

## CHAPTER 70. VEGETATION

### **ARTICLE IV. Trees on Public Property\***

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**\*Cross reference--**Streets, sidewalks and other public places, ch. 50.

**State law reference--**Authority to regulate trees, shrubs and flowers on public property, Minn. Stats. §§ 410.33, 412.231, subd. 8.

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#### **Section 70-91. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boulevard* means that part of a street or highway not covered by sidewalks or other paving, lying between the right-of-way line and that portion of the street or highway usually used for vehicular traffic.

*Public property* means all lands owned by the city.

*Right-of-way line* means the outer edge of a street or highway.

**Cross reference--**Definitions generally, § 1-2.

#### **Section 70-92. Tree commission.**

The City Park and Recreation Advisory Board is hereby designated as the City Tree Commission. The Tree Commission shall study the problems and determine the needs of the City concerning a tree planting and management program. The Tree Commission shall provide recommendations to the City Council concerning such a program and disseminate information regarding the selection, planting, maintenance and general use of trees within the City on public and private property.

**Cross reference--**Boards and commissions, § 2-151 et seq.

#### **Section 70-93. Master street tree plan.**

The Tree Commission shall prepare a master street tree plan with the aid of the administrator. Such plan shall specify where and under what circumstances trees may be planted on public streets or other public property of the City. The City Engineer, Utility Superintendent, City Planner, Building Official, Police Chief, Fire Chief and other appropriate departments and boards shall officially comment on the plan prior to recommendation by the Tree Commission for adoption. The City Council may, upon recommendation of the Tree Commission, adopt the master street tree plan and establish arboriculture specifications and standards of practice governing the maintenance of trees.

#### **Section 70-94. Appeals.**

Property owners may appeal administrative decisions of the tree management provisions to the Tree Commission.

**Section 70-95. Emergencies.**

In the case of emergencies, such as damaged utilities or natural disasters, all provisions of this article may be waived by the City Manager or Acting Manager so that the requirements of this article would in no way hinder private or public work to restore order to the City. This work shall follow maintenance standards as adopted by the City Council.

**Section 70-96. Municipal departments.**

Work performed by the City Electric Utility, Public Works, or Park and Recreation Departments, that affect public trees or shrubs shall be reviewed by the administrator prior to performance of the work. The work of trimming or other operations affecting public trees shall be limited to the actual necessities of the service of the city electric utility, public works, or park and recreation departments and shall be performed according to the arboriculture specifications and standards of practice.

**Section 70-97. Improper work.**

Whenever any tree is planted, pruned, removed or otherwise disturbed in violation of the provisions of this article, the administrator shall provide written notice of such improper work to the adjacent property owner with orders to take corrective action within ten days. If the adjacent owner fails to remedy the improper work within the prescribed time, the administrator may remove or cause removal of the improper work or take corrective action as he deems necessary to conform to the provisions of this article after providing written notice to abutting property owners. Any person performing such act shall be liable for the costs incurred by the city in taking such corrective action, and if the tree is located on a boulevard adjacent to property owned by such person, such costs may be assessed to the adjacent property.

**Section 70-98. Planting or removal.**

No person shall plant or remove a tree on a public street or other public lands without authorization from the administrator or his agents. Such authorization shall be either written or verbal and shall be entered into the daily record of the management program by the administrator. Such planting or removal shall be done in accordance with the master street tree plan and the arboriculture specifications and standards of practice.

**Section 70-99. Maintenance.**

- (a) Maintenance of street trees by adjacent property owners may be undertaken without prior authorization but must be done in accordance with the arboriculture specifications and standards of practice. Such maintenance work is subject to section 70-97 concerning improper work.
- (b) The maintenance and care of street trees shall be the responsibility of the City. Such responsibility may be assigned to abutting property owners only under the provisions of the master street tree plan and the arboriculture specifications and standards of practice. The city may undertake a program of street tree maintenance. The cost of such program may be assessed upon abutting property as a special assessment, or may be paid out of the general fund.

**Section 70-100. Review of construction, moving and other permits.**

- (a) The administrator shall review or inspect and officially comment upon the issuance of any permits involving:
  - (1) The move of any building or other object along any street, which may endanger public trees.
  - (2) Any construction which may endanger public trees.
  - (3) The deposit, placement, storage or maintenance upon any public place, of any materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.
- (b) The administrator shall determine if the work can be completed without serious injury to or destruction of public trees. The administrator may recommend denial of any necessary permits on the basis of anticipated serious injury to or destruction of public trees. Conditions may be placed on the permit which address the protection, trimming or removal of public trees. Such conditions may include replacement of trees removed. All work shall be performed in accordance with the conditions of the permit. All tree trimming or removal of trees necessary under the permit shall be carried out by the City employees or contract basis at the expense of the applicant. A bond or escrow fund adequate to cover the costs of trimming, removal and replacement of trees or shrubs by the City, as determined by the administrator, shall be deposited with the City before the permit is issued.

**Section 70-101. Abuse or mutilation of public trees.**

Unless authorized by the administrator, no person shall damage, cut, carve, transplant, or remove any public tree, attach any rope, wire, nails, advertising posters, or other contrivance to any public tree, allow any gaseous liquid, or solid substance which may be harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.

**Section 70-102. New planting by the City.**

The City Council may authorize the Parks and Recreation Department to plant trees within the limits of any street in accordance with provisions of the master street tree plan. The cost of such trees and planting may be paid by adjacent property owners or may be assessed upon the property fronting on such improvements as a special assessment, or the City Council may fund the cost of such trees and plantings out of general funds as part of a reforestation program.