

## **CHAPTER 55: STREET TREES**

### Section

- 55.01 Purpose
- 55.02 Applicability
- 55.03 Fees
- 55.04 Funds Deposited in a Separate Account
- 55.05 Installation of Trees By Private Contractor
- 55.06 Contractor Shall Guarantee Trees
- 55.07 Timing of Planting
- 55.08 On-Going Maintenance of Street Trees
- 55.09 Refund Policy
- 55.10 Rules and Regulations

**§ 55.01 PURPOSE.**

To establish an ordinance for the planting of street trees within public boulevards, and to carry out the goals and objectives of the Lake City Community Forestry Plan and Street Tree and Streetscape Analysis and Guidelines.

**§ 55.02 APPLICABILITY**

(A) The City of Lake City will collect a fee for the purpose of planting street trees within public boulevards at the time a building permit is issued for the following:

- (1) All new single family residential construction, including attached and detached structures.
- (2) New multi-family residential construction or the addition of dwelling units to an existing multi-family residential structure.
- (3) New commercial and industrial construction or expansions of existing commercial and industrial buildings that exceed 5,000 square feet.

(B) This ordinance shall not apply to building permits issued to public agencies or organizations.

(C) The fee, otherwise to be collected as herein provided in this Section, shall be waived on all those Platted Lots in Jewel Third Addition, Scottish Village-Phase I, Hickory Mansions, Oakhurst at the Jewel, The Lakes at the Jewel, Three Tees at the Jewel/Clubhouse Drive, Grand Bluffs at the Jewel, Woodland Walk at the Jewel, and Champion Circle, that are owned by a third party, other than the Residences at the Jewel, LLC or any subsidiary or company owned by or related to it, on the date of the approval of this Ordinance, Chapter 55 Street Trees, and are on file in the public records in the office of the Wabasha County, MN Recorder on said date.

**§ 55.03 FEES.**

Upon the application of a building permit for structures under the circumstances noted in Section 55.02, the City shall collect the following fee:

- (1) \$200 per unit for single family residential structures.
- (2) \$200 for each 60 feet of frontage along a public street for multi-family residential, commercial, and industrial developments.

**§ 55.04 FUNDS DEPOSITED IN A SEPARATE ACCOUNT.**

The funds collected pursuant to § 55.03 of this Ordinance, shall be deposited in an account established for that sole purpose. The funds in the account shall be used to purchase the street

trees, to pay for the installation of the street trees, and to cover the administrative costs associated with overseeing the installation of the street trees.

**§ 55.05 INSTALLATION OF TREES**

The City of Lake City Public Works Department shall be responsible for the planting of all trees required by this Ordinance. The City may hire a private contractor to install the required street trees in accordance with the City Subdivision Regulations and Street Tree and Streetscape Analysis and Guidelines. The Public Works Department and contractor shall be paid out of the account described in § 55.04 of this Ordinance.

**§ 55.07 TIMING OF PLANTING.**

The City Public Works Director or his/her designee shall decide when the street trees required by the code shall be planted. Generally, the street trees will be planted at the first appropriate planting season after the danger of construction damage is past.

**§ 55.08 ONGOING MAINTENANCE OF STREET TREES.**

Responsibility for the maintenance of street trees shall follow the requirements of Chapter 97 of Title IX of the Lake City Municipal Code.

**§ 55.09 REFUND POLICY.**

- (A) The City may issue a partial refund in the following instances:
  - (1) A street tree that meets or exceeds the minimum tree requirements as defined in Title IX Chapter 97 of the City Code and The Lake City Community Forestry Plan, and that has been pre-approved by the City for size and quality, is planted in a timely manner by the owner(s) or the owner's agent or contractor in the location set forth in an approved the Landscape Plan for the site.
  - (2) The lot does not have, in the opinion of the Public Works Director or his/her designee, sufficient street frontage after taking into account matters such as the location of driveways, utilities, and intersection visibility requirements, to plant a tree meeting the requirements of Title IX Chapter 97 of the City Code and the Lake City Community Forestry Plan.
  - (3) Any existing street trees meeting the requirements of Title IX Chapter 97 of the City Code and the Lake City Community Forestry Plan are protected during construction in accordance with the Minnesota DNR publication, Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota.

(B) If the City issues a refund pursuant to Section 55.09 (A) of this ordinance, the City shall retain a \$20.00 administrative charge for each tree. The balance of the street tree fee will be refunded to the party who issued the street tree payment to the City.

(C) Refunds issued pursuant to Section 55.09 (A) shall be issued upon confirmation by the City that the street tree has been satisfactorily planted and protected once development activity is completed on the site. Refunds issued pursuant to Section 55.09 (A), (2) and (3) shall be issued upon written verification by the Public Works Director or his/her designee that the terms of this Ordinance have been met.

**§ 55.10 RULES AND REGULATIONS.**

The Public Works Director in consultation with the Director of Planning is authorized to establish rules and regulations to implement this Ordinance that are consistent with the City Subdivision Regulations and the Lake City Street Tree and Streetscape Analysis and Guidelines. Ord. 422 EFF. 9-22-2006