

## City of Taylor – Tree Ordinance

### ARTICLE IV. PLANTING AND REMOVAL OF TREES, SHRUBS AND VEGETATION\*

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**\*Editor's note:** Section 1 of Ord. No. 90-218, adopted Dec. 18, 1990, added art. IV, §§ 20-66--20-73. In order to allow for the expansion of art. III, the editor has redesignated the provisions as §§ 20-76--20-83.

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#### Sec. 20-76. Definitions.

*Highways* shall include all the land lying between the property lines on either side of all public streets, boulevards and alleys.

*Park trees* means trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the city or to which the public has free access as a park.

*Street trees* means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(Ord. No. 90-218, § 1, 12-18-90)

#### Sec. 20-77. Duties.

The parks and recreation department shall direct, regulate and control the planting, care and removal of all trees and shrubs growing now or hereafter in any public highway, park or other public area in the city.

(Ord. No. 90-218, § 1, 12-18-90)

#### Sec. 20-78. Planting.

(a) *Private parties.* No person shall plant any shade or ornamental tree, plant or shrub in any public highway, park or public area until the superintendent of parks and recreation shall have approved the kind, size and variety of the same and designated the location for planting the same. The superintendent of parks and recreation shall not approve the planting of and no person shall plant any tree upon any highway, except under the following conditions:

(1) That such tree is one of the following varieties: Green Ash, American Elm, Hackberry, Norway Maple, Sugar Maple, Hornbeam, Oak, Flowering Crab Apple, Honey Locust, Hawthorne, Bradford Pear or Ginkgo.

(2) That such tree is free from infectious disease or insect infestation.

(3) That such tree, when planted, has a diameter of at least one (1) inch at the distance of one (1) foot above the ground level.

(b) *Planting by action of city council.* Tree and shrubbery planting shall be done throughout the city either upon resolution of the city council or upon recommendation from the parks and recreation department. It shall be the duty of the parks and recreation

department to lay out and plant trees and shrubs upon any public highway, park or public area within the city.

(c) *Planting in commercial developments.* The planting of trees, shrubbery, bushes and other woody vegetation in commercially zoned areas shall be governed by the terms of section 22.11 of appendix A of this Code.

(Ord. No. 90-218, § 1, 12-18-90)

Sec. 20-79. Protection of trees and shrubs.

(a) No person shall climb any tree growing in any highway or park in the city while wearing spurs unless such person is in the act of removing such tree.

(b) In the erection, alteration, repair or removal of any building or structure, the owner or owners thereof shall place, or cause to be placed, such guards around all nearby trees on the highways or parks as will effectively prevent injury to such trees.

(c) No person shall attach, connect or permit contact of any electrical or other wire to any tree in a highway or park in the city except as directed by the parks department.

(d) No person shall fasten any sign, wire, rope or other material to or around, or run any wire or rope through any tree in any highway or park in the city.

(e) No person shall remove, destroy, break, cut or deface any tree growing in any highway or park in the city without first obtaining a permit from the recreation department.

(Ord. No. 90-218, § 1, 12-18-90)

Sec. 20-80. Dead, diseased or public nuisance tree removal on private property.

The city shall have the right to cause the removal of any dead, diseased or nuisance trees on private property when such trees constitute a potential threat to other trees within the city. The city will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and assess the cost of removal on the owners of the property after proper notice.

(Ord. No. 90-218, § 1, 12-18-90)

Sec. 20-81. Clearances and spacing.

(a) No tree shall be planted nearer to the intersection of two (2) or more highways than twenty (20) feet from the nearest street line bounding such intersection. All shrubs planted within this area shall be maintained at a height not greater than two (2) feet above the curb.

(b) No trees shall be planted in the greenbelt between the sidewalk and the curb less than three (3) feet from the curb or sidewalk lines. However, where the greenbelt is less than six (6) feet, but not less than four (4) feet in width, the tree may be planted midway between the curb and the sidewalk.

(c) No person shall maintain any tree or shrub overhanging the streets or highways, except as follows:

(1) Branches shall not obstruct the light from any streetlamp or obstruct the view of any intersection.

(2) Branches shall be maintained not less than seven (7) feet above any sidewalk surface and not less than thirteen (13) feet above any highway surface.

(Ord. No. 90-218, § 1, 12-18-91)

Sec. 20-82. Legality of article or parts thereof.

Should any section, clause or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the Code of Ordinances as a whole, or part thereof, other than the part so declared to be invalid.

(Ord. No. 90-218, § 1, 12-18-90)

Sec. 20-83. Penalty.

Violation of any provision of this article shall be deemed a civil infraction, and the person found responsible for violation of any the provisions of this article shall be responsible for payment to the city of an amount not to exceed five hundred dollars (\$500.00) for each violation.

(Ord. No. 90-218, § 1, 12-18-90)