

BILL NO. 21-027

ORDINANCE NO. 4876

FIRST READING 09.07.2021

SECOND READING 09.21.2021

**AN ORDINANCE OF THE CITY OF HANNIBAL REVOKING AND REPLACING CHAPTER 28, *STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES*, ARTICLE VI – *TREE REGULATION*, DIVISION 3 – *PLANTING, MAINTENANCE AND REMOVAL OF TREES*, SECTION 28-295 *TREE MAINTENANCE OF THE REVISED ORDINANCES OF THE CITY OF HANNIBAL REGARDING TREE MAINTENANCE***

**WHEREAS**, the City Council has determined that it is within the reasonable police powers of the City of Hannibal, to regulate trees, their placement and removal, and

**WHEREAS**, the existing ordinance 28-295 contains certain sections which are unclear regarding the appropriate times circumstances, rights and responsibilities regarding removal of trees, and

**WHEREAS**, the Council has determined that it is in the best interests of the Citizens of the City of Hannibal to clarify such section.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HANNIBAL REVOKING EXISTING SECTION 28, ARTICLE VI -TREE REGULATION, DIVISION 3, SECTION 28-295, AND ENACTS THE FOLLOWING IN ITS PLACE:**

**SECTION ONE: Sec. 28-295. - Tree maintenance.**

(a) Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said trees is in accordance with section 22-294. The rights contained herein shall not be construed as an obligation of the City except as they shall deem appropriate and shall not be construed to relieve a property owner from any obligation of tree removal or maintenance otherwise provided for under this code or other applicable law.

(b) Unsafe or injurious trees. The city tree board may remove 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, insects, or other pests.

(c) Tree topping. It shall be unlawful as normal practice for any person or city department to top any street tree, park tree, or other tree on public property. The term "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. 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 article at the determination of the city tree board.

(d) Proper pruning. The term "pruning" shall be defined as removing living or dead parts of a tree to reduce the size, and maintain the shape, health and growth of a tree. Proper pruning techniques may include the following:

(1) Limbs and branches greater than two inches in diameter shall be undercut to prevent stripping of the bark.

(2) Dead branches shall be pruned back to a healthy crotch.

(3) Double trunks, one trunk should be removed while tree branches are still less than six inches diameter.

(4) Flush cuts shall not be used except in damage repair. Pruning cuts shall be placed outside the branch collar.

(5) Climbing spikes shall not be used during the pruning operation.

(6) Broken branches and damaged limbs resulting from storm damage shall be removed as soon as possible.

(e) Trees overhanging streets. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection, and so there shall be a clear space of eight feet above the surface of the street or sidewalk. . If the owner is notified by the City of the existence of any of the preceding conditions by the City, they must take such action within thirty (30) days, unless otherwise waived by the City. After thirty (30) days, the City may take such removal or pruning action, but may assess the costs to the owner of the tree.

(f) Dead or dying trees. Every owner of any tree which is dead, diseased or dangerous shall remove the tree. The said owners shall also be responsible for the removal of broken or decayed limbs which constitute a menace to the safety of the public. If the owner is notified by the City of the existence of any of the preceding conditions by the City, they must take such action within ten (10) days, unless otherwise waived by the City. After ten (10) days, the City may take such removal or pruning action, but may assess the costs to the owner of the tree.

(Code 1988, § 28-202; Ord. No. 4042, § 4, 2-17-1998)

**SECTION TWO:** It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

**SECTION THREE:** All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its adoption and approval.

Adopted this 21<sup>st</sup> day of September, 2021.

Approved this 21<sup>st</sup> day of September, 2021.

  
James R. Hark, Mayor

**ATTEST:**

  
Angelica N. Zerbonia, MRCC, CMO - City Clerk