

**TITLE 8**

**TREES**

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**Chapters:**

**8.01        Trees**

## Chapter 8.01

### TREES

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**8.01.010 Definitions.** The following definitions shall be applied to this Ordinance:

- (1) The term "street tree" shall mean trees, shrubs, bushes, and all other woody vegetation on land lying on City right-of-way.
- (2) The term "park tree" shall mean 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 or other Park Department administered property.
- (3) The term "public tree" shall mean street trees and park trees.
- (4) The term "topping" shall mean the severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. (Ord. 2010-24, S2, Sept. 22, 2010)

**8.01.020 Public Tree Projects and Tree Education.** The Jasper Board of Public Works and Safety and the Jasper City Park and Recreation Board may, when necessary:

- (1) Determine the needs of the City in connection with the development and execution of a public tree-planting program.
- (2) Assist in the dissemination of news and information regarding the care, preservation, pruning, removal, selection, planting, maintenance, and disposal of public trees.
- (3) Coordinate tree-related projects with groups such as the Street

Department, Engineering Department, Park and Recreation Department, Utility Departments and other interested civic or service organizations.

- (4) Recommend to the proper individual or group the type and kind of public trees to be planted upon City-owned streets or parts of City-owned streets or in parks. Recommendations will be appropriate for the spacing of trees, distance to street corners, curbs and sidewalks, placement with regards to utilities, traffic visibility, and to avoid materially obstructing the property by impairing the visibility of business signage. (Ord. 2010-24, S3, Sept. 22, 2010)

**8.01.030 Public Tree Care.** City Departments and their contractors, and other utility companies and their contractors, shall have the right to plant, 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 insure public safety, insure reliability of utility service or to preserve or enhance the symmetry and beauty of such public grounds. The Jasper Board of Public Works and Safety may cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. American National Standards Institute ANSI A300 will be used as guidance in providing tree care. (Ord. 2010-24, S4, Sept. 22, 2010)

**8.01.040 Planting of Street Trees by Individuals and Adjacent Property Owners.** Nothing in this Ordinance prohibits the planting of street trees by individuals and adjacent property owners providing the selection and location of said trees is made after consultation with, and approval of, the Jasper Board of Public Works and Safety. (Ord. 2010-24, S5, Sept. 22, 2010)

**8.01.050 Planting, Trimming, Pruning, and Removal of Street Trees by Individuals and Adjacent Property Owners.** Individuals and adjacent property owners desiring to plant, trim, prune, remove or cut a street tree must first obtain approval from the Jasper Board of Public Works and Safety. The Jasper Board of Public Works and Safety may attach reasonable conditions to such requests. Topping of any public trees by private individuals or their contractors is prohibited and topping of private trees is discouraged. (Ord. 2010-24, S6, Sept. 22, 2010)

**8.01.060 Injury to Public Trees.** It shall be unlawful for any person to intentionally damage, cut, carve, transport, or remove any public tree; attach any rope, wire, nails, advertising posters, yard sale signs, or other contrivance to any public tree; or allow to come in contact with them any chemical or solid substance which is harmful to such public trees. (Ord. 2010-24, S7, Sept. 22, 2010)

**8.01.070 Minimum Requirements.** The provisions of this Ordinance are for the promotion of the public health, safety, beautification, and general welfare of the City, and are considered to be minimum requirements. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances and deed restrictions or covenants filed of record are not in conflict with the intent and purpose of this Ordinance, but impose more restrictive or higher standards, the more restrictive or higher standards shall govern. (Ord. 2010-24, S8, Sept. 22, 2010)

**8.01.080 Enforcement.** Any person who violates the provisions of any Section herein or fails to comply with any of this Ordinance's requirements, shall be fined a sum of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) per violation. Nothing herein contained shall prevent the Jasper Board of Public Works and Safety or its designated agent from taking such other lawful action as is necessary to prevent or remedy any violation. A person receiving a fine hereunder may appeal said fine to the Board of Public Works and Safety in a timely manner. If said fine is not paid in a timely manner, upon determination by the City Attorney and Police Chief, an Ordinance Violation Complaint may be filed with the Dubois Superior Court. (Ord. 2010-24, S9, Sept. 22, 2010)