and become a detriment, hazard, threat or potential liability for the city.

(c) Therefore, the purpose of this article is to promote and protect the public health, safety, and general welfare of the city and its residents by providing for the regulation of the planting, maintenance and removal of trees growing in, overhanging, encroaching into or interfering with public street and road rights-of-way, parks and other public grounds of the city and for the pruning or removal of trees located on private property in the city which threaten pedestrian or traffic safety or which may interfere with public utilities or public improvements.

(Code 1976, § 4-14.01; Ord. No. 566, § 6, 4-2-2012)

Sec. 106-28. - Promulgation of rules.

The director is authorized to promulgate additional rules, regulations, and specifications consistent with this article concerning the planting, care, maintenance, removal, pruning, and protection of street trees, park trees, or trees on other public property owned or leased by the city.

(Code 1976, § 4-14.07; Ord. No. 566, § 6, 4-2-2012)

Sec. 106-29. - Conflict with tree conservation standards.

If a conflict or disparity occurs between any sections and regulations of this article and those contained in article III of chapter 126 pertaining to tree conservation, with respect to an activity which is regulated under both articles, the more stringent section or regulation shall apply.

(Code 1976, § 4-14.09; Ord. No. 566, § 6, 4-2-2012)

Sec. 106-30. - Enforcement.

This article shall be enforceable by the director, the county sheriff's department, the building

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department, and other enforcement officers as the mayor may designate.

(Code 1976, § 4-14.08; Ord. No. 566, § 6, 4-2-2012)

Secs. 106-31—106-55. - Reserved.