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CHAPTER 13

REGULATING TREE/SHRUB PLANTING AND MAINTENANCE

INTENT AND PURPOSE. Regulating and planting and maintenance of trees and other woody vegetation on public and private property and establishing a City Tree Board.

SECTION 13.01. DEFINITIONS The following terms, as used in this Chapter, shall have the meanings stated:

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

2. Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the City, or to which the public has free access as park.

3. Tree Sizes: A "Small Tree" shall be defined as any plant material that will grow to a height of 30 feet; a "Medium Tree" shall be defined as any plant material that will grow to a height of 50 feet; a "Large Tree" shall be defined as any plant material that will grow to a height of over 50 feet.

SEC. 13.02. ESTABLISHMENT OF CITY TREE BOARD

Subd. 1. Tree Board. The City Park Board is hereby designated as the City Tree Board.

Subd. 2. Members. Members of the Park Board shall hold office concurrently with their terms as Park Board members.

Subd. 3. Compensation. Members of the City Tree Board shall serve without compensation.

Subd. 4. Duties and Responsibilities. It shall be the responsibility of the City Tree Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs, in parks, along streets and in other public areas. The plan shall be presented to the Council, and following the review and approval by the Council shall constitute the official comprehensive City Tree Plan. The Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

Subd. 5. Officers. The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall constitute a quorum for the transaction of any business. Nothing in this section shall be deemed to conflict with Sections 412.501 - .531 of Minnesota Statutes respecting the operation of a Municipal Park Board.

SEC. 13.03. STREET TREE SPECIES TO BE PLANTED No species may be planted on public property within the City without the prior written permission of the City Tree Board. Prior to the Tree Board taking action, it shall review all requests for planting to assure that the species are appropriate.

SEC. 13.04. SPACING AND LOCATION OF STREET TREES

Subd. 1. Spacing. The spacing of Street Trees shall be in accordance with tree species size classes provided in this ordinance, and no trees may be planted closer together than as follows: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by the City Forester or Engineer.

Subd. 2. Location. The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the tree species size classes listed in Section 1 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet; unless approved by the City Forester or Engineer.

Subd. 3. Corners, Fireplugs, and Driveways. No Street Tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 15 feet to any fireplug, not 5 feet from any driveway.

Subd. 4. Utilities. No Street Trees other than those defined as "Small Trees" in Section 1 of this ordinance may be planted under, or within 10 level feet of, any overhead utility wire; or over or within 10 lateral feet of any underground water line, sewer line, transmission lines, or other utility.

SEC. 13.05. PUBLIC TREE CARE

Subd. 1. Care of Street Trees. The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of such public grounds. No other planting may be done without consent of the City Forester or Engineer.

Subd. 2. Removal of Trees Endangering Utilities or Other Public Improvements. The City Tree Board 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 sewers, electric power lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect, or other pest. Every tree overhanging any street or right-of-way within the City shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least 8 feet above the street or sidewalk. Dead, diseased, or dangerous trees, or broken or decayed limbs or trees which endanger the safety of the public shall be removed.

Subd. 3. Trees on Private Property. The City Tree Board shall have the authority to order the trimming, treatment, and removal of trees, shrubs or plants upon private property when

such action is necessary to public safety or to prevent the spread of disease or insects to trees, shrubs, or plants located on public property. Any tree or shrub situated upon private property, but so situated as to extend its branches over the improved portion of a public street or easement, shall be so trimmed by the owner of the real property upon which the same is located, so that there is a clear height of at least 8 feet over that portion of such easement used for pedestrian travel; and such persons shall remove the dead or diseased branches or stubs of trees which are or may become hazardous to the public use of such easement. Any trees obstructing traffic control signs or devices from the view of the pedestrian or motorist shall be pruned at a height established by the City Tree Board to insure proper safety for motorists or pedestrians.

All orders to trim, remove, or treat trees, shrubs, or plants given pursuant to this section, shall be in writing and shall be served in person or by first class mail upon the owner of the property where such trees, shrubs, or plants are located. Such orders shall afford the owner of the property not less than ten (10) days from the date of the mailing of such notice to comply with such order. It shall be unlawful for any owner of property receiving such an order to fail to comply with the order in the time specified.

If the required action is not taken by the property owner within the specified time, the City Tree Board may cause the trees, shrubs, or plants concerned to be trimmed, removed, or treated, with the costs being borne by the property owner. 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 owner.

SEC. 13.06. TREE TOPPING It shall be unlawful practice for any person, firm, or City department to top any Street, Tree, Park Tree, or other tree on public property without authorization from the City Forester or Engineer. 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 obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

SEC. 13.07. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY The City shall have the right to cause the removal of any dead or diseased trees on public or private property within the City in accordance with this Chapter.

SEC. 13.08. INTERFERENCE WITH CITY TREE BOARD It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

SEC. 13.09. ARBORISTS LICENSE AND BOND It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Street or Park trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public utility company, or its agents, or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury, and \$100,000 property damage, indemnifying the City or any person injured, or damage resulting from the pursuit of such endeavors as herein described.

SEC. 13.10. DESTRUCTION OF TREES ON PUBLIC PROPERTY. It shall be unlawful for any person to remove, alter, or destroy any Street Tree or Park Tree without the prior authorization of the City Council of City Tree Board.

SEC. 13.11. RIGHT OF REVIEW BY CITY COUNCIL Any person aggrieved by any ruling or order of the City Tree Board may appeal to the City Council, which shall hear the matter and make a final decision. The City Council shall have the right to review the conduct and decisions of the City Tree Board. The City Council may modify, affirm, or reverse any determination of the City Tree Board.

SEC. 13.12. VIOLATION A MISDEMEANOR Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

(Adopted 2/1/93)