

**Sec. 21-62. Trees on private property.**

(a) Any person owning or occupying real property bordering on any street where trees have branches, limbs, trunks, or other parts projecting into the public street or property shall prune such trees or keep them trimmed in such a manner that they will not obstruct or shade the streetlights, obstruct or interfere with the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

(b) Any person owning or occupying real property bordering on any street, park or other public property, on which there may be trees that are diseased or insect infested, shall remove, spray or treat any such trees in a manner that will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

(c) No tree equal to or larger than two (2) inches caliper may be trimmed, pruned, or removed from the tree save area, and no tree equal to or larger than eight (8) inches caliper may be trimmed, pruned, or removed from the tree protection zone, without a permit. No grading, demolition, trenching, or other activity which may adversely affect trees in this zone may proceed prior to approval and issuance of necessary permits by the City.

(d) It shall be the duty of the property owner to maintain all trees planted pursuant to, or protected by, this chapter in a healthy condition in accordance with this section and the Tree Ordinance Guidelines developed by the City. Trees shall be allowed to grow to their natural height and form. Topping is prohibited.

(e) When trees that are subject to or protected by this chapter die, are missing, or are otherwise deemed unhealthy by the City, they shall be removed and replaced by the property owner to comply with any existing streetscape plan or as directed by the City, normally during the next planting season which is November through March. New owners of properties already in compliance must maintain that compliance. Trees of the same, approved species as those existing may be used to replace dead, missing or unhealthy trees. The property owner is encouraged to use large maturing shade trees as replacements when possible. Nothing in this section is intended to impose a requirement that the property owner maintain more trees than those required for the site even if he has voluntarily done so in the past.

(f) If the owner or occupant of such property does not perform the duties set out in subsections (a), (b) and (e) of this section, the City may order the pruning, removal or treatment of trees on private property that cause obstructions, present insect or disease problems or otherwise present a danger to public health or safety. The order shall be in writing to the owner or occupant responsible for such condition and shall be acted upon within thirty (30) days from the time of the receipt of the order. If, after thirty (30) days, the owner or occupant has not responded or acted to prune, remove or treat the trees, the City shall have the authority to enter upon the property to perform the work necessary to correct the condition and bill the owner or occupant for the actual costs incurred. In situations deemed necessary to the public health, safety, or welfare, the City may act without prior notification to the property owner or occupant.