

16-901 General Provisions

- (a) *Purpose.* The purpose of this Article is to promote and protect Norman's urban forest by regulating the planting, maintenance, and removal of trees within the City. This ordinance aims to enhance the overall quality of life of residents, improve air and water quality, reduce energy consumption, and preserve the aesthetic and ecological value of trees for current and future generations. This Article establishes policies, standards, and regulations for the protection, maintenance, and growth of Norman's urban forest by:
- (1) Recognizing the benefits of trees in the urban environment;
 - (2) Promoting the preservation and conservation of trees throughout the City;
 - (3) Encouraging the preservation of large or historic trees that cannot be quickly replaced;
 - (4) Eliminating unnecessary removal of healthy trees;
 - (5) Encouraging the planting and preservation of trees that are native to and flourish within the region;
 - (6) Enhancing the beauty and aesthetics of the City;
 - (7) Enhancing property values and protecting investment;
 - (8) Ensuring tree care providers are proficient in pruning, tree removal, and overall tree care to mitigate risks to trees, properties, and individuals, adhering to American National Standards Institute (ANSI) A300 and Z133 standards.
- (b) *Definitions.* The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Subsection, except where the context otherwise requires:

Alter means to cut, girdle, prune, destroy, damage, or in any manner injure a tree.

Caliper means the diameter of a tree that is measured at six-inches (6") above ground level for trees up to four-inch (4") caliper and twelve-inches (12") above ground level for larger sizes. This measurement is commonly used in the nursery industry to measure tree planting stock.

Certified Arborist means a specialist in the care and maintenance of trees who is certified by and in good standing with the International Society of Arboriculture (ISA).

City Tree means any tree planted or growing on City-owned or maintained property.

Critical Root Zone (CRZ) means the zone encompassing the majority of a tree's roots. It is calculated by measuring the diameter of a tree trunk at standard height and measuring outward from the trunk 18-inches (18") for every inch of trunk diameter.

Diameter at Standard Height (DSH) means tree diameter at standard height, which is measured at four and a half feet (4.5') above the ground.

Dangerous Tree means any tree, large shrub or part thereof, living or dead, which the City Forester finds is in such a condition and is located in such a place as to constitute a danger to persons or property in the vicinity of the tree.

Dead Tree means a tree that has no living parts, has been damaged beyond recovery, or is in an advanced state of decline (where an insufficient amount of living tissue, green leaves, limbs, or branches exists to sustain life).

Defined Area means the area east of West 48th Street, south of Franklin Road, and west of East 36th Street continuing south to the City limits.

Diseased or Infected Tree means any tree or large shrub with an uncontrolled presence of tree or plant disease or infestation of insects, pests, or larvae, which the City Forester finds constitutes a hazard to other trees in the community.

Forester means the City Forester for the City and their designees.

Large Tree means any tree with an eight-inch (8") DSH or larger.

Owner means the owner of the property.

Private Street Tree means a tree that is located within the street tree right-of-way and is outside the commercial area boundaries of Campus Corner, Downtown Main Street, and West Lindsey Street, as well as trees in most street medians. Private street trees are the responsibility of the property owner or homeowners' association. This means that the care, maintenance, planting, and removal of these trees are the responsibility of the property owner, although permits for some activities are required.

Public Street Tree means trees growing within the public right-of-way in the commercial areas of Campus Corner, Downtown Main Street, and West Lindsey Street, as well as trees in most street medians. Trees in these areas are the responsibility of the City of Norman.

Regulated Tree means all Private Street Trees, Public Street Trees, and City Trees.

Remove means the complete removal of a tree, such as cutting the tree to the ground, or otherwise taking any action that would lead to the death of a tree or cause permanent damage that may compromise tree health and stability.

Right-of-way means and includes street, highway, or road right-of-way and any other land dedicated to or otherwise subject to public use.

Sidewalk means the portion of the publicly dedicated street between the public street curblines or, if no curb, the paved edge of the public street and the adjacent private platted property lines, intended for use by pedestrians.

Sight triangle is a triangular-shaped area of land at a street corner or intersection that is to be kept free from obstructions. This area is typically defined by measuring a specific distance along the intersecting roadways and then connecting these points to form a triangle.

Street means the entire area between private platted property lines which is publicly dedicated and maintained as street surface, when any part of the area is open to use by the public for the purposes of vehicular travel. Such term shall include all publicly dedicated highways, avenues, boulevards, traffic ways, or any other public way for vehicular travel by whatever name.

Street Tree Right-of-way means the area between the publicly dedicated sidewalk and publicly dedicated street surface or within six-feet (6') of the edge of the street surface if no Sidewalk exists where street trees are planted.

Topping means the severe cutting back of tree limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree means a plant which usually grows with a single stem or trunk and is over fifteen-feet (15') in height at maturity, includes all roots, trunks, branches and leaves.

16-902 Applicability

The regulations outlined in this Article apply to all Regulated Trees, as defined in Subsection 16-901(b). The regulations of this Article are pursuant to the authority granted in Title 11 Section 22-122 of the Oklahoma Statutes.

This Article applies to platted and developed properties, excluding properties with agricultural zoning, within the Defined Area of the City of Norman, as defined in Subsection 16-901(b).

The regulations in this Article are not intended to and cannot supersede existing State laws, utility easements, or restrictions previously attached to land. When any provision of this Article conflicts with any other Article or Chapter of the Norman City Code (NCC), that provision which is the more specific or detailed shall control.

16-903 City Forester

The City Forester is hereby authorized to conduct investigations and to work with the Code Compliance Division of the City of Norman. Code Compliance will issue notices, orders, and directions, as necessary for the enforcement of this Article. The City Forester's primary responsibility is the care of Regulated Trees and the safety of people and property within the public rights-of-way. The City Forester shall not consult on tree issues on private property that do not pose a risk to public safety or public property.

16-904 Prohibited Activities Regarding Trees

(a) General Prohibitions: No individual, organization, business, agency, or City department shall engage in the following activities:

(1) Tree Damage:

- a. Inflicting harm upon any Regulated Tree through actions such as cutting, carving, defacing, or any other form of damage or mutilation.

(2) Attachments and Harmful Substances:

- a. Affixing any items like ropes, wires, nails, or advertising posters to Regulated Trees.
- b. Exposing Regulated Trees to harmful substances, including but not limited to oils, deicers, herbicides, pesticides, or other chemicals.
- c. Igniting or allowing fires that could damage Regulated Trees.

(3) Trenching:

- a. Open trenching for utilities within the street right-of-way or public places is prohibited within half the crown radius of a tree and must always be at least ten-feet (10') away from any tree. Boring is mandated within these specified limits.

(4) Material Storage:

- a. Storing or placing materials such as stone, brick, sand, concrete, or other palletized material within the dripline of any tree in public places or street rights-of-way. Such storage can create soil compaction, which can damage tree roots and inhibit uptake of water and nutrients.

(5) Tree Topping:

- a. Topping of any Regulated Tree.

(6) Tree Maintenance:

- a. Removing, pruning, spraying, or root cutting of any Regulated Tree requires a permit issued by the City, pursuant to Section 16-907.

(7) Planter Boxes:

- a. Constructing a planter box around an existing Regulated Tree's base is not allowed. Such boxes can obstruct root flare inspection and may promote adverse effects, such as harmful root growth, diseases, pests and cutting off access to nutrients.

(b) Any exception from the General Prohibition in Subsection (a) of this Section shall require a written permit from the City, pursuant to Section 16-907.

16-905 Arborist Licensing for Tree Services

(a) No individual, organization, business, or agency shall engage in commercial tree maintenance and care services provided for trees ten-feet (10') in height or greater, including but not limited to tree pruning and removal, unless said individual, organization, business, or agency has been issued an arborist license, in accordance with NCC 20-3301, which license is in effect at the time of said work.

16-906 Tree Permits

- (a) It shall be unlawful for any person to intentionally alter or remove any Regulated Tree without first obtaining the permission of the City.
- (b) Private Street Trees are exempt from this Section under any one of the following circumstances:
 - (1) The removal of branches less than four-inches (4”) in diameter which are required to be removed to maintain eight-feet (8’) of clearance above sidewalks and fourteen-feet (14’) of clearance above streets;
 - (2) The removal of water sprouts and suckers;
 - (3) Circumstances where Private Street Trees may need to be removed or altered in order to comply with other sections of the City Code, such as, but not limited to, requirements to create, develop, or maintain adequate site triangles for safe passage of vehicular traffic; locations of curb cuts and street access points as may be required for safe distances between such access points along public streets; locations of stormwater facilities and improvements as may be necessary for the adequate conveyance of stormwater; locations of underground utilities in utility easements intended for such facilities; and all requirements of the City's engineering design criteria;
 - (4) Removal of Dangerous Trees or Diseased or Infected Trees as defined herein;
 - (5) Circumstances where Private Street Trees may need to be removed or altered in order to comply with State and Federal regulations pertaining to rights-of-way and vegetation management; or
 - (6) Unplatted and undeveloped properties.
- (c) When weather or other environmental events result in damage to trees, the owner will be allowed to remove broken or damaged branches in the right-of-way without permission from the City Forester. The owner must get permission from the City for the removal of an entire tree, pursuant to Sections 16-906 and 16-907. Disposal of debris generated by owner will be the responsibility of the owner. However, the City may assist in debris removal if an emergency is declared by an Oklahoma governmental entity.

16-907 Applications for Tree Permits

- (a) Any entity desiring to alter or remove any tree within the public right-of-way of any street or sidewalk, or upon other City-owned property within the City not specifically exempted in NCC 16-906(b), must first request a permit from the **City Clerk**. The written request for a permit must set forth the name and address of the applicant, the name and address of the licensed arborist doing the work, if applicable, the desired kind or species of tree to be treated, cut, pruned, or removed, and the location of the same, together with such other related information as the City Forester shall require. The City Forester shall determine if a street tree must be altered to eliminate damage to existing buildings, foundations, utilities, or pavement surfaces or for some other good reason and shall grant permission where appropriate.

- (b) The applicant must, at the time of making the request for a permit, agree in writing, in all respects, to hold the City harmless and protect the City and the public at all times in connection with the treating, cutting, trimming, pruning, or removing of any tree to be treated, cut, trimmed, pruned, or removed under such permit.

16-908: Consequences of Engaging in Prohibited Activities to Regulated Trees

- (a) If, after receipt of a complaint or after observing prohibited activities to a Regulated Tree, the City, based on its investigation, believes that a Regulated Tree was removed or altered in violation of this Article, then the City shall attempt to make contact with the entity allegedly removing or damaging such tree.
- (b) Removal of a Regulated Tree in violation of NCC 16-906 or damages to a Regulated Tree in violation of NCC 16-904 may be subject to a fine. The fine assessed shall not exceed \$750.00. The City may also pursue other legal remedies, such as a civil suit.
- (c) Remediation. In lieu of payment of a fine, a person in violation of this Section may provide and plant a replacement tree or trees, in excess of two-inch (2”) caliper, to reduce the fine.
 - (1) The City Forester shall approve the replacement trees. Should the replacement tree die within two (2) years, it must be replaced.
 - a. Replacement trees must have a minimum trunk caliper of two-inches (2”) (measured 6-inches (6”) from the base).
 - b. Trees with a trunk diameter (DSH) of eight-inches (8”) or more should be replaced on a 1:1 ratio.
- (d) All funds collected by the City in conjunction with NCC 16-908 shall be deposited into a special Tree Fund and utilized for the sole purpose of replanting trees on public property in the same vicinity as the removed trees.

16-909 Tree Planting, Maintenance, and Removal

- (a) Tree Planting:
 - (1) The owner of property abutting any street may plant trees in the street rights-of-way. Trees planted shall consist of species known to perform well in Norman or be approved by the City Forester.
 - a. The City Forester maintains a list of prohibited species that shall not be planted on the street rights-of-way nor other public places within the City of Norman.
 - (2) Trees planted by property owners must be watered and maintained by property owners during the first three (3) years of establishment.
 - (3) Trees may not be placed in areas that block existing vehicle sight triangles.

(b) Tree Pruning and Insect and Disease Control:

(1) City Trees and Public Street Trees

- a. All maintenance performed on City Trees and Public Street Trees shall be performed by the City or its agent unless an exemption is made in writing by the City Forester. Pruning will be conducted according to the most current American National Standards Institute A300 and Z133 standards.

(2) Private Street Trees

- a. Every owner of any tree, shrub, or plant growing on private property and overhanging the streets, sidewalks, highways, parking areas, or parkways within the City shall prune the branches so that they shall not significantly obstruct the light from any street lamp, obstruct the view of any street intersection, and to maintain a clear space of eight-feet (8') above the surface of the sidewalk and fourteen-feet (14') above the surface of the street.
- b. The owner shall remove all dead, diseased, decayed, or broken branches that overhang any street, sidewalk, parking area, or parkway, and remove any dead trees.
- c. The owner shall treat or cause to be treated any vegetation mentioned in Subsections a. and b. for any disease or insect pest affecting or infesting the vegetation in such a manner as to kill and control the disease or insect pest.
- d. Failure to care for trees may result in the City declaring a tree a Public Nuisance in accordance with NCC 16-910.

(c) Tree Removal:

- (1) Only the City or its agent shall remove Regulated Trees. Any other entity requesting to remove Regulated Trees must obtain a permit from the **City Clerk's Office**. The City Forester has final authority for determination of tree removal status based on a range of factors including but not limited to danger, disease, damage, blight, size, and age.

(2) Regulated Trees may be permitted for removal only for the following reasons:

- a. The tree is at least 90% dead;
- b. The tree constitutes a public hazard;
- c. The tree is diseased;
- d. The tree(s) are planted too closely together;
- e. The tree(s) conflict with utilities or ability to access utilities as determined by the City Forester;

- f. When necessary for the installation of public streets, infrastructure improvements or driveways after review by the City Forester;
- g. Where a request is made for the removal upon the recommendation of the City Forester; or
- h. When necessary for the installation of a new driveway with a permit from the Department of Public Works.

(3) Regulated Trees may not be removed under the following circumstances:

- a. Trees whose roots lift sidewalks or driveways shall not be removed unless it is not possible to remedy the issue by relocating the sidewalk or other sidewalk treatment that will not damage the roots. Contractors shall provide notice to the City Forester at least fifteen (15) days before commencing such operation.

16-910 Private Tree Nuisances Declared

(a) All trees, or parts thereof, that are dead, broken, diseased, infested with pests, or pose a potential danger to public safety or nearby properties within the City's jurisdiction are hereby declared Public Nuisances.

(b) Notification and Abatement:

(1) Initial Notice: Upon identification of a tree nuisance, the City Code Compliance Division shall issue a written notice to the property owner. This notice will:

- a. Describe the tree, its location, and the nature of its condition (e.g., infestation, disease);
- b. Specify the recommended actions, which may include pruning, spraying, or tree removal, as deemed appropriate to abate the nuisance; and
- c. Order the property owner, agent, or occupant to undertake necessary measures to address the issue and prevent its spread.

(2) Owner's Responsibility: Property owners are obligated to address and abate any declared tree nuisances on their property. Abatement actions must commence within thirty (30) days of receiving the notification.

(3) City Intervention:

- a. If the property owner, agent, or occupant fails to comply with the City's notice and directive within the stipulated time, as described above, the City may intervene to undertake the necessary actions (e.g., pruning, spraying, or tree removal).
- b. The City Clerk, or their designee, shall file a notice of lien with the County Clerk describing the property, the action to be taken and stating that the City claims a lien on such property for the costs of abatement of any Public Nuisance set forth in Subsection

(a) of this Section. The City Clerk, or their designee, may mail to the property owner at the address shown by the current year's tax rolls in the County Treasurer's office, a statement of actual costs of abatement and administrative costs. If payment is not made within thirty (30) days from the date of the mailing of the statement, a certified statement of amount of costs shall be forwarded to the County Treasurer of Cleveland County and said costs shall be certified to the County Treasurer as a lien against the property involved.

16-911 Tree Protection and Mitigation During Construction Or Building Renovation

This Section applies to all construction and utility projects on City of Norman properties or areas encompassing street rights-of-way and other public domains where Regulated Trees are located.

(a) Tree Preservation:

(1) During the design and execution of projects on City properties or other public domains where Regulated Trees exist, the removal of trees, including street trees, should be minimized.

(b) Tree Protection Plan:

(1) Before initiating any project activities on City properties or other public domains where Regulated Trees exist, a comprehensive tree protection plan must be submitted to and approved by the City Forester or their representative. This plan should detail:

- a. A scaled inventory drawing highlighting the location, species, size (DSH), condition, and CRZ of all Regulated Trees within the project vicinity and within fifty-feet (50') of the disturbance limits;
- b. Utility placements;
- c. Site grading, clearing, grubbing, and excavation zones;
- d. Construction operation areas, including access points, parking, and storage for vehicles, equipment, and materials;
- e. Trees designated for preservation;
- f. Trees marked for removal;
- g. Tree protection measures, including fencing; and
- h. Details of new trees intended for planting, including location, species, and caliper.

(c) Tree Replacement:

(1) If tree removal is deemed unavoidable by the City Forester or their delegate, the following replacement guidelines apply:

- a. Replacement trees must have a minimum trunk caliper of two-inches (2") (measured 6-inches (6") from the base).
- b. Trees with a trunk diameter (DSH) of eight-inches (8") or more should be replaced on a 1:1 ratio.
- c. Ideally, tree replacements should occur on the project site. Alternatively, trees can be planted nearby, or a contribution can be made to the Tree Fund using the formula:

Diameter of tree(s) removed (DSH) x \$X per inch = Tree Fund Payment.

The cost per inch will be periodically reviewed and set by the City Forester, reflecting the average City expenses for tree acquisition, planting, and two (2) years of maintenance. The City Forester will maintain an updated annual cost record.

(d) Tree Protection Compliance:

- (1) Regulated Trees must adhere to a tree protection plan approved by the City at all times during construction.

(e) The City has the discretion to waive the requirements of this Subsection under any one of the following circumstances:

- (1) Emergency operations;
- (2) Actions deemed essential for public safety;
- (3) Addressing dead or dying trees;
- (4) Managing trees that pose a threat; or
- (5) Handling trees classified as nuisances.

16-912 Tree Fund Establishment and Management

- (a) The City Finance Director is hereby authorized to create a dedicated trust fund, to be titled the "Tree Fund."

- (b) All contributions to the Tree Fund shall be provided to the City Finance Director who will ensure their deposit into the Tree Fund.

(c) Sources of Revenue for the Tree Fund:

- (1) Funds acquired as reimbursement for damages related to the injury or destruction of trees and shrubs situated within street rights-of-way and other public spaces.
- (2) Donations.

(d) Usage of the Tree Fund:

- (1) Funds from the Tree Fund shall exclusively support activities related to the management, protection, maintenance, and planting of trees and shrubs within street rights-of-way and other public domains.
- (2) Expenditures from the Tree Fund require the approval of the Director of Parks and Recreation or their designee.

(e) Accounting and Oversight:

- (1) The City shall maintain a distinct account for all Tree Fund transactions, ensuring transparency and accountability.
- (2) Under no circumstances shall the Tree Fund be merged with other City funds.
- (3) Any unspent balance in the Tree Fund shall remain within the fund and shall not be transferred to the City's general fund.
- (4) The Tree Fund is protected from appropriation by the City Council for any purposes other than those explicitly mentioned in this ordinance.

16-913 Penalties

Any owner violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine as provided in the City penalty and fine schedule per offense.

16-914 Historic Tree Designation

- (a) Owners may nominate trees on their own private property, outside of the public right-of-way, as historic trees, resulting in the protections outlined below.
- (b) To be designated as a historic tree, that tree must have at least three (3) of the following characteristics:
 - (1) Trunk diameters equal to or in excess of thirty-six-inches (36”) DBH;
 - (2) Excellent structure or unique structural character;
 - (3) Excellent health;
 - (4) High aesthetic appeal;
 - (5) Good longevity; or
 - (6) Historical importance.
- (c) To nominate a tree as historic, a person must complete the forms provided by the City and provide rationale for the designation meeting the guidelines established in Subsection (b). After consideration and recommendation of the historic designation by the City Forester, the designation shall proceed to the Board of Parks Commissioners for final approval.

- (d) Once a tree is deemed historic, all provisions outlined above, including the limitations on alteration outlined in NCC 16-904 and 16-906, shall apply to the tree in perpetuity, regardless of its location except where the City Forester determines such historic tree:
- (1) Is dead;
 - (2) Is an imminent hazard to life or property, and the hazard cannot be mitigated without removing or altering the tree;
 - (3) Is located on a public right-of-way or easement; or
 - (4) Is a Diseased or Infected Tree.

16-915 Appeals

- (a) An owner who has been denied consent to remove a tree may make an application for relief from portions of this Article to the City Manager or his designee. Such appeal must be made within thirty (30) working days from the date of the determination and only after all issues relevant to the permit process have been determined. Upon receipt of the appeal, the City Manager will have ten (10) working days to grant relief upon an adequate showing that undue hardship would be suffered if not granted.
- (b) After having been denied relief by the City Manager, as provided in Subsection (a) of this Section, the owner shall have the right of appeal to City Council. Such appeal shall be taken by filing with the City Clerk, within ten (10) working days after denial of relief by the City Manager, a written statement setting forth fully the grounds for the appeal. After receipt of the written statement, the City Clerk shall schedule the appeal for hearing by the City Council on the next regular agenda. The owner shall be notified of the time of the hearing at least seven (7) days prior to such hearing. Proper mailing to the address shown on the application shall be adequate notification.

20-3301 Licenses Required

- (a) This Section applies to all tree work performed on “Regulated Trees” within the “Defined Area” of the City of Norman, as defined in Norman City Code (NCC) 16-901(b). It does not apply to nursery tree production and maintenance.
- (b) An arborist license is required for all commercial tree maintenance and care services provided for trees ten-feet (10’) in height or greater, including but not limited to tree pruning and removal.
- (c) Licensees must comply with standards, provisions, and rules established by the City Forester, the City Manager, and the requirements set forth in NCC 20-I. Non-compliance may result in license suspension or revocation.
- (d) License Identification
 - (1) Licenses must be displayed by authorized tree services on their vehicles.
 - (2) Vehicles and major equipment must be marked with the licensee's business name and phone number.

20-3302 Application for License

- (a) Application forms for arborist licenses for tree services shall be made available by the City at the City Clerk's office. Application forms must be submitted with the City Clerk’s office and include;
 - a. Evidence of current ISA certification for at least one employee; and
 - b. Proof of minimum insurance coverage as follows:
 - (1) Present a satisfactory certificate of insurance, ensuring a minimum coverage of \$1,000,000 per occurrence. The City of Norman must be named as an additional insured.
 - (2) Ensure the policy provides at least thirty (30) days' advance notice to the City before cancellation. License termination and surrender to the City will occur unless a substitute policy is provided.
- (b) City Forester approval is required for license issuance and renewal.

20-3303 License Fees, Expiration, and Renewal

- (a) An initial registration fee and an annual renewal fee are required, as provided in the City fee schedule.
- (b) Licenses expire at 11:59 p.m. on January 31 annually. Licenses may be renewed through the City Clerk’s office.

20-3304 License Suspension, Revocation, and Appeals

- (a) Licenses issued pursuant to this Article may be revoked by the City Forester after notice and a hearing, if:
- (1) The City Forester determines a licensed arborist has breached any rules, regulations, standards, or specifications set by the City Forester and/or NCC 16-IX; or
 - (2) An individual submits a formal, verified complaint, detailing the date, time and location of an alleged violation, that a licensed arborist has breached any rules, regulations, standards, or specifications set by the City Forester and/or NCC 16-IX, and the City Forester investigates and determines there are reasonable grounds in the complaint to believe a violation has occurred which justifies suspension or revocation.
- (b) Licensees may appeal suspensions or revocations to the City Manager in writing within fourteen (14) days following such suspension or revocation by the City Forester. After having been denied relief by the City Manager, the applicant shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Council, within fourteen (14) days after denial of relief by the City Manager, a written statement setting forth fully the grounds for the appeal. The Council shall set the time and place for the hearing and shall notify the applicant at least seven (7) days prior to such hearing. Proper mailing to the address shown on the application shall be adequate notification. The decision and order of the Council on such appeal shall be final and conclusive.