

ARTICLE VI Trees

Sec. 7-101. Prohibited trees.

- (a) It is unlawful and deemed a nuisance to sell or import into the Town or plant or cause to be planted within the Town limits any box-elder trees (*Acer negundo*), cotton-bearing cottonwood trees (*Genus populus spices*), Chinese or Siberian elm trees (*Ulmus pumila*) or other undesirable plants as designated by ordinance upon any property within the Town, and the planting or setting out of these certain plants is hereby declared to be a menace to public health, safety and welfare and a nuisance.
- (b) The owner of any property within the Town, upon which any tree listed in Subsection (a) above has been planted, shall cut and remove such tree from the property after being given written notice to do so by the Town.
- (c) In case of the failure of any owner of property to cut and remove such tree as required in Subsection (b) above, the Town shall cut and remove such tree and recover its costs and an administrative fee as provided in this Chapter.

(Ord. No. 2020-182, § 5, 9-9-2020)

Sec. 7-102. Inspection of trees for signs of breeding of elm bark beetles.

The Town shall, or shall allow a representative of the State Department of Agriculture to, examine and inspect all trees within the Town on public or private property for signs of breeding of elm bark beetles.

Sec. 7-103. Maintenance of trees, storage of wood furnishing breeding places for elm bark beetles prohibited.

It shall be unlawful for any owner of property to maintain trees or store wood furnishing breeding places for the elm bark beetles. Such trees or wood shall include the following:

- (1) Dead or dying or obviously weakened elm trees, regardless of species or variety;
- (2) Dead or dying or obviously weakened branches in otherwise healthy elms;
- (3) Stumps of cut trees on which the bark remains; or
- (4) Elm wood cut from trees, whether or not they were diseased, that is cut and piled for fireplace wood, whether stored indoors or out.

Sec. 7-104. Trees and limbs in public right-of-way.

It shall be the duty of the owner of property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a *danger to public safety* shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value. An authorized inspector, in such person's discretion, shall determine whether the trees or limbs constitute a danger to public safety.

Sec. 7-105. Control of trees and shrubs.

- (a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.
- (b) The Town shall give written notice as provided in this Chapter to the owner of property abutting Town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition and require abatement. The Town shall correct any such unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement and recover its costs and an administrative fee as provided in this Chapter.
- (c) It is unlawful and hereby declared to be a nuisance for any person to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plant upon access-controlled arterials or other public parks and greenbelts within the Town, unless authorized or directed by the Town.
- (d) It is unlawful and hereby declared to be a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the Town. Any person who notifies the Town of such injury, damage or destruction and promptly repairs or replaces such vegetation or pays for the cost of such repair or replacement shall not be charged with a nuisance violation.

(Ord. No. 2020-182, § 5, 9-9-2020)

Secs. 7-106—7-120. Reserved.