

CHAPTER 97: TREES

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97.00 STREET TREE COMMISSION

There is hereby established a Street Tree Commission for the City of Richmond, Indiana. (Ord. 15-1986; Ord. 47-1986)

97.01 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future and words in the singular number include the plural number. The word "shall" is defined as mandatory and not merely directory.

- (a) "CITY" is the City of Richmond.
- (b) "MUNICIPAL PROPERTY" is a parkway, parking lot, or other property owned by or under the control or jurisdiction of the City, excluding any property directly controlled by the City of Richmond Parks Department.
- (c) "PERSON" is any public or private individual, group, company, firm, corporation, partnership, association, society or any other combination of human beings whether legal or natural.

(d) "PUBLIC RIGHT-OF-WAY" is the width of property located between property lines and abutting a street, alley, or boulevard, most often including the width of property located between a street and sidewalk.

(e) "STREET TREE" is any tree located upon municipal property or a public right-of-way.

(f) "COMMISSION" shall mean the Richmond, Indiana, Street Tree Commission

97.02 MEMBERSHIP

The Commission shall be comprised of eleven (11) voting members, each of whom shall be a resident of the City of Richmond. Said members shall serve without compensation and shall adopt their own by-laws including the designation and election of officers.

(a) Three citizen members shall be appointed by the Mayor, for 3-year staggered terms beginning with 1, 2 & 3 year terms respectively.

(b) Three citizen members shall be appointed by City Council, for 3-year staggered terms beginning with 1, 2 & 3 year terms respectively.

(c) One member shall be appointed by the Richmond Advisory Plan Commission.

(d) The Director of the Department of Public Works, Sanitation or Aviation or an employee of said Department designated by the Director of said Department shall serve by virtue of holding such office.

(e) The Superintendent of the Transmission and Distribution Department of Richmond Power and Light or an employee of said Department designated by the Superintendent shall serve by virtue of holding such office.

(f) A member of Common Council shall be designated by the President of the Council annually.

(g) The Superintendent of the Department of Parks and Recreation or an employee of said Department designated by the Superintendent of said Department shall serve by virtue of holding such office.

In addition to the above members, the Commission shall be allowed and encouraged to appoint interested volunteers to assist and carry out the duties of the Commission as described herein. There shall be no residency requirements for such volunteers.

97.03 POWERS AND DUTIES

- (a) The Commission shall control the care, planting, removal and disposition of trees and shrubs upon municipal property and public right-of-ways.
- (b) The Commission shall give advice to Common Council, provide leadership in the development of understanding of the objectives and methods of the tree program, and assist the City in the development and maintenance of technical specifications and guidelines.
- (c) The Commission shall produce and maintain a list of the kinds and species of trees suitable and desirable for planting and the areas and conditions under which such trees should be planted.

97.04 AUTHORITY

The Street Tree Commission shall have the authority to regulate the planting, maintenance, and control of all trees, shrubs, and plants planted, or to be planted, on the public right-of-way and on municipal property.

97.05 INTERFERENCE WITH STREET TREE COMMISSION

No person shall hinder, prevent, or interfere with the agents or representatives of the Commission while such persons are carrying out the provisions of this chapter.

97.06 REMOVAL

- (a) The Commission may remove, prune or cause to be removed and pruned, all trees, shrubs, or any other plants that are planted on the public right-of-way or municipal property, when it is determined the pruning or removal will be beneficial to the peace, health, and safety of the public and public improvements or where trees, shrubs, or plants are detrimental to the growth of adjacent trees. (Ord. 7-1987; Ord. 49-1993)
- (b) Permission must be obtained before removing any street tree. Such permission must be obtained from the Director of the Department of Public Works and Engineering.
- (c) Any tree removed from the public right-of-way or municipal property, must be cut low to the ground within four inches of ground level and no brush, limbs, or other parts of the tree are to be allowed to remain in any city street overnight.

97.07 LOCATION OF TREES ALONG THE STREET

- (a) On streets with narrow planting strip between the sidewalk and curb, consideration should be given to planting trees on private property inside the sidewalk.
- (b) Where there is a planting strip of at least three feet, trees can be grown satisfactorily on the city-owned property between the sidewalk and curb. The Commission shall determine the kinds of trees that should be planted, taking into consideration the space available

97.08 PERMISSION TO PLANT

- (a) Permission must be obtained before planting any tree or shrub in the planting strip between sidewalk and curb. This permission to plant is granted by the Commission. The goal of this restriction is to reduce overhead line clearance and tree removal costs, and lessen potential highway hazards by reducing interference with street lighting and the danger of falling limbs and trees. The Commission is authorized to refuse the granting of permission when the planting is likely to create a public danger or nuisance or be detrimental to the growth of adjacent trees. The purpose of this permit is to insure the planting of good kinds of trees and proper spacing along the streets shall be maintained and trees will be approved tree varieties in locations appropriate to the tree and surroundings.
- (b) No permission is needed to plant trees on private property inside the sidewalk. It is suggested, however, that the property owner use trees such as those mentioned in this chapter as being desirable and take into consideration the space available for tree growth.

97.09 PLANTING AND CARE

- (a) In general it will be more satisfactory to engage a nurseryman, arborist, or someone familiar with tree care to do the planting. If the property owner does the planting, he or she should familiarize himself or herself with the requirements for successfully transplanting trees. Property owners should follow the planting guidelines found in the publication of the Commission, "Street Trees For Richmond".
- (b) All materials to be planted shall be of nursery stock.
- (c) Proper watering is extremely important for trees the first two years following transplanting. During dry periods, add enough water to soak the soil to root depth once a week. Transplanted trees can be over watered. If the soil is heavy and drains poorly the trees can be injured by too much water as well as too little. Instructions for watering can be found in "Street Trees For Richmond" and

in the Street Tree leaflet. Bark or cypress mulch applied to the soil around the tree will help conserve moisture.

97.10 SPACING OF STREET TREES

- (a) The spacing of shade trees classified as small or medium in the list of acceptable trees in "Street Trees for Richmond" shall be established by the mature height of the street tree and in no instance shall be less than that of the anticipated mature height of the desired street tree or street trees. Large street trees can be spaced a minimum of 50 feet apart, medium street trees 45 feet apart and small street trees 40 feet apart.
- (b) No trees shall be planted within ten feet of a fire hydrant.
- (c) No tree shall be planted within three feet of a curb cut.
- (d) The clearance from existing features such as utility poles, existing trees, or alley lines shall be maintained at one-half the anticipated mature height of the tree.
- (e) No tree shall be planted within 30 feet of a curb defining an intersection of streets or the edge of the pavement at an intersection of streets where there is no curb
- (f) Areas which are unique for purposes of tree planting should be addressed to the Commission for study and recommendation.

97.11 PROTECTION OF TREES

- (a) No person shall molest, deface, destroy, any street tree or part thereof, or injure any street tree, shrub, or plant on public right-of-ways or municipal property, nor shall any person permit any chemical, either solid or fluid to seep, drain, or be emptied on or about any street tree, shrub, or plant that is now or thereafter, growing on a public right-of-way or municipal property. Owners of property immediately adjacent to a public right of way, or insured arborists hired by them, members of the Richmond Street Tree crews, members of the Richmond Street Tree Commission or workers or crews under their supervision, and RP&L in their work functions may properly prune (as defined by the National Arbor Association) a street tree; provided, the adjacent property owners shall be limited to pruning at a height not to exceed ten feet.
- (b) No person shall fasten to a street tree or shrub, for the purpose of anchorage, any wire, rope, chain, or cables. No person shall nail, tie, or in any other manner fasten any cords, signs, posters, boards, or any other particle to any street tree, shrub, or plant that is now or may hereafter be growing on any right-of-way or municipal property. The only exception to this rule will be the 1st year staking of newly planted trees.

97.12 LIABILITY OF CITY AND RESPONSIBILITY OF OWNER OR OCCUPANT

Nothing in this Chapter shall be deemed to impose any liability upon the City or upon any of its officers or employees nor to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property in a safe condition.

(Ord. 47-1986; Ord. 9-1988; Ord. 49-1993)

97.13 ABUSE/ILLEGAL ACT

It shall be unlawful for any person to:

- (1) Damage, cut, carve or injure any street tree
- (2) Attach any sign, wire, or injurious material to any street tree
- (3) Cause or permit any wire charged with electricity to come in contact with any street tree
- (4) Violate any portion of this chapter

97.14 PROTECTION DURING CONSTRUCTION OPERATIONS

In connection with the erection, alteration or repair of any building or structure, or other construction activity, the owner thereof, or his agent or independent contractor, shall take all necessary steps to prevent injury to any trees or shrubs growing in any public street, alley, way, place or public park.

97.15 REQUIRED PRUNING

Any person who occupies real property abutting a street or alley or sidewalk and has trees or shrubs on his or her private property with limbs extending over public streets, alleys or sidewalks shall prune such trees or shrubs in order to prevent such limbs from striking vehicular traffic, pedestrians, and cyclists and obstructing the view of traffic signs or signals. The minimum clearance shall be 8 feet over sidewalks and 14 feet over the traveled portion of streets and alleys.

97.16 PUBLIC UTILITIES

Any public utility furnishing services to residents of Richmond, Indiana, may be authorized by the Director of the Department of Public Works and Engineering to prune and trim street trees as may be necessary to maintain a safe operation of its business. Such pruning and trimming shall be done in the manner and methods prescribed by the Commission. Notices of the rules and regulations adopted by Commission pertaining to

public utilities shall be sent by certified mail by the Commission to each utility servicing the residents of the City of Richmond at least once every calendar year.

97.17 ENFORCEMENT AND PENALTIES

- (a) Any person or entity who violates this Chapter shall be guilty of an ordinance violation and subject to a fine of not less than \$25.00 nor more than \$250.00. Each act of violation constitutes a separate offense.
- (b) If such violation results in permanent injury or the death of any tree or shrub protected by this Chapter, the cost of replacement of such tree or shrub shall be borne by the party in violation in addition to any fine assessed under Part (a) of this section.
- (c) In addition to fines, the City of Richmond may seek injunctive relief to obtain compliance with this Chapter.
- (d) All fines collected by the City for violation of this Chapter shall be available to the Commission for planting projects.