

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 4. TREES AND SHRUBS

SECTIONS

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13-401. DEFINITIONS. For purposes of this article, the following terms shall have the following meanings:

- (a) *Street Trees* shall mean trees, shrubs, bushes, and all other woody vegetation within the street right-of-way.

(Code 1984)

13-402. STREET TREES. The City of Leawood shall maintain an extensive list of recommended trees for planting in public areas. This list shall be available to residents of the city upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

(Ord. 1541C; 11-6-95)

13-403. SAME; SPACING. The minimum spacing of street trees shall be 15 feet for small trees, 30 feet for medium trees, and 40 feet for large trees.

(Ord. 1707C; 1-19-98)

- 13-404. PLACEMENT OF TREES.** No street tree shall be planted:
- (a) Closer than five feet from any street pavement or curbline, however, this requirement shall not be applicable to trees presently in place or trees planted to replace trees in place prior to the enactment of this section;
 - (b) Within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines;
 - (c) Within 10 feet of any fire hydrant;
 - (d) Under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility, with the exception of small ornamental trees.

(Ord. 1707C; 1-19-98)

- 13-405. CARE OF STREET TREES.** It shall be the responsibility of the adjacent landowner and/or homes association to plant, prune, maintain and remove street trees. The city shall have the right to prune, maintain and remove trees, plants and shrubs or any part thereof within the right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety. The city may remove, or cause 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 city sewers (sanitary or storm), or other public improvements.

(Code 1984)

- 13-406. TREE-TOPPING UNLAWFUL; EXEMPTION.** It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, part tree, or other tree on public property. 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 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 Parks Supervisor.

(Ord. 1707C; 1-19-98)

- 13-407. DUTY TO PRUNE OVERHANGING TREES.**
- A. Every owner and/or homes association 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, obstruct the view of any street intersection or obstruct any public sidewalk so that there shall be a clear space of eight feet above the surface of the street or sidewalk. 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 and any public sidewalk.

- B. From and after July 1, 2013:
1. Every owner and/or homes association 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, obstruct the view of any street intersection or obstruct any public sidewalk so that there shall be a clear space of ten feet above the surface of the sidewalk and fourteen feet above the surface of the street at the curb line; provided, however, that limbs less than 1 inch in diameter shall be allowed in the clear space above the street but not in the clear space above the surface of the sidewalk.
 2. Should any owner and/or homes association owning real property on any street fail to prune trees as provided herein, the City shall order such owner or homes association to prune such trees by giving ten days written notice. Failure to abide by the notice will result in a citation being issued.
 3. 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 public right of way or 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 and any public sidewalk, or public street. The cost of any such work shall be charged to the property owner.

(Code 1984)

(Ord. 2522C; 02-06-12)

13-408. DISEASED, DEAD TREES; DUTY TO REMOVE. 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.

(Ord. 648, Sec. 11)

13-409. SAME; FAILURE TO COMPLY. Upon the failure of a person who is under the duty to remove a dead or diseased tree pursuant to Section 13-408 to so remove, the city shall have the authority to remove such trees and to charge the cost of removal against the owner. The City Clerk shall, at the time of certifying other city taxes to the County Clerk, certify the unpaid costs of removal and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel involved.

(Ord. 648, Sec. 11)

13-410. REMOVAL OF STUMPS. All stumps of street 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.

(Ord. 648, Sec. 12;09-17-79)

13-411. INTERFERENCE WITH CITY UNLAWFUL. It shall be unlawful for any person to prevent, delay, or interfere with the governing body, or any of its agents, while engaging in and about the pruning, or removing of any street trees.
(Code 1984)

13-412. ENFORCEMENT AUTHORITY. The Planning and Development Department's code enforcement officers, in cooperation with and on the recommendations of the Parks and Recreation Department, will be responsible for enforcement of this article.
(Ord. 1707C; 01-19-98)