

## CHAPTER 94: TREES, SHRUBS, AND PLANTS

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(C) No person shall nail, tie, or in any other manner fasten any cards, signs, posters, boards, or other article to any tree, shrub, or plant growing upon any public highway, park, or other public place in the City.  
(1997 Code, § 5402) Penalty, see § 10.99

### § 94.01 CONTROL.

(A) The City Engineer shall have control over all trees, shrubs, and plants planted, or to be planted, in the public highways, parks, or other public places of the City. The City Engineer shall have power to plant, prune, spray, and otherwise maintain the trees, plants, and shrubs, and to determine the type or kind of trees to be planted.

(B) The words **PUBLIC HIGHWAY** shall be deemed to include all of the land lying between property lines on either side of all the public streets, boulevards, and alleys in the City.  
(1997 Code, § 5401)

### § 94.02 DESTRUCTION.

(A) No person shall cut down, deface, destroy, damage, or injure any tree, shrub, or plant upon the public highways or parks or other public places of the City, without first obtaining permission from the City Engineer.

(B) No person shall fasten any wire, rope, chain, or cable to any tree or shrub for the purpose of anchorage, without a written permit from the City Engineer.

### § 94.03 OVERHANGING TREES AND SHRUBS.

(A) Every owner of any tree, shrub, or plant overhanging the streets or highways within the City shall trim its branches so that they 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 12 feet above the surface of the street or highway.

(B) The owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs of trees that constitute a menace to the safety of the public.  
(1997 Code, § 5403) Penalty, see § 10.99

### § 94.04 CORNER LOTS.

In order that the view of the driver of a vehicle approaching the street intersection shall not be obstructed, all bushes, shrubs, or plants located on any corner lot within the City shall not be permitted to grow to the height of more than 3 feet above the surface of the roadway.  
(1997 Code, § 5404) Penalty, see § 10.99

**§ 94.05 FAILURE TO TRIM.**

(A) In all cases of violation of §§ 94.03 or 94.04, the City Manager shall, by written notice given in accordance with § 10.12, order the owner of any tree, shrub, or plant, to trim or cut the same so as to comply with the provisions of this chapter. The order shall be complied with within a period of 10 days.

(B) Should the owner refuse or neglect to comply with the order within the 10-day period, the City Manager shall perform the necessary work. In that case, the City shall have an action at law against the owner of the premises for the cost and expenses incident to the work, and shall be entitled to a judgment for the same.

(C) Any failure to comply with the provisions of this chapter, or with any lawful order of the City Manager after due notice thereof, shall be a violation of this code and punishable as provided herein.

(1997 Code, § 5405) Penalty, see § 10.99

**§ 94.06 PLANTING OF TREES.**

(A) No tree, shrub, or plant shall be placed in any public street, park, or public place, except under the supervision of the City DPW Supervisor and in accordance with the provisions of this chapter.

(B) No cottonwood, poplar, box elder, or willow tree shall hereafter be planted in the public highways, parks, or other public places of the City. (1997 Code, § 5406) Penalty, see § 10.99

**§ 94.07 STREET TREE REPLACEMENT REQUIREMENTS.**

These replacement requirements govern the replacement of any undesirable street tree (undesirable is any street tree having characteristics which cause or may cause extreme problems in growth, maintenance, and use as a street tree. Examples: trees with poor health, disease, exceedingly slow growth rate, large-scale breakage and decay.) Responsibility for determining if a tree is undesirable rests with the Streets and Sidewalk Committee with the final approval for replacement by the City Council.

(A) The City Manager or their designee, shall recommend to the Streets and Sidewalk Committee the removal and replacement of an undesirable tree if, in their professional judgment or based on tree health, they determine it is not performing adequately as a street tree.

(B) A property owner may make a request for tree replacement by submitting a special tree replacement request to the City Manager or their designee, who will review the permit and submit it to the Streets and Sidewalk Committee with recommendation.

(C) If approved by the Committee, trees for replacement will be purchased and planted by the City in accordance with approved planting practices.

(D) Removal work will be governed by the availability of City's contractor to do the work. Timing of removal must consider the impact of the area. Block renovation replacements in a small area may be scheduled over a period of several years. The City reserves the right to do tree trimming and removal on an annual basis.

(E) The City Manager or their designee will determine the number of replacement trees to be planted. The number removed and the number planted may not necessarily be the same.

(F) The property owner may request placement from those trees on the approved tree planting list. However, final approval rests with the City Manager or their designee and the Streets and Sidewalk Committee, as well as tree availability.

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(G) Trees that are questionable as to their removal will be looked at by the County or MSU Extension Service to help determine if the tree should be removed.

(H) The city will endeavor to avoid excessive damage to lawns, ground cover, and shrubs in the working area during removal and replanting.