



**City of Long Lake  
Hennepin County, Minnesota  
Ordinance No. 2025-\_\_**

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**An Ordinance Amending the City Code of Ordinances, Chapter 16 – Environment, Article IV. Trees to Update Tree Management Standards and Regulations**

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**The City Council of the City of Long Lake does hereby ordain as follows:**

**Section 1.** The City Code of Ordinances, Chapter 16 – Environment, Article IV. Trees, is repealed in its entirety.

**Section 2.** The City Code of Ordinances, Chapter 16 – Environment, Article IV. Trees, is adopted as follows:

**Sec. 16-201. Purpose.**

It is the policy of the city to recognize and preserve existing natural resources of the community. The City Council finds that the preservation of trees and other vegetation, where practicable, is in the best interest of the community's health and welfare. To that end, the City Council finds it necessary and desirable to establish a policy to assist in preserving trees throughout the city.

**Sec. 16-202. Duties of forester or city planner.**

The forester, as appointed by the City Council, shall identify diseased and hazardous trees that threaten the health and safety of the public; and coordinate all activities of the city relating to the control and prevention of tree diseases and tree pathogens.

The forester shall promulgate and enforce, and all persons shall obey, the rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, park or other city-owned property.

The city planner, as appointed by the City Council, shall identify significant trees in any proposed subdivision or development project, and shall review and approve a tree preservation plan for each construction project subject to tree preservation requirements set forth in the city's zoning code.

The forester and/or city planner shall maintain a list of desirable trees for planting on public or private lands; and shall promulgate and enforce a tree preservation policy approved by the City Council to protect significant trees on public and private property.

The city has no authority to resolve tree related disputes between private property owners.

**Sec. 16-\_\_\_\_. Placement and care of trees.**

(a) *Placement.* Trees along streets, boulevards, and any other right-of-way or upon city owned property shall be planted no closer together than 30 feet for small trees, 40 feet for medium trees, and 50 feet for large trees. Plantings at less than the minimum spacing described in this section may be authorized by the forester or city planner when planting to create a screen. Size, variety and spacing must be approved in advance by the forester or city planner.

(b) *Utilities.* Only small trees shall be allowed to be planted on city owned property or within 10 lateral feet of any overhead utility wire or within five (5) lateral feet of any underground utility, water, or sewer line.

(c) *Disturbance of trees.* No person shall trim, cut, prune or otherwise eliminate growth from any tree on public property without a permit from the city to do so. Trees severely damaged by storms or other causes, or certain trees located under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this policy at the determination of the forester.

No person shall plant, remove, cut above the ground, disturb, or attach any contrivance to any tree on any street, park, or other city owned property without first obtaining approval from the forester. Persons receiving such approval shall abide by all applicable requirements under the city's Code of Ordinances.

No person shall violate the city's tree preservation policy promulgated by the forester and/or city planner.

**Sec. 16-\_\_\_\_. Acceptable plant types for public and private property**

(a) Minimum size requirements. All trees and shrubs used for new plantings or as replacement trees shall conform to the following minimum sizes:

Deciduous Trees - Three (3) inch caliper, trunk diameter at six (6) inches above soil level balled and burlapped

Ornamental Trees, Small Statured Flowering Trees - One and one-half (1.5) inch caliper balled and burlapped.

Coniferous Trees - Six (6) feet in height

Shrubs - 24 inch height or spread

**Sec. 16-\_\_\_\_. Prohibited trees and shrubs**

The following trees and shrubs are prohibited within the City of Long Lake:

Cottonwood, except for cottonless cultivars

Female Ginkgo

Boxelder

American Elm, except for disease resistant varieties

Silver Maple

Mulberry

Black Locust

Black Walnut, unless given adequate space

Seeded varieties of Green Ash

Buckthorn

Seeded Ornamental Trees with fruit that is not persistent

**Sec. 16-\_\_\_\_. Tree preservation policy.**

The city's tree preservation policy applies to any applicant that requests a land use, grading, or building permit, including any building permit for major home or commercial additions. This includes all sites of new or redevelopment that contain significant trees.

(a) *Exceptions.* The following are exceptions and are exempt from the requirements of the tree preservation policy:

1. Minor home additions, general home improvements, and construction of accessory buildings (i.e. storage or other sheds).
2. Tree removal related to public improvement projects to existing roadways, sewers, parks, trails, and utility/infrastructure work or repair; or related to any other public improvement project.
3. Emergency removal of a tree or trees to protect public health.
4. Removal of dead or dying trees, unless those trees were planted as part of a tree replacement, in which case they shall be replaced based on the approved plan.
5. Removal of nonnative trees that the city deems invasive species.

(b) *Preservation and safeguarding measures.* All property and development within the city shall be expected and designed to preserve significant trees where such preservation would not adversely affect the public health, safety, or welfare of Long Lake residents. The city may prohibit removal of all or a part of significant trees. This decision shall be based on, but not limited to size of trees; size of lot(s); species, health, and attractiveness of trees; sensitivity to site grading; potential for transplanting; effects on the functioning of a development; the effect on wetlands and/or the watershed; and public health, safety, and welfare. Extensive clearing of undergrowth and/or disturbance of the ground litter layer should not occur in areas where trees are to be preserved.

(c) *Preservation plan.* A preservation plan for a proposed development or redevelopment project must be prepared by a Minnesota registered surveyor, locating proposed improvements and all significant trees located within the project area; including an indication of which significant trees are to be preserved and which removed as a result of the construction of the improvements. The diameters, heights, and species of significant trees shall be noted on the preservation plan. The required preservation plan must be approved by the forester and/or city planner.

(d) *Damage(s) to preservation plan trees.* If an applicant, developer or contractor destroys or severely damages trees which were required to be preserved under the preservation plan, the responsible party will be required to pay to the city the sum of \$200 per diameter inch or such greater amount as may be determined by the City Council for each such destroyed or damaged tree. Alternatively, the forester or city planner may, in consultation with the Administrator, agree to authorize tree replanting equaling total caliper inches lost, species, and quality in lieu of the required fine. The responsible party shall have the right to appeal the resulting fine or replanting requirements to the City Council. All penalty fines collected pursuant to this subdivision shall be placed in the city's park fund.

(e) *Inspection and stop work order authorization.* The city reserves the right to inspect a site or property at any reasonable time for compliance with tree preservation requirements. If the city finds the site to be in violation of the tree preservation policy or preservation plan, the city may issue a stop work order until conditions are corrected.

#### **Sec. 16-\_\_\_\_. Hazardous trees.**

The health of trees in the city is threatened by shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous or diseased trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to an in accordance with Minn. Stats. 89.001, 89.01, and 89.51 – 89.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

The city forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minn. Stat. 89.001.

The forester has the authority to trim, remove or order the trimming and removal of trees, shrubs, or plants upon private property when such action is necessary to mitigate hazards, provide for the public's safety, or to prevent the spread of disease or insects.

#### **Sec. 16-\_\_\_\_. Trees, nuisances declared.**

The following are hereby declared to be public nuisances whenever they may be found within the city:

(a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus or which harbors any of the elm bark beetles known to transmit the disease.

(b) Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other material from which the bark has not been removed. Proper disposal of removed bark includes chipping or burning.

(c) Any living, standing, or dead oak tree or part thereof infected to any degree with the oak wilt fungus. Also, any living, standing, or dead oak tree that, due to its proximity to an oak infected with oak wilt, possesses a threat of transmission of the oak wilt fungus to other oak trees through interconnected root systems.

(d) Any living, standing, or dead ash tree or part thereof infested with the Emerald Ash Borer as determined by the city forester.

(e) Other shade trees or parts thereof infested with shade tree pests that are epidemic.

(f) Hazardous trees.

(g) Any living, standing, or dead tree, shrub, or parts thereof that interfere with the use of any public thoroughfare or right-of-way.

**Sec. 16-\_\_\_\_. Inspection authority.**

The forester shall have the ability and authority to inspect all premises and places within the city for public nuisances relating to trees. Inspection shall be of living or dead trees, parts of trees, shrubs, parts of shrubs, stumps, and firewood.

The forester or city planner may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this article.

**Sec. 16-\_\_\_\_. Abatement of nuisances.**

The forester shall notify in writing the owner of record and occupant of a premises that a public nuisance exists. The notice shall specify the measures to be taken to abate the nuisance and shall specify that the nuisance shall be abated within a reasonable amount of time, not less than 14 days from the date of mailing. If the owner and/or occupant fails to comply with the removal or control measures for the hazardous tree, infested tree, or wood on their property as outlined in this article and within the time specified, the forester may order the work done either by city employees or by contractor on behalf of the city. The cost of this work shall be billed to the owner. If the bill is not paid within 30 days, the city shall assess the costs to the property.

If the cost of abating a nuisance from a shade tree pest will exceed \$5,000 in a given year or in two consecutive years, based on a reasonable, good faith estimate from a certified arborist, the owner or occupant may request the matter be referred to the City Council for a hearing. This does not apply to hazardous trees.

Nothing in this article shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

It shall be unlawful for any person to prevent, delay, or interfere with the city forester, city planner, or other duly city authorized representative(s) while they are engaged in the performance of duties set forth in this article.

**Sec. 16-\_\_\_\_. Transporting diseased or infested wood.**

The transportation of diseased and/or infested wood out of the city shall be governed by current MDA or MnDNR quarantine notifications and standards related to the transportation of diseased and/or infested material, and by any other applicable state statutes.

**Sec. 16-\_\_\_\_. Trees between private property owners; disputes.**

The city has no authority to resolve any tree related disputes between private property owners.

Under Minnesota state law, damaging a tree on another person's property without permission is trespassing and carries a penalty. Minn. Stat. 561.04 declares that whoever without lawful authority cuts down, damages or injures any tree, timber, or shrub on the land of another person is liable in civil to the owner of such land; and whomever intentionally cuts down or damages a tree on another person's property without the owner's permission can be assessed three times the amount of monetary loss suffered by the tree owner.

Generally, the location of a tree's trunk determines ownership of and responsibility for the tree. Boundary line trees are the responsibility of the private properties on either side of the shared boundary, and tree care expenses and maintenance consent are shared between both properties.

**Sec. 16-\_\_\_\_. Enforcement.**

The forester, city planner, and city duly authorized representatives shall be responsible for the enforcement of this article. Unless provided otherwise, it shall be a misdemeanor for any person to violate any provision of this article. Any land use, building and/or grading activities may be suspended until a responsible party has corrected a violation.

**Secs. 16-XXX—16-XXX. Reserved.**

**Section 3.** This Ordinance shall be effective upon adoption and publication according to law.

Adopted by the City Council of the City of Long Lake this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2025.

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Date of Adoption:	_____, 2025
Date of Publication:	_____, 2025
Effective Date:	_____, 2025

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ATTEST:

BY:

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Jeanette Moeller, City Clerk

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Charlie Miner, Mayor