

City of Lincoln Park - Tree Ordinance

# CHAPTER 1028

## Trees and Shrubs

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### CROSS REFERENCES

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151

Cutting or destroying trees - see M.C.L.A. Secs. 247.235,  
247.241, 752.701 et seq.

Malicious destruction of trees - see M.C.L.A. Sec. 750.382

Vegetation and noxious accumulations - see GEN. OFF. 676.07

Obstructions of streets and sidewalks - see S.U. & P.S. 1020.01

Obstruction of visibility at intersections - see P. & Z. 1294.09

Landscaping generally - see P. & Z. 1296.03

Nuisance growth - see B. & H. 1486.07(b)

### **1028.01 AUTHORITY OF SUPERINTENDENT OF PUBLIC WORKS.**

The Superintendent of Public Works is hereby authorized to superintend, regulate and encourage the preservation, culture and planting of shade trees, plants and shrubs upon public highways and public parks in the City, and to direct the method and time of trimming the same. He or she shall advise, without charge, owners and occupants of lots regarding the kind of trees, plants and shrubs, and the method of planting, best adapted to and most desirable on particular streets and public highways, and shall take such measures as may be deemed necessary for the control and extermination of insects, pests and plant diseases which may injuriously affect trees, plants and shrubs that are now growing or hereafter may be growing on the public highways and parks of the City.

(1979 Code Sec. 13.40.010)

### **1028.02 PLANTING STANDARDS AND RESTRICTIONS.**

No person shall plant any shade or ornamental tree, plant or shrub in any public highway or park until the Superintendent of Public Works has approved the kind, size and variety of the same and designated the location for planting the same. The Superintendent shall not approve the planting of and no person shall plant any tree upon any street or highway, except under the following conditions:

(a) Such tree is one of the following varieties: green ash, althea, American elm, birch, Norway maple, column linden, sycamore maple, hornbeam, sweetgum, oak, flowering crabapple, flowering plum and ginkgo.

(b) Such tree is not less than forty-five feet from every other tree, unless it is an American elm, which shall not be less than sixty feet from every other tree.

(c) Such tree is free from infectious disease.

(d) Such tree, when planted, has a diameter of at least one inch at a distance of one foot above the ground level.

(1979 Code Sec. 13.40.020)

### **1028.03 RESPONSIBILITY FOR MAINTENANCE.**

No person shall maintain upon any lot of which he or she is the owner, either individually or as one or two or more tenants in common, joint tenants or tenants by the entireties, any tree which is so located as to extend its branches over a public alley or

highway, unless the same is kept so trimmed that there is a clear height of not less than twelve feet above that portion of the surface of sidewalks unobstructed by branches. No such person shall fail to remove all dead branches or stubs on such trees which are or may become a menace to persons on the street.

(1979 Code Sec. 13.40.030)

#### **1028.04 REMOVAL OR DESTRUCTION; PERMIT REQUIRED.**

No person shall remove, destroy, break, cut, deface or trim any tree growing in any highway or park in the City without first obtaining a permit therefor from the Superintendent of Public Works. Such permit shall state the work to be done under it and the time within which it is to be done. No person shall remove, destroy or trim any such tree under any permit unless proper precautions, approved by the Superintendent, are taken to ensure the safety of the public while such tree is being removed, destroyed or trimmed.

(1979 Code Sec. 13.40.040)

#### **1028.05 MISCELLANEOUS REGULATIONS.**

(a) Trees within the area between the sidewalk and the curb shall be planted by the abutting property owner or, if by the City, at the expense of the abutting property owner.

(b) No person shall plant any tree on any private property unless the distance from the center of the trunk of such tree to the nearest street right-of-way line measures six feet or more.

(c) No person shall plant any tree other than one of the varieties numerated in Section 1028.02(a) within twenty feet of any sewer connection.

(d) No person shall climb any tree growing in any highway or park in the City, or walk upon the branches thereof, while wearing spurs, unless such person is in the act of removing such tree.

(e) In the erection, alteration, repair or removal of any building or structure, the owner thereof shall place or cause to be placed such guards around all nearby trees on the public highway as will effectually prevent injury to such trees.

No person shall attach or connect any electric or other wire to any tree in a highway or park in the City or permit any such wire to come in contact with any such tree.

(g) No person shall attach any sign, placard or poster to any tree growing in any highway or park.

(h) No person shall plant any tree, bush, shrub or plant in the right of way of any street between the sidewalk and the curb of such right of way and within thirty feet of the nearest crosswalk parallel to any intersecting street right of way.

(1979 Code Sec. 13.40.050)

### **1028.06 INTERFERENCE WITH UTILITIES.**

No person shall hereafter plant or transplant upon private premises any cottonwood, poplar or willow tree, or any tree of a type or species which has roots of such a type as to extend far into the ground and have a tendency of interfering with public utilities. The Plumbing Inspector, on finding that roots from such trees have extended into or are endangering any public sewer, shall immediately notify the owner of the property on which such trees are located to remove the same, and on failure of the owner to do so, the Plumbing Inspector shall thereupon cite the owner into court for a violation of this chapter. Notice to the owner shall be given by registered letter, sent to him or her at the address shown on the most recent tax roll in the City Treasurer's office.

(1979 Code Sec. 13.40.060)

### **1028.07 INTERFERENCE WITH DRIVER'S VIEW.**

No trees, bushes, shrubs or plants located on any corner lot in the City that bear foliage which would obstruct the view of a driver of a vehicle approaching a street intersection, and no trees, bushes, shrubs or plants located on any lot in the City and extending in front of a building set-back line of a subdivision that would obstruct the view of a driver of a vehicle approaching a street from a public or private driveway, shall be permitted to grow to a height of more than three feet above the grade of the surface of the roadway.

(1979 Code Sec. 13.40.070)

### **1028.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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