

**Chapter 11**

**TREE PRESERVATION AND PROTECTION**

**Articles:**

- 11-1 Definitions**
- 11-2 Forest Plan**
- 11-3 City Forester**
- 11-4 Tree Requirements**
- 11-5 Interference with City Tree Board**
- 11-6 Review by City Council**

**Article 11-1 Definitions**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

A. "Forest Plan" shall mean the Litchfield Park Community Forest Plan adopted by the city council.

B. "Park Trees" shall mean trees, shrubs, bushes and all other woody vegetation in public parks, or to which the public has free access as a park, and all areas owned by the city other than rights-of-way.

C. "Street Trees" shall mean trees, shrubs, bushes and all other woody vegetation on public lands lying within the rights-of-way of all streets, avenues, boulevards, roads or ways within the city.

**Article 11-2 Forest Plan**

**Sections:**

- 11-2-1 Adoption of Forest Plan**
- 11-2-2 Compliance with Forest Plan Required**

**Section 11-2-1 Adoption of Forest Plan**

The city council shall adopt a forest plan which contains:

A. The type and kind of trees which may be planted upon city streets and in parks.

B. Requirements for the care, preservation, pruning, planting, replanting, removal or disposition of street and park trees.

C. Arboricultural specifications for street trees and park trees.

**Section 11-2-2 Compliance with Forest Plan Required**

All street trees and park trees shall be planted and maintained in compliance with the forest plan.

**Article 11-3 City Forester**

**Sections:**

- 11-3-1 Designation of City Forester**
- 11-3-2 Duties and Responsibilities of City Forester**

**Section 11-3-1 Designation of City Forester**

The Director of Public Works is hereby designated as city forester.

**Section 11-3-2 Duties and Responsibilities of City Forester**

It shall be the responsibility of the city forester to administer the forest plan and to annually make recommendations to the tree board for any modifications which may be needed to the forest plan.

**Article 11-4 Tree Requirements**

**Sections:**

- 11-4-1 Planting**
- 11-4-2 Prohibited Planting**
- 11-4-3 Spacing**
- 11-4-4 Distance from Street Corners and Fireplugs**
- 11-4-5 Utilities**
- 11-4-6 Public Tree Care**
- 11-4-7 Posting of Signs, Reflectors, Numbers or Letters**

- 11-4-8 Pruning, Corner Clearance**
- 11-4-9 Dead or Diseased Tree Removal on Private Property**
- 11-4-10 Tree Removal on Public Property**

**Section 11-4-1 Planting**

A. Street trees shall conform to the forest plan. No species other than those included in the forest plan may be planted as street trees or park trees without approval of the city tree board. Trees may only be selected from the tree list that correspond with the specific proposed tree locations designated in the forest plan.

B. In the case of new residential, residential, or commercial development (of any size or type), the developer shall be responsible for new street tree planting. The developer must purchase and plant street trees in the public rights-of-way no smaller than 3/4" caliper which conform to the forest plan and this chapter.

**Section 11-4-2 Prohibited Planting**

It has been determined that mulberry and olive trees produce large amounts of allergenic wind-borne pollens which are noxious and contribute to human diseases. Therefore, it shall be unlawful to plant or sell within the city limits, the following species of trees:

<u>Common Name</u>	<u>Botanical Name</u>
Common Olive*	Olea Europea
Mulberry	Morus Alba
	*Olive trees which are pollenless and fruitless such as "Swan Hill Olive" may be planted.

**Section 11-4-3 Spacing**

The spacing of street trees shall be in accordance with the spacing range designated in the forest plan. Exceptions must be approved by the city tree board.

**Section 11-4-4 Distance from Street Corners and Fireplugs**

Street trees shall be so located as to interfere as little as possible with traffic and shall not block views at an intersection. No street tree shall be planted closer than 10 feet to any fireplug.

**Section 11-4-5 Utilities**

No street trees other than those designated as small trees authorized in the forest plan may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line, sewer line, transmission lines or other utility.

**Section 11-4-6 Public Tree Care**

The city shall have the right to plant, prune, maintain, and remove all street trees and park trees as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public grounds. 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 is injurious to sewers, sidewalks, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious insect, pest or disease. This section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of such trees is in accordance with the forest plan and this chapter.

**Section 11-4-7 Posting of Signs, Reflectors, Numbers or Letters**

It shall be unlawful for any person to nail, or affix by stapling, gluing, or other manner any sign, reflector, number or letter to any street tree or park tree within the city limits.

**Section 11-4-8 Pruning, Corner Clearance**

Every owner of any tree, shrub, bush or other woody vegetation overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the view of any street intersection or interfere with people utilizing the sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace at the safety of the public. The city shall have the right to prune any tree or shrub upon private property when it interferes with the proper spread of light along the street from the street light, interferes with the visibility of any traffic control device or sign or otherwise poses a threat to public safety as determined by the city.

**Section 11-4-9 Dead or Diseased Tree Removal on Private Property**

The city shall have the right to cause the removal of any dead or diseased trees 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 of harm to other trees within the city. The city tree board will notify in writing owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees at owners' expense.

**Section 11-4-10 Tree Removal on Public Property**

No person shall remove or otherwise disturb any tree on any city-owned property without first obtaining written consent of the city forester. The person receiving permission shall abide by the forest plan.

**Article 11-5 Interference with City Tree Board**

It shall be unlawful to prevent, delay or interfere with city personnel, the city tree board, the city forester or any of their agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees, as authorized in this chapter.

**Article 11-6 Review by City Council**

The city council shall have the right to review the conduct, acts and decisions of the city tree board and any person aggrieved by a decision of the city tree board may appeal that decision to the city council by filing a written appeal with the city clerk within thirty days of the decision. The city council shall hear the matter and make a final decision.