

EXHIBIT A
Chapter 1 - GENERAL PROVISIONS
ARTICLE 1.13.05 TREES ON PRIVATE PROPERTY

ARTICLE 1.13.05 TREES ON PRIVATE PROPERTY

Sec. 1.13.05.01 Created and established.

There is hereby created and established a private tree care article to provide the city with legal authority over the care of all trees, plants and shrubs located within privately owned property, which will aid in the establishment of a tree preservation program and will enhance the public health and beauty of the city.

Sec. 1.13.05.02 Authority.

The City Manager shall have oversight authority and responsibility for the implementation of this article.

Sec. 1.13.05.03 Establish a Process for Mitigation.

- (a) The City Manager, in conjunction with the Parks and Recreation Director, shall create a process and procedure for mitigating the removal of trees on private property by creating a permit process for tree removal.
- (b) Upon inspection by the City Arborist, or a designated third party arborist, persons seeking to remove a tree on the protected tree list, that is over 10" in caliper measured five (5) feet from the ground, shall be required to obtain a mitigation permit that is assessed a \$400 per caliper inch.
- (c) This fee shall not be assessed to residents if: (1) is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and (2) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.
- (d) Replacement trees shall be from the approved tree list and shall be the same number of caliper inches removed from the site.
- (e) Failure to replace caliper per caliper will result in less mitigation fee credits.
- (f) If the City Arborist, or 3rd party Arborist, establishes that the tree must be removed for health, safety, protection from damage to surrounding property or structures, or other public safety reason, the City Manager shall have the authority to assess no mitigation fees; however:
 - 1. On non-residential property, the replacement trees in equal caliper inches must be replanted on the site.
 - 2. On residential property, the property owner will be required to replant one tree from the Plant List of a 2" caliper.
- (g) Individuals commending tree removal without a permit, shall be assessed double the mitigation fee, and must meet the requirements to replace trees on a caliper per caliper inch basis.

Sec. 1.13.05.04 Penalty for Non-Compliance

- (a) Any individual who removes trees without a permit, or does not comply with the mitigation requirements of 1.13.05.03 shall be subject to a \$500 to \$2000 fine, per tree, per offense and shall be charged with a misdemeanor offense.

Sec. 1.13.05.05 Administrative Relief

- (a) An individual may request relief to any part of this section to the City Manager.
- (b) If the appeal is denied, the individual may appeal to the Tree Advisory Board. The decision of the board shall be final.