

CHAPTER 02-33 NAPLES CITY TREE ORDINANCE

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02-33-001 PURPOSE

The potential for trees to modify and improve our living environment is in our own hands. A City tree program will help our community be a better place. Trees create a recreational area, raise property values, enhance the visual landscape, abate noise, and provide habitat for wildlife, etc.

A tree program improves our living environment, but also increases service costs to the public. To reduce tree care cost it will be necessary to educate ourselves and the community to select the best tree for the right place and planting time for our area. Trees carefully selected to meet the need at hand, whether it is for beauty, shade, or screening, will contribute to the quality of life in our community.

02-33-002 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 City of Naples.

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 City of Naples, or to which the public has free access as a park.

Tree Topping: “Tree Topping” is herein defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

02-33-003 CITY TREE PLAN

It shall be the responsibility of the Planning Commission to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the parks, along the street and other public areas. Such plan will be presented annually to the City Council and Mayor and upon their acceptance and approval shall constitute the official “COMPREHENSIVE CITY TREE PLAN” for the City of Naples.

02-33-004 TREE SPECIES

The following attached list constitutes the official street trees species for the City of Naples, Utah. No species other than these included in this list may be planted or replanted as street trees, without written permission of the Planning Commission.

Name	Scientific Name	Size
Amur Maple	<i>Acer ginnala</i>	Small
Autumn Blaze Maple	<i>Acer fremanii</i>	Medium
Autumn Glory	<i>Acer rubrum</i>	Large
Bechtel Crab (Klehm’s Improved)	<i>Malus ioensis</i>	Small
Black Hawthorn	<i>Crataegus douglasii</i>	Small
Bradford Callery Pear	<i>Pyrus calleryana</i>	Medium
Dolgo Crabapple	<i>Malus domestica</i>	Small
Dwarf Norway Spruce	<i>Picea abies 'pumila'</i>	Small
Eastern Redbud	<i>Cercis canadensis</i>	Small
English Hawthorn	<i>Crataegus laevigata</i>	Small
Ginkgo	<i>Ginkgo biloba</i>	Large
Glossy Privet	<i>Ligustrum lucidum</i>	Large
Goldenrain Tree	<i>Koelreuteria paniculata</i>	Medium
Hedge Maple	<i>Acer campestre</i>	Medium
Japanese Flowering Crabapple	<i>Malus floribunda</i>	Small
Japanese Tree Lilac	<i>Syringa reticulata</i>	Small
Mountain Maple	<i>Acer spicatum</i>	Small
Mugo Pine, Large	<i>Pinus mugo subsp. uncinata</i>	Large
Mugo Pine, Small	<i>Pinus mugo subsp. mugo</i>	Small
Nannyberry Viburnum	<i>Viburnum lentago</i>	Small
New Mexico Locust	<i>Robinia neomexicana</i>	Small
Newport flowering plum	<i>Prunus cerasifera 'Newport'</i>	Small
Paulii – Coccinea Flore Plena	<i>Crataegus coccinea</i>	Small
Purple-leaf Sand Cherry	<i>Prunus cistena</i>	Small
Redbud Crab	<i>Malus x zumi var. calocarpa</i>	Small
Roseybloom Crab	<i>Malus 'Pink Spires'</i>	Small
Snowdrift Crab	<i>Malus 'Snowdrift'</i>	Small

(This list changes as new species are added to the approved street tree list)

02-33-005 SPACING

The spacing of the street trees will be in accordance with the three (3) species size classes listed in Section 7 of this Ordinance. No trees may be planted closer together than is healthy for them and the community. The following guidelines will help the Planning Commission determine the minimum distance a given size of tree should have from any other tree:

- Small trees: Ten (10) feet
- Medium trees: Twenty (20) feet
- Large trees: Thirty (30) feet

Examples:
Large-



Medium-



Small-



02-33-006 DISTANCE FROM CURB AND SIDEWALK

The minimum distance a tree may be planted from a curb, sidewalk, right-of-way easement, or street is determined by the size of the tree as follows:

- Small Trees: 2 feet (small trees may be planted in the planter strip between the street and sidewalk, even if that is within the right-of-way easement.)
- Medium Trees: 10 feet
- Large Trees: 20 feet

Depending on the root system of a given tree, the Planning Commission may require more or less distance from the tree to the closest curb or sidewalk.

02-33-007 DISTANCE FROM STREET CORNERS AND FIRE PLUGS

No street tree shall be planted closer than ten (10) feet of any street corner, measured from the point of nearest intersecting curbs or curb-lines, sidewalks, or

sidewalk line. No street tree shall be planted closer than fifteen (15) feet of any fire plug or fire hydrant.

02-33-008 UTILITIES, EASEMENTS, AND RIGHT-OF-WAYS

No trees other than those species listed as small trees in Section 02-33-008 of this Ordinance may be planted under or within twenty (20) feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility. No tree may be planted in an easement or right-of-way without written permission from the Planning Commission. The Planning Commission should encourage the planting of trees on privately owned land.

02-33-009 PUBLIC TREE CARE

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

The City Code Enforcer shall have the right to cause the removal of any existing tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements or is affected with any injurious fungus, insect or other pests. 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 02-01 and 02-33 of this Ordinance. All maintenance of said trees, pruning, removal or disposal of, irrigation, etc. shall be the responsibility of the property owner, or Home Owner’s Association, if applicable.

02-33-010 TREE TOPPING

It shall be unlawful as normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property without written permission from the Planning Commission. Trees severely damaged by storms or other cause, or certain trees under utility wires or other obstructions where other pruning practices are impractical shall be exempted from this requirement.

02-33-011 PRUNING AND CORNER CLEARANCE

Every owner of any 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 ten (10) feet above the surface of the sidewalk, and at least eighteen (18) feet above dedicated city streets. 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. Trees shall not be planted in a location that would create a safety hazard to drivers by blocking their view.

02-33-012 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.

02-33-013 INTERFERENCE WITH PLANNING COMMISSION

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

02-33-014 REVIEW BY CITY OFFICIALS

The City Council and Mayor shall have the right to review the conduct, acts and decisions of the Planning Commission. Any person may appeal from any ruling or order of the Planning Commission to the Naples City Council and Mayor, who may hear the matter and make final decision.

02-33-015 PENALTY

Any person violating any provision of this chapter (02-33 Street Trees) shall be guilty of a class C misdemeanor.

02-33-016 EFFECTIVE DATE

This chapter shall become effective immediately upon publication or posting as set forth by State law.

02-33-017 ENFORCEMENT

The City Code Enforcer of Naples City shall serve as the enforcement officer for the enforcement of the provisions of this chapter.