

# **Tree Ordinance Updates**

## **Art. 16-IX – Tree Protection**

**Parks Board 8/1/24**




# Overview of Updates

- Definition changes: updates for currentness; clarification of what is regulated under the ordinance.
- Updates to regulated & prohibited activities
- Establishing licensing process for certain tree work
- Establishing permitting process before certain tree alteration
- Updates to abatement process for tree nuisances
- Updates to tree protection with certain construction projects
- Added notification requirements for utility companies
- Establishing “Tree Districts” in place of the former historical tree designation



# Definitions § 16-901

- What is regulated?
    - Only a “regulated tree”: trees in street ROW & outside commercial tree district (“private street tree”); trees on CON property & in commercial tree districts (“city tree”).
  - General updates to existing definitions and purpose for currentness.
  - Addition of new definitions to correspond with specific section updates.
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# Regulated/Prohibited Activities


## §§ 16-904, 16-908, 16-909

- Combined all prohibited activities into one section, 16-904
  - Tree damage, attachments/harmful substances, trenching, material storage, tree topping, certain tree maintenance w/o a permit, planter boxes.
- Combined all regulated activities into one section, 16-909
  - General requirements for tree planting, pruning, insect/disease control, and tree removal.
- Consequences: may be subject to fine not to exceed \$750; city may also pursue civil suit (16-908, see also 16-913).
  - Option for remediation in lieu of fine, 16-908(c)
  - All fines collected go to Tree Fund (see § 16-912) for replanting operations, 16-908(d)




# Licensing §§ 16-905, 20-3301—3304

- Creation of new City license for specific tree services
    - Addition to Chapter 20 – Licenses and Occupations
  - Need license for: commercial tree maintenance and care services for trees 10' in height or greater (16-905 & 20-3301).
  - Application: through city view e-permitting system; must submit ISA certification for one employee, proof of insurance coverage (20-3302). City Forester must approve license application.
  - Fees: initial registration = \$100; annual renewal = \$25. Expiration is last day in March.
  - City Forester has authority to revoke license following notice & hearing, w/ appeals to City Manager & Council (20-3304).
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# Permitting §§ 16-906, 16-907

- General rule: need a permit before altering or removing a regulated tree (16-906).
    - Exemptions for private street trees in subsection (b)
    - Weather/environmental events exception in subsection (c)
  - Applications: through Parks & Rec on form created by Forester; available at no cost.
  - Appeal process for denials in 16-916.
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# Abatement, Construction & Utility Companies

- **Abatement (16-910):**
    - Trees that pose danger to public safety can be declared public nuisances
    - City may abate via lien for tree nuisances only after: 1) notice has been provided to property owner, and (2) 30 day period for owner's abatement has passed w/o owner taking any steps to mitigate.
  - **Construction (16-911):**
    - Applicable to all construction and utility projects on CON properties, and all new platting construction encompassing ROW.
    - Goal is tree preservation, 16-911(a); provides guidance for replacement if removal impossible 16-911(c)
    - Requires submission of tree protection plan, 16-911(b)
  - **Utility Companies (16-916):**
    - Clarification that this Ordinance cannot supersede State law & existing utility easements; utility companies exempt from permit and licensing requirements.
    - Addition of 24 hour advance notification to City for tree work in the boundaries of City, except for emergency tree work, notification is 24 hours following completion of the work.
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# Tree Districts § 16-914



- Commercial, (a):
    - (1): Commercial area that contains trees which City planted & has responsibility for; private property owners shall not perform tree work on such trees.
    - (2): Current districts: Campus Corner, Downtown Main St., W Lindsey St., trees in most street medians; but City may designate additional as needed.
    - (3): Subject to a district management plan created by Forester and approved by Parks Board.
  - Historical, (b):
    - (1): residential area that contains large, valuable, historic trees which cannot be quickly replaced & community wishes to protect.
    - (2): 51% of residents in district recommend, Parks Board approves with district management plan or denies.
    - (3): Subject to a district management plan; trees still responsibility of property owner, but upon request, City may assist with planting or removal and replacement of trees in ROW in the district.
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# QUESTIONS?

