

City of Plymouth – Tree Ordinance

ARTICLE XIV. VEGETATION

DIVISION 1. GENERALLY

Secs. 18-711--18-720. Reserved.

DIVISION 2. TREES

Sec. 18-721. Definitions.

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

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(Code 1982, § 3.70(1))

Cross references: Definitions generally, § 1-2.

Sec. 18-722. Penalty.

Any person violating any provisions of this division shall be, upon conviction or a plea of guilty, subject to a fine as prescribed in section 1-13.

(Code 1982, § 3.70(20))

Sec. 18-723. City tree board--Creation and establishment.

There is hereby created and established a city tree board which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor, with the approval of the commission.

(Code 1982, § 3.70(2))

Sec. 18-724. Same--Term of office.

The term of the five persons appointed to the tree board by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year, and the term of two members of the first board shall be for two years. If a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(Code 1982, § 3.70(3))

Sec. 18-725. Same--Compensation.

Members of the tree board shall serve without compensation.

(Code 1982, § 3.70(4))

Sec. 18-726. Same--Duties and responsibilities.

It shall be the responsibility of the tree board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city commission, and upon their acceptance and approval shall constitute the official comprehensive city tree plan. The board, when requested by the city commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Code 1982, § 3.70(5))

Sec. 18-727. Same--Operation.

The tree board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Code 1982, § 3.70(6))

Sec. 18-728. Street tree species to be planted.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

(1) *Small trees:*

Apricot
Crabapple, Flowering (sp)
Golden Rain Tree
Hawthorne (sp)
Pear, Bradford
Redbud
Soapberry
Lilac, Japanese Tree
Peach, Flowering
Serviceberry
Plum, Purpleleaf

(2) *Medium trees:*

Ash, Green
Hackberry
Honeylocust (Thornless)
Linden or Basswood (sp)
Mulberry, Red (Fruitless, male)
Oak, English
Oak, Red
Pagodatree, Japanese
Pecan

Birch, River
Osageorange (Male, thornless)
Persimmon
Poplar, White
Sassafras
(3) *Large trees:*
Coffeetree, Kentucky
Maple, Sugar
Oak, Bur
Sycamore
(Code 1982, § 3.70(7))

Sec. 18-729. Spacing.

The spacing of street trees will be in accordance with the three species in size classes listed in section 18-728. No trees may be planted closer together than the following:

- (1) Small trees: 30 feet;
- (2) Medium trees: 40 feet; and
- (3) Large trees: 50 feet;

except in special plantings designed or approved by a landscape architect.

(Code 1982, § 3.70(8))

Sec. 18-730. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in section 18-728. No trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees: 2 feet;
- (2) Medium trees: 3 feet; and
- (3) Large trees: 4 feet.

(Code 1982, § 3.70(9))

Sec. 18-731. Distance from street corners and fireplugs.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.

(Code 1982, § 3.70(10))

Sec. 18-732. Utilities.

No street trees, other than those species listed as small trees in section 18-728 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

(Code 1982, § 3.70(11))

Sec. 18-733. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This subsection does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with sections 18-728 through 18-732.

(Code 1982, § 3.70(12))

Sec. 18-734. Tree topping.

It shall be unlawful as a normal practice for any person or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the city tree board.

(Code 1982, § 3.70(13))

Sec. 18-735. Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Code 1982, § 3.70(14))

Sec. 18-736. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased tree on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by such owners at their own expense within 30 days after the date of service of notice. Upon failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Code 1982, § 3.70(15))

Sec. 18-737. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
(Code 1982, § 3.70(16))

Sec. 18-738. Interference with city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this division.

(Code 1982, § 3.70(17))

Sec. 18-739. Arborist's license and bond.

It shall be unlawful for any person to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance. No such license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Code 1982, § 3.70(18))

Sec. 18-740. Review by city commission.

The city commission shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city commission, who may hear the matter and make final decision.

(Code 1982, § 3.70(19))

Secs. 18-741--18-750. Reserved.

DIVISION 3. NOXIOUS WEEDS

Sec. 18-751. Definitions.

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

Noxious weeds includes Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (Charlock, black mustard and Indian mustard; species of *Brassica*, or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), quack-grass (*Syropyron repens*), crab-grass (*Digitaria sanguinalis*), poison ivy (*Rhus toxicodendron*), poison sumac (*Rhus vernie*), ragweed, goldenrod, and all weeds or grasses over 12 inches in height, on the average, or other plants or grasses which, in the opinion of the city commission, shall be regarded as a common nuisance.

(Code 1982, § 9.61; Ord. No. 86-3, § 1, 3-17-86)

Cross references: Definitions generally, § 1-2.

Sec. 18-752. Duty to cut.

It shall be the duty of every owner, occupant, or person having charge of any land within the city to cut down or cause to be cut down and destroyed all noxious weeds prior to May 15 in each year and to again destroy same prior to August 1, and as often as may be necessary to prevent same from going to seed or exceeding a height of 12 inches, on the average.

(Code 1982, § 9.62; Ord. No. 86-3, § 2, 3-17-86)

Sec. 18-753. Cutting by city.

If any owner, occupant or person having charge of any land within the city shall refuse or neglect to cut and destroy all noxious weeds as provided in this division, then the city manager shall cause the land to be entered upon by city employees for the purpose of cutting and destroying such weeds and such entering upon shall not be deemed a trespass.

(Code 1982, § 9.63)

Sec. 18-754. Costs.

The city manager shall cause to be kept an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of section 18-753 and such expense shall be charged against such lot or premises and collected by giving notice thereof to the owner of the premises. If such expense or charge shall not be paid the same shall be assessed against the premises and collected as provided by section 14.26 of the city Charter.

(Code 1982, § 9.64)

Sec. 18-755. Notice.

It shall be the duty of the city manager to post notices in not less than three conspicuous places within the city and to publish a copy of the notice issued under this division at least once in a newspaper of general circulation within the city, not less than ten days prior to the time when such weeds must be cut. In the alternative, the city manager shall notify by certified mail, with return receipt requested, the owner, agent or occupant of any lands on which noxious weeds are found growing. Such notice shall require that the person having charge of such land cut down or cause to be cut down and destroyed all noxious weeds within ten days, and shall contain a summary of the provisions of this division. Failure of the city manager to give notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for, or debt created under, the provisions of this division.

(Code 1982, § 9.65; Ord. No. 86-3, § 3, 3-17-86)

Sec. 18-756. Penalty.

Any owner, occupant, or person having charge of a lot or parcel of land, who shall refuse or neglect to cut down or cause to be cut down all noxious weeds shall, upon conviction,

be subject to a fine not to exceed \$100.00. Such amounts as are paid to the city under the provisions of this division shall be deposited into a special purpose fund to be known as the Noxious Weed Control Fund.

(Code 1982, § 9.66; Ord. No. 86-3, § 4, 3-17-86)

Secs. 18-757--18-775. Reserved.