

Ordinance 2017-9

AN AMENDMENT AND RESTATEMENT OF TREE ORDINANCE 2004-6

WHEREAS, the Town Council of the Town of Parker City, Randolph County, Indiana did adopt Ordinance 2004-6 on June 3, 2004 entitled Tree Ordinance.

WHEREAS, the Town Council of the Town of Parker City Randolph County, Indiana now desires to Amend and Restate Ordinance 2004-6.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Parker City, Randolph County, Indiana as follows:

Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town.

Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

Section 2. Street Tree Species

The following trees ***SHALL NOT*** be used for street tree planting in the public right-of-way. Carolina Poplar, Cottonwood, Lombardy Poplar, Box Elder, Maple (all types), Ailanthus or Tree of Heaven, Chinese Elm, Siberian Elm, Willows, Catalpas.

The species listed below are approved for street tree planting on the public right-of-way between the sidewalk and the curb.

Serviceberry, Lilac Tree, Locust, Elm, and Zelkova, any other trees must be approved in writing by the Parker City Town Council.

Section 3. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 4. Utilities

No Street Trees other than those species listed as Small Trees in Section 2 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 5. Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or the preserve or enhance the symmetry and beauty of such public grounds.

The Parker City Town Council may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any

injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection of said trees is in accordance with Sections 2 through 4 of this ordinance.

#### Section 6. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to removed the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Parker City Town Council

#### Section 7. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

#### Section 8. Dead or Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The Parker City Town Council will notify in writing the owners of such trees. Said owners at their own expense shall do removal within sixty days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

#### Section 9. Removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### Section 10. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$\_\_\_\_\_.

This Ordinance shall be in full force and effect from and after its passage, aproval, and publication as provided by law.

ALL OF WHICH IS ORDAINED, PASSED, AND OTHERWISE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PARKER CITY, RANDOLPH COUNTY, INDIANA, ON THIS 7<sup>th</sup> DAY OF December, 2017

TOWN COUNCIL OF THE TOWN  
OF PARKER CITY, RANDOLPH  
COUNTY, INDIANA

R.D. Palmer

Alan Stapp

John Wang

ATTEST: Kim Walker-Cecil  
Kim K. Walker-Cecil, Clerk Treasurer