

## CHAPTER XIII

### TREE ORDINANCE

#### Section 1300 - Purpose and Regulations

1300.01 Purpose. This is an Ordinance to promote and protect the Public Health, Safety, and General Welfare by providing for the regulation of the Planting, Maintenance, and removal of Trees, Shrubs, and other Plants within the City of Rice.

1300.03 Inconsistency. All Ordinances inconsistent herewith or parts thereof inconsistent herewith are replaced upon passage and publication of this Ordinance.

1300.05 Authority and Power. There is hereby created and established a City Tree Board for the City of Rice, which shall consist of five (5) members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the City Council. Members of the board shall serve without compensation. One member of the City Council will serve as advisor to the Tree Board.

1300.07 Term of Office. The term of the five (5) persons to be appointed by the Mayor shall be staggered, two for three years, two for two years, and one for one year. The appointments will be done annually. If a vacancy occurs during the term of any member, a successor shall be appointed for the unexpired portion of the term.

1300.09 Duties and Responsibilities. It shall be the responsibility of the Tree Board to study, investigate, and advise for maintenance, planting, replanting, removal or disposition of the trees and shrubs in parks, along the streets, and in other public areas. The Board, when requested, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within their scope of work. The Board, on special matters or requests only, shall submit findings and recommendations to the City Council before taking action. In all other matters, the Board shall take such action as it deems reasonable for the approval of planting, replanting and disposition of trees, shrubs, bushes and other woody vegetation in parks, along streets, and other public areas. The Board may appoint a certified tree inspector who will serve without compensation, unless compensation is set by resolution of the City Council of the City of Rice or is assigned by an existing employee of the City.

1300.11 Operation. The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings and submit a copy of the same to the City Council for the City of Rice. Four of the members shall be a quorum for the transaction of business.

1300.13 Definitions.

Street Trees: "Street Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines or within the right-of-way lines on either side of all streets, avenues, or ways within the City of Rice.

Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks or areas owned by the City of Rice not defined as "Street Trees".

1300.15 Tree Planting, Maintenance, and Removal. No person shall plant, remove, cut above ground, prune, or disturb any street tree or park trees without first filing an application and procuring a permit from the Tree Board. Prior to the Tree Board issuing a permit, it shall review all applications. The person receiving the permit shall abide by the standards set forth in this Ordinance. Utility Maintenance programs may obtain a blanket permit for ongoing vegetation maintenance that meets the standards set forth by the Ordinance.

1300.17 Standards.

Tree Species - The Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes: small (up to 20 ft. at maturity), medium (20-40 ft. at maturity), and large (over 40 ft. at maturity).

Spacing - The spacing of street trees will be in accordance with the three species sizes defined in this Ordinance, and no trees may be planted closer together than the following: small trees - 25 feet, medium trees - 35 feet, and large trees - 40 feet, except in special plantings designed or approved by the Tree Board.

Utilities - No tree shall be planted under or within fifteen (15) lateral feet, except small trees that cannot be planted within five (5) lateral feet, or any overhead utility wires. No tree(s) shall be planted over or within five (5) lateral feet of any underground waterlines, sewer lines, transmission lines or other utility lines without being reviewed by the controlling public agency or utility.

Distance from Curb and Sidewalk - The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the tree species size classes previously described. No tree shall be planted closer than twenty (20) feet of a street corner, as measured from the point of intersection curbs or curb lines, and no tree may be planted closer to any curb or sidewalks than the following: small trees - 3 feet; medium trees - 4 feet; large trees - 5 feet.

Pruning - All tree pruning shall be done in a manner consistent with approved practices; specifically, branches shall be cut flush to the branch collar of the stem or point of intersection with another branch without leaving a stub. Sever tree topping which destroys the normal shape of the tree shall not be practices except in instances where required such as emergency cleanup following a storm or when utility or other obstruction prevents normal pruning practices.

Tree Removal - All stumps of street trees and park trees shall be flush with the surface of ground and as practical removed below the surface of the ground.

Clearance - Trees overhanging any street or right-of-way within the City shall be fourteen (14) feet over streets and ten (10) feet over sidewalks and other public pedestrian travel ways.

1300.19 Public Tree Care. The City shall have the right to plant, maintain, spray, and remove trees, shrubs, bushes, and other woody vegetation within the City of Rice areas of ownership as may be necessary to insure public safety or to preserve and enhance the

symmetry and beauty of such public grounds.

The Tree Board may remove or cause by order to be moved, any tree, shrub, bush, or other woody vegetation or part thereof which is in an unsafe condition or which by reason of its nature is injurious to wires, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

1300.21 Private Tree Care Regulation. The City and its agents shall have the authority to enter upon and to order the trimming, treatment, and removal of trees, shrubs, bushes or other woody vegetation on private property when such action is necessary for public safety or to prevent the spread of disease or insects to trees, shrubs or other plants located on public property.

Any tree, shrub, bush, or plant situated on private property, but so situated as to extend its branches over the improved portion of the public street or right-of-way shall be trimmed or removed by the owner of the real property upon which the same is located to obtain fourteen (14) feet of clear heights over vehicular travel routes and ten (10) feet of clear heights over pedestrian travel routes. Said persons shall remove any and all death or diseased branches or stubs of trees which are or may become a hazard to the public. Any tree, shrub, bush or other woody vegetation obstruction traffic control signs or devices from the view of pedestrians or motorists shall be removed or pruned to a height or distance established by the Tree Board to insure proper safety.

All orders to trim, remove or treat trees, shrubs, bushes or other woody vegetation issued pursuant to this section shall be served personally or by certified mail upon the owner of the property where such trees, shrubs, bushes or other woody vegetation exists. Such orders shall give the owner of the property not less than twenty (20) days from the date of mailing or personal delivery of such notice to comply with the order. It shall be unlawful for an owner of property receiving such an order to fail to comply with such order within the specified time.

1300.23 Enforcement. The Tree Board shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, removal, treatment, planting, pruning and protection of trees, shrubs and other woody vegetation as defined by this ordinance. All such rules, regulations and specifications must first be submitted to the City Council for approval, and upon such approval shall become effective. Any notice involving a specific property owner shall contain language informing the owner of his/her right of review as stated in Section 1300.25 of this Ordinance.

1300.25 Penalties, Claims, and Appeals.

Penalties - A violation of any provision of this Ordinance or failure to comply with any notice issued pursuant to this Ordinance, shall constitute a petty misdemeanor, punishable as defined by Minnesota Law. If as the result of the violation of any provision of this Ordinance, the injury, mutilation, or death of a tree, shrub, bush or other woody vegetation on city-owned property is caused, the cost of repair or replacement of such tree, shrub, bush or other woody vegetation shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Tree, Specimen, Shrubs, and Evergreens", as published by the International Society of Arboriculture.

Abatement of Claim - If the required action is not taken by the property owner within the specified time, the City may cause the trees, shrubs, bushes or woody vegetation concerned to be trimmed, removed, or treated, with the cost being borne by the property owners. If not voluntarily paid to the City by such owner, the costs of such trimming, removal, or treatment may be recovered by the City by Special Assessment upon the property of said owner.

Appeal - In the event a property owner objects to an order issued by the Tree Board, the owner shall serve a written notice of appeal setting forth objections to the order, which notice of objection shall be served upon the City Clerk Within ten (10) days of the Tree Board's notice to said property owner. The notice shall set forth specific reasons for the objections to the order of the Tree Board. The City Council shall hear said objections and upon making findings concerning said objections, shall make a final determination concerning the matter.

1300.27 Interference with City Tree Board. It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any authorized agents of the City, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removal of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Ordinance.

1300.29 Review by City Council. The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

1300.31 Ordinance Effectiveness. This Ordinance shall take effect and be in force thirty (30) days from and after its passage and publication. Passed by the Rice City Council this Fourteenth day of April, 1993. This Ordinance was published on the Twenty-first day of April, 1993.