

CHAPTER 74 SHADE TREE POLICY

[HISTORY: Adopted by the City Council of the City of Greensburg 12-30-1981 by Ord. No. 1153; amended in its entirety 1-13-2003 by Ord. No. 1861. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Trees — See Ch. [246](#).

§ 74-1 Policy established.

A shade tree policy is hereby established for the City of Greensburg.

§ 74-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERMIT

A permit, in writing, as issued by the City Administrator on forms to be furnished by the City Administrator of the City of Greensburg.

PERSON

Any individual, firm, association or corporation.

SHADE TREE

Any shade tree, shrub or other woody plant within the lines of any public highway or street, including the sidewalk area, in the City of Greensburg or that part of any shade tree, shrub or other woody plant which extends over, upon or within the line of any public highway or street, including the sidewalk area, in the City of Greensburg.

§ 74-3 (Reserved)**§ 74-4 Permit application.**

The application for any permit required hereunder shall be made, in writing, to the City Administrator upon forms furnished by him and shall specify the particular kind of work or operation the applicant desires to perform thereunder and shall state the exact location and species of any shade tree or trees affected. Permits shall be effective for such length of time as the City Administrator shall determine in each case, which shall be indicated on the permit, and such permit may be revoked at any time at the direction of the City Administrator upon satisfactory proof that the terms and conditions upon which the permit had been issued are or have been violated. The City Administrator may, in his discretion as a condition precedent to the issuance of the permit, require the applicant to file a bond satisfactory to the City Administrator or to deposit security satisfactory to the City Administrator to guarantee the compliance by the applicant with the terms and conditions upon which the permit is issued.

§ 74-5 Unlawful acts.

It shall be unlawful for any person, without first obtaining a permit from the City Administrator, to cut, plant, transplant, remove or damage any shade tree; to cut down or interfere in any way with the main roots of any shade tree; to spray with any chemicals or insecticides any shade tree; to place any rope, guy wire, cable, sign, poster or other fixture on a shade tree; or to injure or misuse or remove any device placed to protect such shade tree, except in case of immediate necessity for protection of life and property.

§ 74-6 Administration.

This chapter shall be administered by the City Administrator.

§ 74-7 Personnel and professional services.

The City Administrator may, with the approval of the Council, employ and pay or make contract for such personnel and professional services as may be required in the proper performance of the duties devolving upon it, and may make, publish and enforce regulations for the planting, care and protection of the shade trees of the City. No such regulation shall be enforced until approved by the Council and until it has been published at least twice as prescribed by law.

§ 74-8 (Reserved)**§ 74-9 Notice.**

Whenever the City proposes to plant, transplant or remove shade trees, notice of the time and place of the meeting at

which the work is to be considered shall be given by a publication in a newspaper published in the City two weeks immediately preceding the time of the meeting. The notice shall specify in detail the hour and place of the meeting and streets or sidewalks or portions thereof upon which trees are proposed to be so planted, replanted or removed.

§ 74-10 Costs.

The cost of furnishing, planting, transplanting or removing any shade trees or the necessary curbing or grading for the protection thereof and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work or of the erection of necessary and suitable guards shall be paid by the owner of the real estate in front of whose property the work is done. The amount each owner is to pay shall be ascertained and certified by the City Administrator to the Council and to the City Treasurer; upon the filing of the certificate with the Council, the City Administrator shall cause 30 days' written notice to be given by mail to the person against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied with a copy of the certificate. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the City Council, and, if not paid within the time designated in the notice, a claim may be filed and collected in the same manner as municipal claims are filed and collected. All shade tree stumps shall be removed to a level of four inches below the surface of the earth so that the stump shall not project above the surface of the earth.

§ 74-11 Maintenance costs; responsibility of property owners to keep trees trimmed.

A.

Costs and expenses in caring for shade trees after they have been planted shall be paid by the owner of such property that a shade tree has been planted upon.

B.

All shade trees shall be kept trimmed by the owners of the property on or in front of which they are located as follows:

(1)

So as not to interfere with the proper lighting of public highways by streetlights.

(2)

So that the minimum clearance of any overhanging portion upon any public highway or street or alleyway shall be 12 feet, provided that the City Engineer shall have the authority to designate a higher clearance on any public way where heavy traffic or other conditions make it expedient.

C.

No owners of property shall permit to remain standing diseased shade trees or parts of trees which would in any way endanger vehicular or pedestrian traffic on any sidewalk, street or alley opened to the public.

D.

If any property owner shall neglect or refuse to trim any shade tree, upon notice, in writing, from the City, with the time limit specified in such notice, the City may cause such trimming to be done, at the expense of the owner, and the entire cost thereof shall be a lien upon said premises, and a claim therefor shall be filed and collected by the City Solicitor as in the same manner as municipal claims are filed and collected.

§ 74-12 Guards to be placed prior to work.

In connection with any building operation or the performance of any work whatsoever in the City in the vicinity of any shade trees, before any such work shall be commenced, guards shall be placed at all shade trees which may be affected by such works so as to effectively prevent injury.

§ 74-13 Violations and penalties.

Any person who shall violate or fail to comply with any of the regulations of this chapter shall, on conviction thereof, pay a fine or penalty not exceeding \$600 for each and every offense or be imprisoned for a period not exceeding 90 days, or both such fine and imprisonment, and, whenever such person shall have been notified by the City Administrator or by service of a summons or prosecution or in any other way that he is committing any such violation, each day in which he shall continue such violation shall constitute a separate offense punishable by a like fine or penalty. All penalties or assessments imposed under this chapter shall be paid to the City Treasurer to be placed to the credit of the general

account, subject to be drawn upon by the City Administrator for the purposes authorized in this chapter.

§ 74-14 Restricted tree species; removal by City; costs.

A.

The following species and varieties of shade trees are prohibited from being planted within rights-of-way, as described in § [74-2](#) of this chapter: sycamore, silver maple, box elder, tree of heaven, European Mountain Ash, Asiatic or Chinese Elm, horse chestnut, black locust, all edible fruit trees, all Catalpa varieties, all Morus varieties, all Populus varieties and all Salix varieties.

B.

It shall be unlawful for any person or persons, association, firm or corporation to plant or cause or allow to be planted, along any of the streets or alleys in the City of Greensburg or at any location upon private grounds from which the roots thereof can endanger any sewer or water main located upon any street or alley, any willow tree or any Carolina poplar tree.

C.

Removal by City; costs. The owner of property upon or abutting which any restricted tree species is planted in violation of any of the provisions of this section shall be responsible for removing such tree upon notice to do so from the City, in default of which the City may remove or cause such tree to be removed and collect the cost of such removal, with an additional amount of 10% from such defaulting property owner.