

Excerpt from Chapter 70, Article II, Division 1

§ 70-26 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.

DEPARTMENT. The Department of Public Works of the city.

DIRECTOR. The Director of the Department of Public Works or his authorized representative.

PARK. Includes all public parks having individual names and all areas, whether owned by the city or not, to which the public has free access as a park.

PROHIBITED SPECIES. Any tree of poplar (*Populus* sp.), willow (*Salix* sp.), box elder (*Acer negundo*), silver maple (*Acer saccharum*), locust (*Robinia* sp.), tree of heaven (*Ailanthus altissima*), catalpa (*Catalpa* sp.), mulberry (*Morus* sp.) and Siberian elm (*Ulmus pumila*).

PUBLIC UTILITY. Any person owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

STREET. All the land lying between property lines on either side of all streets, highways and boulevards in the city.

TREE. Trees, shrubs, bushes and all other woody vegetation.

(1993 Code, § 70-26)

Cross reference:

Definitions and rules of construction generally, § 1-2

§ 70-27 APPLICABILITY.

The provisions of this article, except as otherwise specifically stated, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.

(1993 Code, § 70-27)

§ 70-28 ENFORCEMENT.

The director shall be charged with the duty of enforcing the provisions of this article.

(1993 Code, § 70-28)

§ 70-29 ADDITIONAL RULES AND REGULATIONS.

The city manager shall make such rules and regulations supplementary to this article and not in conflict with this article as he may from time to time deem necessary, to be

effective upon approval by the city council. No person shall fail to obey any rule or regulation effective under this article.

(1993 Code, § 70-29)

§ 70-30 PLANTING, CARE, REMOVAL.

(A) The director shall have control over all trees located within the street rights-of-way and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this article.

(B) The owner of land abutting on any street may, upon obtaining prior written permission of the director, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove and tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject.

(C) Where an owner of abutting property requests the removal of a tree, the director is authorized, in his discretion, to require as a condition to granting of approval for such removal that such property owner make the removal in accordance with regulations established by the department and assume all or any part of the costs of removing such tree.

(1993 Code, § 70-30)