

Ordinance 1998-4
**STREET TREE ORDINANCE
OF THE TOWN OF CLOVERDALE**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE, INDIANA, TO WIT:

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. ADMINISTRATION.

This Ordinance shall be administered under the Cloverdale Main Street Board in cooperation with the Town Council of the Town of Cloverdale.

SECTION 3. TREE SPECIES.

The Cloverdale Main Street Board of Directors develops and maintains a list of desirable trees for planting along streets and public ways. The desirable trees for streets will be listed in three size classes based on height: small (under 20 feet), medium (20 to 40 feet), and large (over 40 feet). Another list will be maintained for acceptable trees to be planted in areas where size is not necessarily a restriction. Lists of trees not suitable for planting will also be created by the Cloverdale Main Street Board of Directors.

SECTION 4. SPACING.

The spacing of street trees will be in accordance with the three size classes listed in Section 3 of this ordinance, and no trees may be planted closer together than the following: small trees - 30 feet; medium trees - 40 feet; and large trees - 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION 5. DISTANCE FROM THE CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three classes listed in Section 3 of this ordinance and no trees may be planted closer to any curb or sidewalk than the following: small trees - 2 feet; medium trees - 2.5 feet; and large trees - 3 feet. Exceptions need to be approved by the Cloverdale

Main Street Board of Directors and the Town Council of the Town of Cloverdale with the minimum planting distance from tree to sidewalk or curb as 1.5 feet.

SECTION 6. DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No tree shall be planted within ten feet of any fireplug.

SECTION 7. UTILITIES.

No street trees other than those species qualifying as small trees on the list maintained by the Cloverdale Main Street Board of Directors may be planted under or within 10 feet of any overhead utility wire.

SECTION 8. 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 to preserve or enhance the symmetry and beauty of public grounds.

The Town may remove or cause or order to be removed, any tree or part thereof which is in 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 infected 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 and location of said trees is in accordance with Section 3 through 7 of this ordinance and with a permit (no fee) obtained verifying approval from the Town as to species and location of the tree.

Property owners wishing to do maintenance or removal work at their own expense on Town trees adjacent to their property must obtain a permit (no fee) from the Town which would verify that the work is being done by licensed and bonded tree experts and that removal is being done for legitimate reasons.

It will be unacceptable procedure for the Town or any person or firm to top a Town tree or park tree. Trees under utility lines or in areas that would necessitate the topping of a tree would be removed and a new tree appropriate to the site planted. 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 as to remove the normal canopy and disfigure the tree.

SECTION 9. 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 (severely) obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface of eight feet (8') above the sidewalk surface. 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 property spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage electrical conducts shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and Town prior to any trimming by the utility company.

SECTION 10. DEAD, DISEASED OR EMERGENCY TREE REMOVAL ON PRIVATE PROPERTY.

The Town shall have the right to remove any dead or diseased trees or cause the emergency removal thereof on private property within the Town, when such trees constitute a hazard of life and property, or harbor insects or disease which constitute a potential threat to other trees within the Town. The Town will notify in writing by certified mail the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of the service of notice. In the event of failure of 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 11. REMOVAL OF STUMPS.

All stumps on 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 12. INTERFERENCE.

It shall be unlawful for any person to prevent, delay or interfere with the Town or Cloverdale Main Street Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized by this ordinance.

SECTION 13. ARBORISTS LICENSE AND BOND.

Any person or firm engaging in the business or occupation of pruning, treating or

removing street or park trees within the Town must first apply for and procure a license. There will be no fee for the license. The license is issued once the applicant has filed evidence of possession of liability insurance in the minimum amounts of \$300,000 for bodily injury and \$50,000 property damage, indemnifying the Town or any person injured or damaged resulting from the pursuit from such endeavors as herein described.

SECTION 14. REVIEW BY TOWN COUNCIL OF THE TOWN OF CLOVERDALE.

The Town Council shall have the right to review the conduct, acts, and decisions of the Cloverdale Main Street Board. Any person may appeal from any ruling or order of the Cloverdale Main Street Board to the Town Council of the Town of Cloverdale who may hear the matter and make final decisions.

Adopted this 16 day of MARCH, 1998, by the Cloverdale Main Street Board, Putnam County, Indiana.



Vera Hughes, President

Attest:



Pam Spiker, Secretary

Adopted this 20 day of APRIL, 1998, by the Town Council of the Town of Cloverdale, Putnam County, Indiana.



Dan Johnson, President

Attest:



Patti Truax, Clerk-Treasurer



