

TITLE VI

Chapter 26

TREES AND SHRUBS

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26.01 STATEMENT OF INTENT

It is the intent of the City to establish policy for the planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the City. Further, it is the intent of the City to eliminate and guard against dangerous conditions, which may result in injury to persons using the streets, sidewalks and other public areas. By actions implementing this intent, the City will promote and enhance the beauty and general welfare of the City and its inhabitants and prohibit the undesirable and unsafe planting, removal, treatment and maintenance of the trees and shrubs located in public areas.

26.02 DEFINITIONS

- (1) “Dutch Elm Disease” is defined as follows:
 - (A) Any living or standing elm tree or part thereof infected with Dutch Elm Disease fungus, or which harbors any of the Elm Bark Beetle.
 - (B) Any dead elm or part thereof, including logs, branches, stumps, firewood or any other elm material not buried, burned or from which bark has not been removed.
- (2) “Public areas” includes all public parks and other lands owned, controlled or leased by the City, including terrace areas.
- (3) “Public trees and shrubs” means all trees and shrubs located or to be planted in or upon public areas.
- (4) “Public nuisance” under this chapter means any tree or shrub or part thereof, which by reason of its condition interferes with the use of any public area and includes those trees and shrubs infected with a plant disease, infested with injurious insects or pests and which is injurious to public improvements or endangers the life, health, safety and welfare of persons or property, or both.
- (5) “Terrace areas” means the land between the normal location of the street curbing and sidewalk. When there is no sidewalk, the area six feet (6´) from the curb line shall be deemed to be a terrace for purpose of this Chapter.

26.03

PLANTING OF TREES AND SHRUBS

- (1) The planting of trees and shrubs in public areas, except terrace areas, shall be controlled by the City Council, its designated standing committee and employees working under the direction of same.
- (2) In the terrace areas, the planting of trees and shrubs is permitted under this Chapter. However, such planting must be done in such a way so as not to:
 - (A) Interfere with the use and enjoyment of others.
 - (B) Obstruct the view of streets, intersections and other public ways.
 - (C) Obstruct the travel, by vehicle or otherwise, upon the streets, sidewalks and other public ways of the City.
 - (D) Create a public nuisance.

26.04

MAINTENANCE, TRIMMING AND REMOVAL OF TREES AND SHRUBS

- (1) The maintenance, trimming and removal of trees and shrubs in public areas, except terrace areas, shall be controlled by the City Council, its designated standing committee and employees working under the direction of same.
- (2) Maintenance, trimming and removal of trees and shrubs in terrace areas may be required:
 - (A) If the Council, acting through its designated standing committee, determines that the maintenance, trimming and / or removal is necessary, it shall notify the property owner of the required action.
 - (B) The property owner shall have sixty (60) days to complete the required work.
 - (C) If the work is not completed within the time limit, the City is hereby authorized to do the work and charge the cost of the same to the property owner.

26.05

OBSTRUCTED VIEW

- (1) Notwithstanding any other provisions of this Chapter, no person shall maintain, plant or permit to remain on any public or private premises situated at the intersection of two or more streets or alleys in the City, any tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (2) In a like manner, no person shall maintain, plant or permit to remain on any private or public premises situated on any street or alley, any tree, shrub or other growth which may obstruct the view of any traffic sign in the City.
- (3) Any tree, shrub or other growth which obstructs the view of an intersection or traffic sign shall be deemed to be dangerous to public travel and the property owner shall be required to remove such obstruction.

- (4) The property owner having the obstructed view shall be notified of the required action and have twenty (20) days to complete the required work.
- (5) If the work is not completed, the city is hereby authorized to do the work and charge the cost of same to the property owner.

26.06

DUTCH ELM DISEASE

- (1) It is the intention of the Council to control and prevent the spread of Dutch Elm Disease and the insects, pests and vectors which carry the disease. The Dutch Elm Disease fungus and the Elm Bark Beetle are hereby declared public nuisances.
- (2) The council, acting through its designated standing committee, shall periodically inspect all premises within the City of Blair to determine whether or not the Dutch Elm Disease fungus and / or Elm Bark Beetle are present.
- (3) If it has been determined with reasonable certainty upon examination or inspection that such public nuisance exists within the City, the committee shall then cause the appropriate steps to be taken to abate said nuisance. Such steps include, but are not limited to, spraying, removal, burning or whatever steps necessary to prevent as fully as possible the spread of Dutch Elm Disease fungus and / or Elm Bark Beetle and related insect pests or vectors known to carry such diseases.
- (4) Upon such determination, the clerk shall notify the property owner of the existence of the public nuisance and shall identify which steps are necessary to abate the nuisance.
- (5) The property owner shall be given thirty (30) days to arrange for such abatement.
- (6) Failure to abate within the time specified will enable the City to do the work and charge the cost of same to the property owner.
- (7) Any person who does any of the following acts within the City of Blair, shall upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), together with the cost of prosecution. Such prohibited acts are as follows:
 - (A) Interferes with or prevents the designated standing committee from performing its duties under this ordinance.
 - (B) Refuses members of the committee entry upon his premises at reasonable times to perform the duties herein.
 - (C) Permits any public nuisance to remain on the premises unabated after notice has been given to abate such nuisance.

26.07

BOX ELDER TREES

In a like manner, the Council hereby declares the common Box Elder Tree a public nuisance. Section 26.06 is hereby incorporated by reference and restated so as to enable the City to abate the box Elder Tree nuisance in a like manner.