

Section 2.8 Wires

2.8.1 Attachment of Wires Prohibited

It shall be unlawful to attach any wire or rope to any tree in any public right-of-way, parkway, or on other public property without the prior written approval of the Director of Public Works, or his designee.

2.8.2 Clearance from Trees

Any person or company given the right to maintain poles and wires in the public rights-of-way and on publicly-owned property shall, in the absence of a provision in the franchise agreement concerning the subject, keep such wires and poles free from, and away from, all trees. In addition, all such trees shall be kept properly trimmed in a manner that is consistent with City regulations, subject to the approval of the Director of Public Works, so that no injury shall be done to either the poles and wires, or the trees, by their contact.

Section 2.9 Excavations

Excavations in streets or on other publicly-owned property shall occur in a manner that minimizes injury to any tree. In cases where the excavation may impact the roots or any other part of a tree, prior written approval from the Director of Public Works is required before excavation may begin to ensure that appropriate steps are taken to minimize or mitigate the effect of such impact.

Section 2.10 Violations/Required Corrections through Administrative Adjudication

2.10.1 Tree Removal

Removal of any tree in violation of this Ordinance shall be punishable by a fine of not more than \$750.00 per violation, with every inch of the tree measured at DBH being a separate violation. The diameter of any trees that are removed prior to the issuance of a permit shall be determined by the diameter of the stump where cut at six inches (6") from surrounding ground level. In the case where a stump has been removed, the diameter of the tree shall be determined by the Director of Planning & Zoning or Public Works based on a prior tree survey, an aerial photo, or other documented evidence. In addition to the applicable fine, each tree removed, or determined by the City to be irreparably damaged, shall be replaced consistent with Section 2.10.2 of this Ordinance.

2.10.2 Replacement

In issuing a permit authorizing the removal of a tree pursuant to Section 2.2 or in establishing the replacement requirement for a tree as required by Section 2.10.1, the size of each replacement tree shall be no less than three inches (3") DBH at the time of planting. The location and the species of the replacement tree shall be approved by the Director of Planning & Zoning. The Director may waive or reduce the requirement for planting a replacement tree, or trees, if such action is consistent with the purposes of this Ordinance. In the case of such waiver or reduction, an allowance is made for a cash-in-lieu-of contribution. Said contribution would require a payment of \$125.00 for every caliper inch which is not replaced. Replacement of trees will be based on the "inch for inch" definition contained in Section 1. However noxious or restricted trees, as identified in Section 8.3 of this Ordinance, shall be replaced on an inch for two inch basis. Dead, dying or diseased trees shall not require replacement. Deciduous trees shall only be replaced with deciduous trees. A tree which is transplanted on site is not required to be replaced.

2.10.3 Removal of Vegetation in Protected and/or Conservation Areas

Removal of vegetation in Protected and/or Conservation Areas, on bluffs or ravines, in the public right-of-way and in other areas protected by this Ordinance shall be punishable by a fine of not more than \$750.00 per violation, with every 100 square feet of land area cleared or fraction thereof being a separate violation. A replacement landscape plan shall be submitted for approval within 30 days of the violation. The landscape plan shall be designed to restore the area to its previous