

CHAPTER 95: TREES

Section

- 95.01 Permit required for destruction of trees; exceptions
- 95.02 Application for permit
- 95.03 Procedure for approval or denial of permit
- 95.04 Responsibility of applicant to remove stump
- 95.05 Violator subject to replacement costs; lien against property

Tree Trimming and Removal Program

- 95.15 Purpose
- 95.16 Scope
- 95.17 Trimming of trees and removal of damaged trees

- 95.99 Penalty

Cross-reference:

City Forester (Arborist), see § 31.40

§ 95.01 PERMIT REQUIRED FOR DESTRUCTION OF TREES; EXCEPTION.

No owner, occupant or person having control or management of any land within the city shall cut down, girdle or intentionally or negligently destroy or permit or cause to die any tree located in the right-of-way of the city without first obtaining a permit. Excepted from the provisions of this section are trees measuring two-inch in diameter or less, as measured at breast height across its main trunk, or uprooted naturally from age or weather.

(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

§ 95.02 APPLICATION FOR PERMIT.

(A) An application for a permit to remove all other trees from the right-of-way of the city, not previously excepted, shall be submitted to the City Arborist in written letter format and shall contain:

- (1) The owner's name and address;
- (2) The name and address of the applicant, if different from division (A)(1);

(3) A plat identifying the tree(s) for which the permit is requested, in relation to the dwelling and other structures on the lot;

(4) The reason for removal of the tree(s);

(5) Any other comments the applicant thinks are relevant, such as plans for replacement.

(B) No removal may be undertaken until a permit has been approved.

(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

§ 95.03 PROCEDURE FOR APPROVAL OR DENIAL OF PERMIT.

The City Arborist shall examine the application for removal of a tree in the right-of-way and ascertain whether the statements made therein conform to the provisions of this chapter. Then the examining official shall bring a proper application to the attention of the City Commission at or before the next regularly scheduled city meeting. The City Commission shall, after discussion, conclude whether the scenic beauty of the city would be impaired by the removal of the tree(s) and shall weigh the interest of the landowner, considering immediate replacement of the tree(s) and shall then approve or authorize the City Arborist to issue in letter format, a written denial, stating the reason for disapproval. The permit or denial thereof shall be mailed to the applicant no later than three working days after the day the City Commission takes action on the application.

(Ord. 90-08, passed 12-17-90)

§ 95.04 RESPONSIBILITY OF APPLICANT TO REMOVE STUMP.

If the permit is approved and the tree is removed, the applicant is responsible for removing the stump of the tree(s) to at least six inches below the immediately surrounding level of the ground. Further, the applicant is responsible for filling with dirt the hole created by the stump's removal and seeding/sodding with grass, or other appropriate vegetation, so as to conform to the surrounding area.

(Ord. 90-08, passed 12-17-90) Penalty, see § 95.99

TREE TRIMMING AND REMOVAL PROGRAM

§ 95.15 PURPOSE.

The purpose of this subchapter is to provide the city and its residents the opportunity to trim the trees and remove damaged trees located within the corporate boundaries of the

city in such a manner as to safeguard life, health, property and public welfare within the city, as well as preserve the aesthetics of the property within the city.

(Ord. 93-03, passed 7-19-93)

§ 95.16 SCOPE.

The provisions of this subchapter shall apply to the trimming and removal of any trees located within the corporate boundaries and in the property owner's yard within 20 feet from the edge of the pavement, or if determined to be a public hazard by the City Arborist. In the event there is an apparent discrepancy in the requirements specified in different sections of this Code, or between the requirements of this chapter and of any other applicable law, the more restrictive shall govern.

(Ord. 93-03, passed 7-19-93)

§ 95.17 TRIMMING OF TREES AND REMOVAL OF DAMAGED TREES.

- (A) The owners of property having trees that fall within the scope of this subchapter and wish to have those trees removed or trimmed shall do so at their own expense.
- (B) Owners must arrange to have hazard limbs and trees that threaten public safety removed within 30 days, an additional 30 days for removal of hazard limbs or trees will be granted, if so needed.
- (C) In the event that the City Arborist in consultation with a certified arborist has in his judgment, determined that a tree or part thereof falling within the scope of this subchapter needs removal and after so being advised the property owner refuses to remove the hazard pursuant to division (B) of this section then the city may contract for the removal of the tree and bill the property owner.
- (D) If the property owner fails to remit within 90 days of being billed of the removal then the legislative body may direct the City Attorney to file a lien against the property or take whatever other measures necessary to collect from the property owner.
- (E) In the case of imminent danger, the City Arborist will inform the council requesting the declaration of an emergency. With the declaration, either the owner or City may remove the hazard limb or tree as soon as possible.

(Ord. 93-03, passed 7-19-93; Am. Ord. 93-04, passed 10-18-93)

§ 95.99 PENALTY.

Any person whether owner, occupant, or agent thereof, who destroys, cuts down, girdles or causes the destruction or removal of a tree, or negligently allows the death of a tree in the

city right-of- way, which tree is not specifically exempted from these provisions, shall be liable to the city for the cost of stump removal and replacement by the city with another tree. The property owner, as a penalty for tree removal without a permit, shall be assessed a fine of \$200 per inch of trunk diameter, with a minimum assessment of \$200 and a maximum assessment of \$2,000. The city will endeavor to replace any tree so removed with a tree of equivalent size or a tree that is the largest like-kind reasonable diameter. The city shall have a lien filed against the property from which the tree was removed in an amount equal to \$200 or the value or cost of the labor, materials and replacement tree used in restoring the right-of-way and court costs and legal fees in securing the lien, up to \$2,000, whichever is greater.

(Ord. 90-08, passed 12-17-90)

PASSED AND ADOPTED by the City Legislative Body of the City of Seneca Gardens this 17th day of July, 2023.

Robert Kaufman, Mayor

First Reading: June 17, 2023

Second Reading: July 17, 2023

Date of Adoption and Publication: July 17, 2023

ATTEST: _____
Margaret Jones, City Clerk