

#### **14-1.4 Trees.**

Property owner maintenance responsibility and duty to public.

a. The owner of a lot fronting on or adjacent to any portion of a street shall cause to have maintained any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such non-dangerous condition that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets and sidewalks. No maintenance to any tree within the public right-of-way may be performed without first obtaining an encroachment permit from the City.

b. For purposes of this section, maintenance of trees includes but is not limited to: root and/or branch pruning, installing root barriers, fertilizing, pest control, and removal of branches, and leaves.

c. Property owners required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and non-dangerous condition for users of the public streets and sidewalks

d. If any property owner fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a non-dangerous condition as required by this section, and any person suffers damage or injury to person or property, the property owner shall be liable for all damages or injuries caused by the failure of the owner to maintain these areas.<sup>[2]</sup>

(Ord. #98-03, §1)

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