

CHAPTER 37

TREE CODE

37-1-1 **TITLE.** This Chapter shall be known as the Tree Code.

37-1-2 **PURPOSE AND INTENT.**

(A) **Purpose.** It is the purpose of this Chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City.

(B) **Intent.** It is the intent of the City Council that the terms of this Chapter shall be construed so as to promote the planting, maintenance, restoration and survival of desirable trees, shrubs, and other plants within the City; and the protection against personal injury and property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs and other plants within the City.

37-1-3 **ADMINISTRATION.** The Nokomis Natural Resource Committee (referred to as "Committee") shall be responsible for the administration of this Code.

37-1-4 **DUTIES AND RESPONSIBILITIES.** It shall be the responsibility of the committee to study, investigate and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, removal or disposition of trees and shrubs on City property, both along streets and in other public areas. The Committee is also authorized to cooperate with owners of private property within the City to accomplish the purposes of this Code. It also may, with the permission of the City, any other applicable governing body, and any affected landowner, cooperate with any owner of property adjacent to or near the entrances to the City in accomplishing the purposes of this Code. Such plan shall be presented annually to the City Council and upon its approval shall constitute the official comprehensive tree plan for the City. The Committee, when requested by the City Council, shall consider, investigate and report on any special matter or question coming within the scope of its duties. The Committee shall report to the City any violations of this Code, which come to its attention.

37-1-5 **DESIGNATION OF ADVISORY GROUP.** The Committee may designate an advisory group to make recommendations in respect to the Committee's duties under this Code.

37-1-6 **APPROVED TREE SPECIES.** The Board shall prepare and file with the City Council a list which shall constitute accepted tree species for public areas within the City. No species other than those included in said list may be planted on public property without written permission of the Committee.

37-1-7 **ADDITIONAL POWERS.** The Board, if it sees fit, may make regulations on the spacing of trees and distance from curbs and intersections, and in any event shall have the authority to prohibit the planting of a tree where it will be a hazard to visibility of traffic or overhead or underground utilities.

37-1-8 **PUBLIC TREE CARE.** The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs on public property in keeping with the purpose and intent of this Code. Property owners may plant trees on public property that lies between their property and the street provided that the selection and location is permitted by this Code and the rules of the Committee.

37-1-9 **TREE TOPPING.** It shall be unlawful for any person, firm, or city department to top any tree on public property without the written permission of the Committee. Topping is defined as the severe cutting back of limbs to stubs larger than **three (3) inches** in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstruction where other pruning practices are impractical are exempted from this prohibition.

37-1-10 **PRUNING AND CORNER CLEARANCE.** 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 light from any street lamp, obstruct the view of any street or intersection or obstruct the walking area above a sidewalk. Property owners shall remove all dead, diseased or dangerous trees or limbs that constitute a danger to the safety of the public. The City shall have the authority to take the necessary steps to enforce this provision if a property owner fails or refuses to do so.

37-1-11 **INTERFERENCE WITH COMMITTEE.** It shall be unlawful for any person to prevent, delay, or interfere with the Committee, or any of its agents while engaging in the planting, cultivating, mulching, pruning, spraying, or removing of any trees, and in any other duties authorized by this Code.

37-1-12 **REVIEW BY CITY COUNCIL.** The City Council shall have the right to review the conduct, acts, and decisions of the Committee. Any person may appeal from any ruling or order of the Committee to the City Council, which may hear the matter and make a final decision.

37-1-13 **PENALTY.** Any person violating any provision of this Code shall be subject to a fine of not more than **Two Hundred Dollars (\$200.00)** for each offense. A separate offense shall be deemed to be committed on each day during which a violation occurs or continues. **(See also Section 1-1-19)**

37-1-14 **AMEREN/CIPS AGREEMENT.** Nothing in this Code shall affect any agreements or any renewals or modifications of said agreements between the City of Nokomis and Ameren/CIPS.

(Ord. No. 908; 11-10-03)