

# ORDINANCE NUMBER 73

## CITY OF TOWER, MINNESOTA

An ordinance regulating the planting, maintenance, and removal of trees, shrubs, and other plants; and creating a tree commission.

Be it ordained by the City Council of the City of Tower:

### Section 1. DEFINITIONS.

**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, or ways within the City.

**Park Trees:** Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park.

**Section 2. CREATION AND ESTABLISHMENT OF A TOWER FORESTRY BOARD.** The Tower Forestry Board was created and established under Ordinance Number 30 in February 1941 by the Tower City Council.

**Section 3. TERM OF OFFICE.** The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

**Section 4. COMPENSATION.** Members of the board shall service without compensation.

**Section 5. DUTIES AND RESPONSIBILITIES.** It shall be the responsibility of the Board and the City Council to study, investigate, counsel, and develop and/or update annually, 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. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Tower. The board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming with the scope of its work.

**Section 6. OPERATION.** 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 be a quorum for the transaction of business.

**Section 7. TREES' SPECIES TO BE PLANTED.** The Tower Forestry Board develops and maintains a list of desirable trees for planting along streets in three size classes based on mature height: Small (under twenty feet), Medium (twenty - forty feet), and Large (Over forty feet). Lists of trees not suitable for planting will also be created by the Tower Forestry Board.

**Section 8. SPACING.** The spacing of street trees will be in accordance with the three species size

classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees - thirty feet; Medium Trees- forty feet; and Large Trees - fifty feet; except in special planting designed or approved by the City Council.

Section 9. DISTANCE FROM CURB AND SIDEWALK. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any or sidewalk than the following; Small Trees - two feet; Medium Trees - 3 feet; and Large Trees four feet; except in special planting designed or approved by the City Council.

Section 10. DISTANCE FROM STREET CORNERS AND FIREPLUGS. No street tree shall be planted within 30 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall planted within 10 feet of any fireplug.

Section 11. UTILITIES. No street trees other than those listed as small trees in Section 7 of this ordinance may be planted under or within 10 fet of any overhead utility wire.

Section 12. PUBLIC TREE CARE. The City shall have the right to plant, prune, maintain, and remove trees, plants, or shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Tower Forestry 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 improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said tree is in accordance with Section 7 through 11 of this ordinance.

Section 13. TREE TOPPING. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the sever 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 other obstructions where other pruning practice are impractical may be exempted from this ordinance at the determination of the Tower Forestry Board.

Section 14. PRUNING, CORNER CLEARANCE. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not severely 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 thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company the Tower Forestry Board prior to any trimming by the utility company.

Section 15. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The City shall

have the right to cause the removal of any dead or deceased trees on private property within the City, when such trees constitute a hazard to life and property, or to other trees within the City. The Tower Forestry Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. REMOVAL OF STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the stump shall not project above the surface of the ground.

Section 17. INTERFERENCE WITH THE TOWER FORESTRY BOARD. It shall be unlawful for any person to prevent, delay or interfere with the Tower Forestry 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.

Section 18. 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 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 service company including electric utilities and their agents and contractors 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 \$300,000 for bodily injury and \$100,00 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. REVIEW BY THE TOWER CITY COUNCIL. The City Council shall have the right to review the conduct, acts, and decisions of the Tower Forestry Board. Any person may appeal (within 10 days) from any ruling or order of the Tower Forestry Board to the City Council who may hear the matter and make final decisions.

Section 20. PENALTY. Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a penalty not to exceed the amount specified as misdemeanor as defined by the State of Minnesota.

Introduced and given first reading by Alderman Hiltunen on August 11, 1993.

Given second reading by Alderman Majerle on September 15, 1993.

Moved by Majerle supported by Hiltunen that the ordinance be adopted.

Ayes: Burgess, Majerle, Hiltunen, Hendrickson, & Mickle.

Nays: None

Absent: None.

Published in the Tower News on the 23<sup>rd</sup> day of September, 1993.

---

Gary Burgess, Mayor

---

Timothy L Kotzian, City Clerk-Treasurer