

MUNICIPAL CODE
Chapter 102 - VEGETATION
ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
DIVISION 3. - STREET TREES

ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS ^[64]

⁽⁶⁴⁾ **Editor's note**— Ord. No. 5-2009, adopted March 2, 2009, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 102-26—102-36, 102-46—102-50, 102-61—102-65, pertained to similar subject matter, and derived from Code 1971, § 27-4; Ord. No. 1654, §§ 1—20, adopted 1981; Code 1985, §§ 2.44.010—2.44.050, 12.40.010—12.40.130, 12.40.150, 12.40.160; Ord. No. 16-2000, § 17, adopted August 21, 2000; Ord. No. 9-2001, § IB.—IL., adopted June 18, 2001; Ord. No. 2-2004, §§ I, II, adopted Feb. 16, 2004.

DIVISION 1. - GENERALLY
DIVISION 2. - CITY TREE COMMISSION
DIVISION 3. - STREET TREES

DIVISION 1. - GENERALLY

[Sec. 102-26. - Definitions.](#)
[Sec. 102-27. - Public tree care.](#)
[Sec. 102-28. - Permit required for tree pruning, planting, other actions.](#)
[Sec. 102-29. - Pruning.](#)
[Sec. 102-30. - Tree topping.](#)
[Sec. 102-31. - Removal of dead or diseased trees on private property.](#)
[Sec. 102-32. - Removal of stumps.](#)
[Sec. 102-33. - Notice to trim or remove certain trees or other vegetation.](#)
[Sec. 102-34. - Reserved.](#)
[Sec. 102-35. - Interference with city.](#)
[Sec. 102-36. - Penalties for violation.](#)
[Secs. 102-37—102-45. - Reserved.](#)

Sec. 102-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

City Forester means a qualified individual charged by the Tree Commission to oversee the maintenance and longevity of the urban forest.

City Street Department means the superintendent of the City Street Department or his appointed representative.

Park trees means trees, shrubs and all other woody vegetation with its trunk or base in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

MUNICIPAL CODE
Chapter 102 - VEGETATION
ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
DIVISION 3. - STREET TREES

Street trees means trees, shrubs and all other woody vegetation with its trunk or base on land lying between property lines on either side of all streets, avenues or ways within the city.

Tree lawn means the area of right-of-way that is not a part of the sidewalk or improved portion of the street.

Tree planter means an above or below ground container for a tree, located on the public right-of-way.

(Ord. No. 5-2009, 3-2-09)

Cross reference— Definitions generally, § 1-2.

Sec. 102-27. - Public tree care.

(a) The city 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 such public grounds.

(b) The Tree Commission or in the event of an emergency, the City Forester or Board of Public Works and Safety, may recommend, order or cause the removal of any tree or part thereof which is in an unsafe condition, injurious to utilities or other public improvements, or is affected with any injurious fungus, disease, insect or other pest. This section does not prohibit the planting of street trees by adjoining property owners, providing that the selection and location of said trees is in accordance with division 3 of this article and approval of the City Forester.

(c) Expenses of planting, pruning, maintaining, and removal of trees, plants and shrubs under this section for the reasons specified in this section, shall be borne by the city. However, any removal of street trees, plants or shrubs at the request of an adjoining property owner for any other reasons, shall be borne by said property owner. Any such removal, pruning or thinning of street trees at the request of a property owner, must have the written concurrence of the City Tree Commission.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-28. - Permit required for tree pruning, planting, other actions.

(a) Except for branches less than one-half inch in diameter, it is unlawful for any person to prune, remove, plant, injure or destroy any street or park trees within the city without first applying for and obtaining a written permit from the City Forester of the city.

(b) Prior to the issuance of a permit for the removal or destruction of trees, the City Forester shall, with the assistance of such professional as may be necessary, determine if the tree is diseased or dead. If the tree is diseased or dead, the City Forester shall issue a permit for its removal or destruction. If the tree is neither diseased nor dead, prior to the issuance of a permit to remove or destroy, the City Forester shall refer the matter to the Tree Commission. Within 30 business days of receiving said referral, the Tree Commission shall report back to the City Forester its recommendation as to whether the tree should be removed or destroyed. Prior [to] the issuance of a permit to trim or plant, the City Forester shall determine whether or not the proposed trimming or planting is within the regulations and guidelines established by the article.

(c) Any person may appeal from any ruling of the City Forester to the Tree Commission which may grant a variance from the strict provisions of this article, in case of hardship or in cases where the granting of a variance will not substantially conflict with the purpose and intent of this article.

MUNICIPAL CODE
Chapter 102 - VEGETATION
ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
DIVISION 3. - STREET TREES

(d) The department of parks shall be exempt from the provisions of this section and may trim, remove, plant and manage any trees and other vegetation within the parks under its jurisdiction without the necessity of approval or issuance of a permit by the Tree Commission or the City Forester.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-29. - Pruning.

Every owner of any private tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not 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 eight feet above the surface of any sidewalk and 14 feet above any street. These requirements shall not apply to recently planted or young trees, where pruning may cause injury to the tree. The 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 city 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 street light or interferes with visibility of any traffic-control device or sign, or obstructs the view of any street intersection, or remove any dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-30. - Tree topping.

It is unlawful as a normal practice for any person or city 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 longer than one-half inch in diameter within the tree's crown to such a degree so as to remove 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 section at the determination of the City Forester.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-31. - Removal of dead or diseased trees on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, 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 city. The city will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. Upon failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owners of the property.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-32. - Removal of stumps.

It is preferred policy that stumps of street and park trees shall be removed at or below the surface of the ground so that the top of the stump shall not project above the surface of the ground; however, this statement of preferred policy shall not be treated as a mandatory requirement. It will be the intent of the City of LaPorte to remove stumps of cut trees at the time of removal when possible. When it is deemed necessary for a city tree to be removed it shall be the preference and objective of the city to remove the stump of said tree at time of tree removal when this is logistically plausible.

MUNICIPAL CODE
Chapter 102 - VEGETATION
ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
DIVISION 3. - STREET TREES

(Ord. No. 5-2009, 3-2-09)

Sec. 102-33. - Notice to trim or remove certain trees or other vegetation.

The City Forester of the city is authorized to require the owner or occupant of property abutting any public street, alley, lawn, park or parkway to trim or remove:

- (1) Any tree, shrub, vine, flower or plant or part thereof which may be within or which may extend into any public street, alley, lawn, park or parkway in the city.
- (2) Any tree, shrub, vine, flower or plant which may project over the property line of such owner or occupant into and over such public street, alley, lawn, park or parkway at a height of less than 14 feet;
- (3) Any tree, shrub, vine, flower or plant which may obstruct the view of users of the public streets or alleys approaching street or alley intersections;
- (4) Any tree, shrub, vine, flower or plant obstructing the free passage of pedestrians on any public sidewalk or the free passage of users or travelers on any public street, alley or thoroughfare in the city, by causing a notice requiring such removal or trimming to be served upon such owner or occupant of the premises involved, ten days prior to the time designated for the removal or trimming of any such tree, shrub, vine, flower or plant.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-34. - Reserved.

Sec. 102-35. - Interference with city.

It is unlawful for any person to prevent, delay or interfere with the city 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 in this article.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-36. - Penalties for violation.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine of up to \$500.00. In addition thereto, anyone found guilty of having either removed or destroyed a tree in violation of these provisions shall be assessed the cost of replacing the tree.

Violations shall be referred to the City Forester for investigation. The Tree Commission shall within 30 days of the referral investigate the alleged violation and may negotiate with the violator a resolution of the dispute. If the Tree Commission determines there is a violation and is unable to negotiate a resolution, it shall file its report with the director of code enforcement who shall take enforcement action before the Administrative Law Judge.

(Ord. No. 5-2009, 3-2-09)

Secs. 102-37—102-45. - Reserved.

DIVISION 2. - CITY TREE COMMISSION

[Sec. 102-46. - Created; composition.](#)

[Sec. 102-47. - Term of office and compensation.](#)

[Sec. 102-48. - Duties and responsibilities.](#)

[Sec. 102-49. - Organization.](#)

[Sec. 102-50. - Review by Board of Public Works and Safety.](#)

[Secs. 102-51—102-60. - Reserved.](#)

Sec. 102-46. - Created; composition.

There is created and established a City Tree Commission for the city which will consist of seven members, at least six of whom shall be residents of the city, who shall be appointed by the Mayor with the approval of the Common Council. In addition, the Superintendent of Parks, the Superintendent of the Street Department and one member of the Common Council shall be non-voting ex-officio members of the commission.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-47. - Term of office and compensation.

(a) The seven members appointed by the Mayor as members of the City Tree Commission shall serve for staggered terms of three years. If a vacancy occurs during the term of any member, a successor shall be appointed for the unexpired portion of the term.

(b) Members of the commission shall serve without compensation.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-48. - Duties and responsibilities.

It shall be the responsibility of the City Forester to study, investigate, counsel and develop, and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan, following approval by the Tree Commission, will be presented annually to the Common Council and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city. The Commission, when requested by the Common Council or Board of Public Works and Safety, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-49. - Organization.

The City Tree Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. No. 5-2009, 3-2-09)

MUNICIPAL CODE
 Chapter 102 - VEGETATION
 ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
 DIVISION 3. - STREET TREES

Sec. 102-50. - Review by Board of Public Works and Safety.

The Board of Public Works and Safety shall have the right to review the conduct, acts and decisions of the City Tree Commission. Any person may appeal any ruling or order of the City Tree Commission to the Board of Public Works and Safety who may hear the matter and make final decision.

(Ord. No. 5-2009, 3-2-09)

Secs. 102-51—102-60. - Reserved.

DIVISION 3. - STREET TREES

- [Sec. 102-61. - Species to be planted.](#)
- [Sec. 102-62. - Distance from curb and sidewalk.](#)
- [Sec. 102-63. - Distance from street corners, fireplugs.](#)
- [Sec. 102-64. - Spacing.](#)
- [Sec. 102-65. - Location by utilities.](#)
- [Secs. 102-66—102-85. - Reserved.](#)

Sec. 102-61. - Species to be planted.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without permission of the City Forester:

- (1) *Accepted street tree list—Large trees (40 feet or taller):*

Scientific Name	Common Name	Recommended Cultivars
Acer nigrum	Black Maple	
Acer rubrum	Red Maple	"Autumn Flame" "Red Sunset/Frank's Red"
Acer saccharum	Sugar Maple	"Green Mountain" "Legacy"
Catalpa speciosa	Catalpa	
Carya sp.	Hickory	
Celtis occidentalis	Hackberry	
Fagus grandifolia	American Beech	
Fagus sylvatica	European Beech	
Fraxinus americana*	White Ash*	"Autumn Applause" "Autumn Purple"
Fraxinus pennsylvanica*	Green Ash*	"Marshall Seedless" "Patmore" "Summit"
Fraxinus quadrangulata*	Blue Ash*	
Ginkgo biloba	Ginkgo	Male trees only
Gleditsia triacanthos	Honeylocust	"Green Glory"

MUNICIPAL CODE
 Chapter 102 - VEGETATION
 ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
 DIVISION 3. - STREET TREES

		"Shademaster"
Gymnocladus dioica	Kentucky Coffeetree	
Juglans nigra	Black Walnut	
Plantanus x acerifolia	London Planetree	
Larix sp.	Larch, Tamarack	
Liriodenron tulipifera	Tuliptree	
Plantus occidentalis	Sycamore	
Quercus alba	White Oak	
Quercus bicolor	Swamp White Oak	
Quercus coccinea	Scarlet Oak	
Quercus imbricaria	Shingle Oak	
Quercus kelloggii	Black Oak	
Quercus macrocarpa	Burr Oak	
Quercus palustris	Pin Oak	
Quercus rubra	Northern Red Oak	
Taxodium distichum	Baldcypress	
Ulmus americana**	American Elm**	"Princeton"
Zelkova serrata	Japanese zelkova	

(2) *Accepted street tree list—Medium trees (25 to 40 feet tall):*

Scientific Name	Common Name	Recommended Cultivars
Acer plantanoides	Norway Maple	"Crimson King" "Deborah" "Schwedleri"
Acer pseudoplatanus	Sycamore Maple	
Betula nigra		
Carpinus caroliniana	Musclewood, American hornbeam	
Ostrya virginiana	Ironwood, hop-hornbeam	
Nyssa sylvatica	Black gum	

(3) *Accepted street tree list—Small trees (25 feet or shorter):*

Scientific Name	Common Name	Recommended Cultivars
Acer ginnala	Amur Maple	
Acer palmatum	Japanese Maple	
Amelanchier sp.	Serviceberry	"Autumn Brilliance" "Princess Diana"
Cercis canadensis	Eastern Redbud	
Cornus florida	Flowering Dogwood	
Crataegus sp.	Hawthorn	
Magnolia stellata	Star Magnolia	
Malus sp.	Crabapple	Disease resistance

MUNICIPAL CODE
 Chapter 102 - VEGETATION
 ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
 DIVISION 3. - STREET TREES

Pyrus calleryana	Callery Pear	
Syringa reticulata	Japanese Tree Lilac	

(Ord. No. 5-2009, 3-2-09)

Sec. 102-62. - Distance from curb and sidewalk.

The distance trees may be planted from curbs and curb lines and sidewalks will be in accordance with the three species size classes listed in section 102-61, and no trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees, one and one-half feet;
- (2) Medium trees, two feet; and
- (3) Large trees, three feet.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-63. - Distance from street corners, fireplugs.

No street tree shall be planted closer than 15 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet of any fireplug, utility pole, driveway or alley.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-64. - Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in section 102-61, and no trees may be planted closer together than the following, except in special plantings approved by the Tree Commission:

- (1) Small trees, 15 feet;
- (2) Medium trees, 25 feet; and
- (3) Large trees, 35 feet.

(Ord. No. 5-2009, 3-2-09)

Sec. 102-65. - Location by utilities.

No street trees other than those species listed as small trees in section 102-61(1) may be planted under any overhead utility wire or over or within three lateral feet of any underground water line, sewer line, transmission line or other utility. It shall be the property owner's sole responsibility to verify utility locations.

(Ord. No. 5-2009, 3-2-09)

MUNICIPAL CODE
Chapter 102 - VEGETATION
ARTICLE II. - TREES, SHRUBS AND OTHER PLANTS
DIVISION 3. - STREET TREES

Secs. 102-66—102-85. - Reserved.