

City of St. Johns – Tree Ordinance

## CHAPTER 96: TREES

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### § 96.01 DEFINITIONS; APPLICATION.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*DEPARTMENT.* The Department of Public Works of the city.

*PARK.* 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 (*Sahx Sp.*), box elder (*Acer Negundo*), silver maple (*Acer Saccharinum*), locust (*Robina 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.

*SUPERINTENDENT.* The Superintendent of the Department.

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

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

(1990 Code, § 3.31)

## **§ 96.02 RESPONSIBILITY.**

The City Manager shall be charged with the duty of enforcing the provisions of this chapter.

(1990 Code, § 3.32)

## **§ 96.03 PERMITS FOR TREE PLANTING, CARE, REMOVAL.**

The City Manager 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 chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the City Manager, 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 any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is

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

(1990 Code, § 3.33)

#### **§ 96.04 PUBLIC TREE REMOVAL.**

The Department shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure safety or to preserve the symmetry and beauty of the public grounds. The City Manager may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition, which is of a prohibited species, or is affected with any injurious disease, fungus, insect or other pest. Whenever the Department shall remove any tree, plant or shrub, solely for the purpose of constructing any public work, the City Manager shall, if practicable, replace the same at public expense at some nearby location by planting another tree, plant or shrub, not necessarily of the same type.

(1990 Code, § 3.34)

#### **§ 96.05 SPACING OF SHADE TREES.**

Future plantings of shade and ornamental trees in the streets and parks of the city will be done by the Department in accordance with prescribed tree planting practices. No trees shall be planted in the parkway between the curb and sidewalk when that area is less than three feet wide. No tree shall be planted nearer to the intersection of any streets than 25 feet from the corner of such intersection.

(1990 Code, § 3.35)

#### **§ 96.06 TREE PROTECTION.**

No person shall break, injure, mutilate, kill or destroy any tree or shrub, set any fire within 25 feet of any tree, or permit any fire, or the heat thereof, to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree. No electric wires or any other lines or wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto, and no person shall attach any electric insulation to any tree. No person shall use any tree as an anchor except by special written permit from the Superintendent, and no material shall be fastened to or hung on any tree. All persons having under their

care, custody or control facilities which may interfere with the trimming or removal of any tree shall, after notice thereof by the Department, promptly abate such interference in such manner as shall permit the trimming or removal of such tree by the Department.

(1990 Code, § 3.36)

### **§ 96.07 EXCAVATIONS NEAR TREES.**

Excavations and driveways shall not be placed within five feet of any tree without written permit from the Superintendent. Any person making such excavation or construction shall guard any tree within six feet thereof with a good substantial frame box to be approved by the Department, and all building material or other debris shall be kept at least four feet from any tree.

(1990 Code, § 3.37)

### **§ 96.08 COVERING SURFACE NEAR TREES.**

No person shall place within the street right-of-way any stone, brick, sand, concrete, or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.

(1990 Code, § 3.38)

### **§ 96.09 GAS MAIN LEAKAGE.**

Gas pipes or mains within any public rights-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. In the event a leak exists or occurs, it shall be reported to the owner of the pipe and main, and the leak shall be repaired within 24 hours. Any damage to trees, shrubbery or grass resulting from the escape of gas from a pipe or main shall be repaired and the cost of the work, including the cost of removal and the replacement of any trees, shall be levied against the owner of the pipe or main causing the damage.

(1990 Code, § 3.39)

### **§ 96.10 PRIVATE TREES.**

(A) *Clearance.* Every owner of any tree on private property overhanging any street or right-of-way within the city shall trim 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 ten feet above the surface of the street or right-of-way. The 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 trim 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, such trimming to be confined to the area immediately above the right-of-way. (1990 Code, § 3.40)

(B) *Diseases and infestations.* When the City Manager shall discover that any tree growing on private property within the city is afflicted with any dangerous and infectious insect infestation or tree disease, he shall forthwith serve a written notice upon the owner or his agent, or the occupant of the property, in the manner specified in this code, describing the tree, its location and the nature of the infestation or tree disease and ordering the owner, agent and occupant to take such measures as may be reasonably necessary to curb such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every such notice shall be complied with within ten days after service thereof, upon the owner, agent or occupant of the property on which the afflicted tree is located or within such additional time as may be stipulated in such notice. Any person receiving notice to remove a tree may within the time limited for compliance therewith file an appeal with the City Clerk which shall be transmitted to the City Commission and shall be heard at the next City Commission meeting thereafter. (1990 Code, § 3.42)

(C) *Owners failure to comply.* In case the owner, agent and occupant of the property refuse to carry out the order of the City Manager within the time limited, or in case of an appeal, within five days after the City Commission shall have affirmed such order, the City Manager shall carry out the pruning, spraying or destruction of the trees as deemed necessary by him and shall bill the owner, agent or occupant of the property for the cost thereof. In case the owner of such property shall fail to pay such bill within 60 days after the same has been rendered, the City Manager shall report the same to the City Commission for collection as a single lot assessment against the property. The City Manager may, without serving the above notice, when the owner or occupant of any private property shall consent thereto and pay the reasonable cost thereof, cause trees growing on private property to be sprayed when he deems the same necessary on account of any infestation or disease or threat thereof. (1990 Code, § 3.43)

(D) *Inspection.* The City Manager and his assistants and employees shall have authority to enter upon private premises for the purpose of examining any trees, shrubs, plants, or vines for the presence of destructive insects or plant diseases. No damages shall be awarded for the destruction of any tree, shrub, or plant or fruit or injury to the same, if done by the City Manager or under his direction, in accordance with this chapter. (1990 Code, § 3.44)

## **§ 96.11 CORNER CLEARANCE.**

All shrubs and bushes located on the triangle formed by two right-of-way lines at the intersection of two streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines on any corner lot within the city shall not be permitted to grow to a height of more than two feet in height from top of curb at street level in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of ten feet above the roadway surface. Any owner of any property failing to trim any trees, shrubs or bushes in conformity with this division or division (A) of this section shall be notified by the City Manager in the manner provided in this code, to do so and the notice shall require trimming in conformity with this section within ten days after the date of the notice. Upon the expiration of such period, the City Manager may cause the trimming to be done and the cost thereof may be collected from the owner of the property as a single lot assessment.

(1990 Code, § 3.41)

## **§ 96.12 LAWN EXTENSIONS.**

On residence streets, the abutting owner or occupant may maintain a planting strip on the lawn extension between the sidewalk and curb and may plant flowers, trees and shrubbery therein in conformity with this chapter. No person shall willfully injure or destroy any grass, flower, tree or shrub upon any such planting strip or throw any papers, refuse or other thing thereon. No person shall drive an automobile, bicycle or other vehicle upon or over any such planting strip.

(1990 Code, § 3.45)

## **§ 96.13 OVERHEAD LINES.**

The City Manager shall grant permission to public utilities to trim and keep trimmed all trees within the streets, alleys, parks and public places of the city in such a manner as shall keep the overhead lines of such public utilities safe and accessible. The trimming shall be done in accordance with approved practices and under the general direction of the Department. The permission, as provided for in this section, shall require reasonable prior notice to the city before any work is commenced thereunder; provided, however, that in the event of an emergency requiring immediate maintenance work on the overhead lines of the public utilities, prior notice of commencing work under the permit shall not be required. The word *EMERGENCY* as used in this section shall be defined to mean the occurrence or happening of an event which could not be foreseen by the exercise of reasonable care and foresight, which might cause damage to the overhead lines of the public utilities.

(1990 Code, § 3.46)

## **§ 96.14 ADDITIONAL REGULATIONS.**

The City Manager shall make such rules and regulations supplementary to this chapter and not in conflict herewith as he may from time to time deem necessary to be effective upon approval by the City Commission. Until changed pursuant to this section, the rules and regulations in effect at the adoption of this code shall continue in effect. No person shall fail to obey any rule or regulation effective hereunder.

(1990 Code, § 3.47)

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