

**TITLE 10**

**Chapter 16**

**TREE CITY USA**

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**10-16-1: PURPOSE**

**Establish practices governing the proper planting and care of trees on public property. To enhance the quality of life and future health, safety, and welfare of all citizens; to enhance property values. Make provision for the emergency removal of trees on private property under certain conditions. Accept the authority and responsibility given to the Tree Advisory Board as created by the City Council.**

**10-16-2: DEFINITIONS**

As used in this Article, the following words and phrases shall have the meanings indicated:

**DAMAGE:** Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**NUISANCE:** Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

**PARK STRIP:** The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**PUBLIC PROPERTY:** All grounds and rights-of-way (ROWs) owned or maintained by the City.

**PUBLIC TREE:** Any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

**TOP or TOPPING:** The non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

### 10-16-3: TREE ADVISORY BOARD

The City Council hereby creates a “Tree Advisory Board,” hereinafter referred to as the “Board.”

A. Duties: The Board shall act in an advisory capacity:

1. Coordinate and promote Arbor Day activities;
2. Review and update a five-year plan to plant and maintain trees on city property;
3. Support public awareness and education programs relating to trees;
4. Review city department concerns relating to tree care;
5. Submit an annual report of its activities to the city council;
6. Assist with the annual application to renew the Tree City USA designation;
7. Develop of a list of recommended trees for planting on city property, and a list of prohibited species; and
8. Other duties that may be assigned by City Council.

B. Membership: The Board shall consist of **THREE (3)** members approved by City Council. Members of the Board will serve without compensation.

**One member of the Board shall be a City Council member, one member of the Board shall be a Public Works Director, and one member a person with verifiable experience in the area of care and maintenance of trees.**

C. Term of office: Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.

D. Officers: The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

E. Meetings: The Board shall meet annually. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

### 10-16-4: AUTHORITY

A. **The Tree Advisory Board**, hereinafter referred to as the “**Board**”, shall have the responsibility to **advise on planting, pruning, maintaining and removing** trees and woody plants growing in or upon all municipal streets, rights-of ways, city parks, and other public property. This shall include the removal **or pruning** of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

B. Coordination among city departments: All city departments will coordinate as necessary with the **Board** and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Director.

C. Interference: No person shall hinder, prevent, delay, or interfere with the **City** while engaged in carrying out the execution or enforcement of this Ordinance.

**10-16-5: TREE PLANTING AND CARE STANDARDS**

A. Standards: All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. Requirements of franchise utility companies: The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

C. Preferred species list: The **Board** shall maintain and update as needed, a list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in heights at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission, other species may be planted with written approval from the **Board**.

D. Planting distances: The **Board** shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection (**see code section 10-13-15**) of or within **FIFTEEN (15) feet** of a fire hydrant.

E. Planting trees under electric utility lines Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.

**NOTE: The River Heights Tree Selection and Planting Guide brochure contains a list of trees within each class that are (1) acceptable and appropriate for our climate, and (2) a list of trees that are prohibited for planting along streets or within park strips. This brochure is available at the City office.**

**10-16-6: PROHIBITION AGAINST HARMING PUBLIC TREES**

A. It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the **Board**.

B. It shall be unlawful for any person, firm or corporation to attach any cable, wire, signs, hammock, slackline, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the **Board**.

D. Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the **Board** and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

E. Each violation of this section as determined and notified by the **Board** shall constitute a separate violation, punishable by fines and penalties under Section 9, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

#### **10-16-7: ADJACENT OWNER RESPONSIBILITY**

**A. All streets either public or private shall provide a planted landscaped strip to city specifications and be perpetually maintained by the adjacent property owner. (see code section 10-15-6)**

B. No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent park strip to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the **City** shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

#### **10-16-8: CERTAIN TREES DECLARED A NUISANCE**

A. Any tree, or limb thereof, on private property determined by **Board** to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.

B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the **City within 90 calendar days of notification (see code section 10-15-7 (F)). Potential hazardous situations may be addressed as needed.**

**C. The City may elect to assist property owners mitigate the unforeseen immediate cost of tree removal by implementing a repayment plan. Such mitigation would be a reimbursement to the City for expenses expended on behalf of the property owner. (see code section 10-15-7 – Remediation of Trees)**

#### **10-16-9: APPEALS**

Appeals to decisions by the **Board** shall be heard by City Council.