

## City of Fremont – Tree Ordinance

### **Sec. 18-6. Trees and shrubs – Trimming branches overhanging street or sidewalk.**

The owner of any lot or parcel of land fronting on any street in the city shall trim or cause to be trimmed the branches from all trees in the street in front of such land and from the trees on such land overhanging the street, so as to leave a clear height of eight feet above the surface of the sidewalk and twelve (12) feet above the surface if the street unobstructed by branches of such trees. If any owner of such land shall refuse or fail to comply with the requirements of this section, it shall be the duty of the City Manager to cause such trees to be trimmed so as to comply with the provisions hereof, at the expense of the owner of such land, and such expense, together with costs of suit, shall be collected before a court having jurisdiction.

### **Sec. 18-7. Same – Permits to plant or remove in streets.**

(1) *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Park trees:* Trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the City.

*Private tree:* All trees within the city other than park trees and street trees.

*Street tree:* Trees, shrubs, bushes and all other woody vegetation on land lying on the street right-of-way on either side of all streets, avenues or ways within the city.

(2) *Duties generally of the City Manager and City Council.* It shall be the responsibility of the City Manager to develop and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees. Such plan will be reviewed and approved, from time to time, by the City Council. The City Council and City Manager shall consider, investigate and make findings, reports and recommendations upon any special matter or question within the scope of this work.

(3) *Official street tree species.* The following list constitutes the official street tree species for the city. No species other than those included on this list may be planted as street trees without prior written approval of the City Manager.

#### **Small Trees**

#### **Medium Trees**

#### **Large Trees**

Flowering Cherry, tree  
form varieties\*

English Oak  
Red Oak

London Plane  
Norway Maple\*

Flowering Crab, tree form varieties*	Green Ash: - Marshall's Seedless	Sugar Maple
Bradford Pear	- Summit Ash	
	Little Leaf Linden	
	Thornless Honey Locust*	

\*All varieties acceptable.

(4) *Street tree spacing.* The spacing of street trees will be in accordance with the three (3) species size classes listed in section 18-7 (3), and no trees may be planted closer together than the following: Small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings designed and approved for unusual effect.

(5) *Distance of street trees from street corners.* No street tree shall be planted closer than thirty-five feet from any street corner, measured from the point of nearest intersecting curbs or curblines.

(6) *Distance from curbs and sidewalks; planting of street trees on private property.* The distances trees may be planted from the curbs or curblines and sidewalks will be in accordance with the trees species size classes listed in section 18-7(3), and no trees may be planted closer to any curb or curblines or sidewalk than the following: Small trees, two (2) feet, medium trees, three (3) feet; and large trees, four (4) feet.

(7) *Utilities.* No street trees other than those species listed as small trees in section 18-7(3) may be planted under or within ten (10) lateral feet or any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

Any subsurface installation or work (water line, sewer line, transmission line or other utility) within a ten-foot distance of a street tree or park tree will be by "jack and bore" method, except and unless written approval for open trenching is issued, in which case a charge for vigor pruning, fertilization or other preventative maintenance service will be applicable. This requirement shall not apply to the repair or replacement of that portion of a private utility lateral or service which is on private property.

(8) *Care and maintenance of public trees; private planting in streets, etc., prohibited.* The City shall have the right to plant, replant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

Trees may be removed which are not dead or infected with any disease when such trees are of an undesirable species, but only upon notice to the owner of the abutting

property, and if such owner shall file written objection with the City Clerk within forty-eight (48) hours after service of such notice, a public hearing on such removal shall be had before the City Council and the abutting owner shall be notified of the time and place of such hearing. The City Manager is hereby authorized to direct the removal of any tree growing within any street, park or public place, when such tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic-control devices or construction within street rights-of-way.

No tree, plant or shrub shall be planted, replanted or removed within the line of any street, alley, lane, square or public grounds by any private party, except by written permission of the City.

(9) *Topping.* It shall be unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the City Manager.

(10) *Removal of stumps.* All stumps of street and park trees shall be removed below the surface of the ground to a depth of six (6) inches.

(11) *Sidewalk damage.* Existing street trees that have caused an upheaval or severe cracking of public sidewalks may be removed at such time that sidewalk replacement is ordered by the City. The necessity for such removal shall be based upon the overall vigor of the tree and the extent of conflict with the sidewalk structure, as determined by the City.

(12) *Interference with City personnel.* It shall be unlawful for any person to prevent, delay or interfere with the City, or any of its agents, while engaging in and about the planting, replanting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or tree on private grounds, as authorized in this section.

(13) *Private trees.* Private trees are not regulated by the terms of this section, except for the provisions of this subsection.

The City shall have the right to cause the removal or proper treatment of trees on private property, which harbor insects or disease and which constitute a potential threat to other trees within the city. The City will notify in writing the owners of such trees. Removal or treatment shall be done by such owners, at their own expense, within a reasonable period of time as prescribed by the City, but in no case more than sixty (60) days after the date of service or notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove or treat such trees and charge the cost of removal or of treatment to such owners.

No tree shall be planted upon private property within (10) feet of any fire hydrant or within three (3) feet of the right-of-way line of any street, alley, lane, square or public ground.

Every owner of any tree 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 intersection and so that there shall be a clear space of fourteen (14) feet above the surface of the street and sidewalk. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public using streets and sidewalks. The City shall have the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic-control device or sign.

(14) *Arbor Day.* The City Council shall annually celebrate Arbor Day. The Council may provide trees and shrubs for its citizens at reduced cost depending upon the demand for such trees and shrubs.

(15) *Violations and penalties; civil remedies.* Violation of this section shall constitute a misdemeanor. A violation of this section shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the court. Each violation of this section shall constitute a separate offense. The City may also seek such civil relief as is available to it in law or equity. (Ord. of 1-15-90.)

*Editor's note – An ordinance of Jan. 15, 1990, repealed 18-7 and enacted a new 18-7 in lieu thereof with subsections designated 18.7-1-18.7-15. At the discretion of the editor, and in order to maintain Code format, said subsections have been redesignated as (1)-(15) or 18-7 hereon.*