

Chapter 235

TREES AND SHRUBS

Cross References — As to trimming of trees, etc., necessary to furnishing telephone service, §610.050; as to parks and recreation generally, ch. 230.

ARTICLE I

Trees On Private Property Generally

Section 235.010. Permitting To Interfere With Traveling Public. [R.O. 2012 §235.010; CC 1979 §30-11; Ord. No. A-2261 §1, 7-9-1965]

It shall be unlawful for the owner of any private property to permit, allow or suffer any tree thereon to damage, disturb, overhang or intrude upon any public street, alley, boulevard, public way or sidewalk to such an extent that the same unreasonably interferes with the traveling public. Any such tree shall be deemed to so interfere if the branches thereof shall overhang or intrude within an area of ten (10) feet above the traveled surface of any sidewalk or twelve (12) feet above the traveled surface of any street.

Section 235.020. Permitting or Maintaining Dangerous Trees. [R.O. 2012 §235.020; CC 1979 §30-12; Ord. No. A-2261 §2, 7-9-1965]

It shall be unlawful for the owner of any private property to permit, allow or suffer any tree thereon to become or to remain in such an insecure or unsafe condition that the same is apt to fall upon the public ways or do injury to persons traveling the public ways or thoroughfares of the City.

Section 235.030. Trees Interfering With or Dangerous To Public Travel Deemed Nuisance — Abatement of Nuisance By Street Commissioner, Etc. ¹ [R.O. 2012 §235.030; CC 1979 §30-13; Ord. No. A-2261 §3, 7-9-1965]

Any tree on private property which shall interfere with the traveling public or which is apt to fall upon the public ways or do injury to persons traveling the public ways is hereby deemed to be a nuisance, and the Street Commissioner is hereby authorized to abate any such nuisance whenever the owner of any such tree shall fail or refuse to do so. It shall be unlawful for any person to interfere with or impede the Street Commissioner, or his/her agents, servants or employees, while they are performing the duties imposed upon them by this Section.

¹. Cross Reference — As to nuisances generally, ch. 225.

ARTICLE II
Cutting or Removal of Trees By City

Section 235.040. Trees On Private Property. [R.O. 2012 §235.040; CC 1979 §30-14; Ord. No. A-2247 §1, 6-8-1965]

The City will not cut or remove trees on private property, except those trees deemed to be nuisances, as provided in Section 235.030 and then only at the expense of the owner of such private property.

Section 235.050. Dead Trees in Parkways and Alleys. [R.O. 2012 §235.060; CC 1979 §30-16; Ord. No. A-2247 §2, 6-8-1965]

The City may, subject to the restrictions set forth in this Chapter, cut dead trees in parkways and alleys when such cutting does not, in the opinion of the Superintendent of the Street Department, interfere with the work of the Street Department. Such cutting shall not be done during the period from June first (1st) to September thirtieth (30th), except when such dead tree constitutes a hazard to persons or property.

Section 235.060. Live Trees Generally. [R.O. 2012 §235.070; CC 1979 §30-17; Ord. No. A-2247 §3, 6-8-1965]

The City will not cut or remove live trees, except as provided in this Article.

Section 235.070. Trees Interfering With Utility System or Hazardous Trees. [R.O. 2012 §235.080; CC 1979 §30-18; Ord. No. A-2247 §4, 6-8-1965]

Notwithstanding any other provision of this article, the City may at any time cut, trim or remove any tree that interferes with the utility system of the City or the sidewalks of the City, or when such trees constitute a hazard to person or property.

ARTICLE III
Street Trees Generally

Section 235.080. Street Tree — Defined. [R.O. 2012 §235.090; CC 1979 §30-19; Ord. No. A-2260 §2, 7-9-1965]

The term "*street tree*", as used in this Article, shall mean any tree located within the right-of-way of any public street or alley open to travel within the City.

Section 235.090. Authority Generally of Street Commissioner. [R.O. 2012 §235.100; CC 1979 §30-20; Ord. No. A-2260 §1, 7-9-1965]

It shall be the responsibility of the Street Commissioner to carry out, enforce and administer the provisions of this Article. The Street Commissioner shall have the authority to plant, replant, trim, prune, spray, fertilize and otherwise treat any tree or shrub located within the right-of-way of a public street, whenever necessary to carry out the provisions of this Article.

Section 235.100. Trimming and Maintenance Generally. [R.O. 2012 §235.110; CC 1979 §30-21; Ord. No. A-2260 §3, 7-9-1965]

A regular maintenance program shall be established for the care and preservation of all street trees within the City, so as to preserve their natural beauty, avoid interference with the use of the public streets and avoid the spread of disease. All street trees shall be trimmed, so as to provide on all sides other than the roadway side a clearance of ten (10) feet. On the roadway side of all streets and alleys, a clearance of twelve (12) feet shall be provided and maintained. No street tree or other tree shall be located on public property or within any publicly held right-of-way which shall interfere with, or is about to interfere with, any sidewalk, public storm or sanitary sewer, pipe line or appurtenances, waterlines or other public utility lines, poles and appurtenances. It shall be the duty of the Street Commissioner, and he/she shall have authority, to trim or remove, if need be, any street tree that does not comply with the provisions of this Article.

Section 235.110. Permitting Non-Complying Street Tree To Remain On Property. [R.O. 2012 §235.120; CC 1979 §30-22; Ord. No. A-2260 §4, 7-9-1965]

It shall be unlawful for any person to permit to remain on property owned or occupied by him/her any street tree that does not comply with the provisions of this Article.

Section 235.120. Planting or Location To Be Staggered. [R.O. 2012 §235.130; CC 1979 §30-23; Ord. No. A-2260 §7, 7-9-1965]

Insofar as conditions will permit, street trees shall be planted or located so that a street tree on one side of a street within any block will be located midway between any two (2) street trees on the other side of the street; provided, that the same may be done without conflicting with any other provisions of this Article.

Section 235.130. Location in Narrow Parkways. [R.O. 2012 §235.140; CC 1979 §30-24; Ord. No. A-2260 §8, 7-9-1965]

No person shall plant or cause to be planted any street tree in any parkway which has a width of less than six (6) feet, unless the Street Commissioner shall find that the proposed tree to be planted will, at its maturity, attain a height no greater than twenty-five (25) feet and a trunk diameter no greater than eight (8) inches and that the rooting system of the type of tree proposed is of a deep rooting nature, not likely to cause damage to or interfere with sidewalks, curbs or streets.

Section 235.140. Permitted Species — Maximum Heights — Minimum Clearances Between Trees of Same Species. [R.O. 2012 §235.150; CC 1979 §30-26; Ord. No. A-2260 §§4, 10, 7-9-1965]

- A. It shall be unlawful for any person to:
1. Plant, or cause to be planted any street tree other than the following species;
 2. Plant or maintain, or cause to be planted or maintained, any street tree exceeding the following maximum heights; or

3. Plant, or cause to be planted, any two (2) street trees of the same type, the minimum clearance between the trunks of which shall exceed the following:

Species	Common name	Maximum height	Minimum clearance
<i>a. Height class fifteen (15) feet to thirty-five (35) feet.</i>			
<i>Acer cappadocicum rubrum</i>	Red coliseum maple	35 feet	50 feet
<i>Acer ginnala</i>	Amur maple	20 feet	40 feet
<i>Acer griseum</i>	Paperback maple	25 feet	50 feet
<i>Acer palmatum</i>	Japanese maple	20 feet	40 feet
<i>Acer pennsylvanicum</i>	Striped maple	35 feet	50 feet
<i>Acer platanoides</i> Olmsted	Olmsted columnar Norway maple Norway maple	25 feet 25 feet	50 feet 50 feet
<i>Acer platanoides</i> Cleveland	Cleveland Norway maple (yellow)	30 feet	50 feet
<i>Acer platanoides umbraculifera</i>	Globe Norway maple	20 feet	40 feet
<i>Acer rubrum</i> Gerling	Gerling red maple	30 feet	50 feet
<i>Acer rubrum</i> Scanlon	Scanlon red maple	35 feet	50 feet
<i>Acer tataricum</i>	Tatarian maple	25 feet	50 feet
<i>Aesculus carnea</i> Brioti	Ruby red horse-chestnut	30 feet	50 feet
<i>Amelanchier canadensis</i>	Downy shadblow	30 feet	50 feet
<i>Amelanchier laevis</i>	Allegheny service-berry	35 feet	50 feet
<i>Cercis canadensis</i>	Redbud	30 feet	40 feet
<i>Cercis canadensis alba</i>	White redbud	25 feet	40 feet
<i>Cornus alternifolia</i>	Pagoda dogwood	20 feet	40 feet
<i>Cornus florida</i>	White flowering dogwood	25 feet	50 feet
<i>Cornus florida rubra</i>	Red flowering dogwood	25 feet	40 feet
<i>Cornus kousa chinensis</i>	Chinese dogwood	20 feet	40 feet
<i>Cornus mas</i>	Cornelian cherry	25 feet	40 feet
<i>Crataegus lavalleyi</i>	Lavalle hawthorn	25 feet	50 feet
<i>Crataegus phaenopyrum</i>	Washington hawthorn	25 feet	40 feet
<i>Crataegus monogyna compacta</i>	Globe hawthorn	20 feet	40 feet
<i>Fraxinus ornus</i>	Flowering ash	30 feet	50 feet
<i>Fraxinus velutina glabra</i>	Modesto ash	30 feet	50 feet
<i>Fraxinus quadrangulata globosa</i>	Globeheaded blue ash	35 feet	50 feet
<i>Halesia tetraptera</i>	Carolina silverbell	25 feet	50 feet
<i>Koelreuteria paniculata</i>	Goldenrain tree	25 feet	50 feet
<i>Magnolia fraseri</i>	Fraser magnolia	30 feet	50 feet
<i>Magnolia kobus</i>	Kobus magnolia	35 feet	50 feet
<i>Magnolia loebneri</i>	Loebner magnolia	35 feet	50 feet

Species	Common name	Maximum height	Minimum clearance
Magnolia salicifolia	Anice magnolia	25 feet	50 feet
Ostrya virginica	American hophorn-beam	25 feet	40 feet
Oxydendron arboretum	Sourwood (acid soil)	30 feet	50 feet
Paulownia tomentosum	Empress tree	35 feet	50 feet
Prunus avium plena	Double flowered French mazzard cherry	30 feet	50 feet
Prunus serrulata Kwansam	Kwansan flower, cherry	25 feet	50 feet
Prunus Sargentii	Sargent's cherry	35 feet	50 feet
Prunus serrulata Amanagawa	Amanagawa flower, cherry	20 feet	40 feet
Prunus serrulata Shirotae	Shirotae flower, cherry	25 feet	50 feet
Pyrus calleryana	Callery pear	25 feet	50 feet
Robinia pseudacacia X hispida	Idaho locust	25 feet	50 feet
Sapindus drummondii	Soapberry tree	35 feet	50 feet
Sophora japonica	Pagoda tree	25 feet	50 feet
Sorbus alnifolia	Korean mountainash	25 feet	50 feet
Stewartia pentagyna	Mountain Stewartia	15 feet	40 feet
Styrax japonica	Japanese snowbell	20 feet	40 feet
Tilia euchlora	Creimean linden	35 feet	50 feet
Tilia cordata	Littleleaf linden (for wide parkway)	35 feet	50 feet
Sorbus auchuparia	European mountain ash	30 feet	—
<i>b. Height class thirty-six (36) feet to fifty (50) feet.</i>			
Acer platanoides Roch	Improved columnar Norway maple	45 feet	60 feet
Celtis chinensis	Chinese hackberry	50 feet	60 feet
Cercidiphyllum japonicum	Katsura tree	50 feet	60 feet
Cladrastus lutea	Yellowwood	50 feet	60 feet
Gleditzia triacanthos	Moraine thornless honeylocust	50 feet	60 feet
Gleditzia triacanthos	Sunburst thornless honeylocust	50 feet	60 feet
Magnolia denudata	Yulan magnolia	45 feet	60 feet
Phellodendron amurense	Amur corktree	45 feet	60 feet
Prunus sachalinensis	Sargent's flower cherry	40 feet	60 feet
Quercus prinus	Chestnut oak	50 feet	60 feet
Quercus rubra Shumardi	Texas red oak	45 feet	60 feet
Taxodium distichum	Bald cypress	50 feet	60 feet
Ulmus alatus	Wahoo elm	40 feet	50 feet
Ulmus carpinifolia Buisman	Buisman elm	40 feet	50 feet

Species	Common name	Maximum height	Minimum clearance
Zelkova serrata	Zelkova	50 feet	60 feet
Fraxinus lanceolata Moraine	Moraine ash	40 feet	60 feet
<i>c. Height class over fifty (50) feet.</i>			
Acer rubrum	Red maple	60 feet	60 feet
Acer saccharum	Sugar maple	60 feet	60 feet
Fraxinus americana	White ash	70 feet	70 feet
Fraxinus quadrangulata	Blue ash	60 feet	60 feet
Ginkgo biloba	Ginkgo	60 feet	60 feet
Hicoria laciniosa	Shellbark hickory	80 feet	70 feet
Hicoria ovata	Shagbark hickory	120 feet	70 feet
Hicoria pecan	Pecan	120 feet	70 feet
Juglans cineria	Butternut	90 feet	70 feet
Juglans nigra	Black walnut	120 feet	70 feet
Liquidambar styraciflua	Sweet gum	80 feet	60 feet
Liriodendron tulipifera	Tuliptree	80 feet	60 feet
Magnolia acuminata	Cucumber tree	70 feet	60 feet
Nyssa sylvatica	Sour gum	60 feet	60 feet
Quercus alba	White oak	80 feet	60 feet
Quercus bicolor	Swamp white oak	60 feet	60 feet
Quercus macrocarpa	Burr oak	80 feet	60 feet
Quercus palustris	Pin oak	75 feet	60 feet
Tilia americana	American linden	60 feet	60 feet
Tilia petiolaris (50 feet spread)	Silver pendent linden	60 feet	60 feet
Ulmus americana	American elm	80 feet	70 feet

Section 235.150. Additional Provisions As To Computation of Minimum Clearances. [R.O. 2012 §235.160; CC 1979 §30-27; Ord. No. A-2260 §6, 7-9-1965]

- A. It shall be unlawful to plant, or cause to be planted, any street tree, without providing a minimum clearance between such tree and any other street tree on the same side of the street, computed as follows:
1. *Trees of same type.* The minimum clearance between the trunks of any two (2) street trees of the same type shall be that clearance provided in Section 235.140.
 2. *Trees of different types.* The clearance between the trunks of any two (2) street trees of different types shall be determined by adding the minimum clearances shown for each type of street tree concerned, as shown Section 235.140 and dividing the sum thereof by two (2).

3. *Existing trees.* The minimum clearance from any existing street tree not shown in Section 235.140 shall be determined by the Street Commissioner, so that the existing street tree, at its maturity, will not come in conflict with or overlap the street tree to be planted, at its maturity.

Section 235.160. Minimum Distances From Improvements. [R.O. 2012 §235.170; CC 1979 §30-28; Ord. No. A-2260 §§5, 11, 7-9-1965]

It shall be unlawful for any person to plant, or cause to be planted, any street tree closer to any curb, alley, private drive, street light, traffic signal, sidewalk or street intersection than the following minimum distances:

Height class of tree	Minimum distance, measured from the nearest point, from:						
	Back of Curb*	R.O.W. alleys	Edges of private drives	Street lights	Traffic signals	Sidewalks	
15 feet to 35 feet	3 feet	15 feet	5 feet	30 feet	10 feet	5 feet	30 feet
36 feet to 50 feet	6 feet	10 feet	7 feet	30 feet	20 feet	7 feet	30 feet
Over 50 feet	10 feet	10 feet	10 feet	30 feet	30 feet	10 feet	30 feet

*When any parkway is eight (8) feet or less in width, a street tree shall be placed equally distanced from the curbing and sidewalk.