

## **CHAPTER 55: TREES AND OTHER VEGETATION**

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## § 55.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOULEVARD.*** The public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway.

***CITY FORESTER.*** The person selected by the Streets and Parks Commission and approved by the City Council, who has responsibility for woody plant management.

***HAZARDOUS TREE.*** Any woody plant that endangers the health and safety of the public or that of the woody plants or other private or public property.

***OVERHEAD UTILITY WIRES.*** Those overhead wires delivering cable television service, telephone service, and electrical service. Electrical service wires are three phase or main feeder lines. Cable television and telephone are single wires.

***PARK TREES.*** Trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the City or to which the public has free access that is used as a park.

***PUBLIC PROPERTY.*** All that property owned by or under the control or supervision of the City, including, but not limited to, boulevard(s).

***PUBLIC TREE.*** Any street trees, park trees, or other woody plant located on City property.

***STREET TREES.*** Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, and boulevards within the City.

***TREE TOPPING.*** The cutting of an older branch or stem back to a stub or lateral branch not sufficiently large enough to assume the terminal role within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

### ***TREE SIZES.***

- (1) A ***SMALL TREE*** shall be defined as any plant material that will grow to a height of 30 feet.
- (2) A ***LARGE TREE*** shall be defined as any plant material that will grow to a height of over 30 feet.

## § 55.02 STREET TREES.

(A) *Purpose.* To establish regulations relating to 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.

(B) *Applicability.* The 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; and
- (3) New commercial and industrial construction or expansions of existing commercial and industrial buildings that exceed 5,000 square feet.

(C) *Fees.* Upon the application of a building permit for structures under the circumstances noted in paragraph B of this Section, the City shall collect the following fees for the purpose of planting street trees within public boulevards:

- (1) A per unit charge in an amount set forth in the City's fee schedule for single family residential structures; and
- (2) A charge for each 60 feet of frontage along a public street for multi-family residential, commercial, and industrial developments. The amount of the charge is set forth in the City's fee schedule.

(D) *Funds deposited in a separate account.* The funds collected pursuant to paragraph C of this Section shall be deposited by the City in an account established for that sole purpose. The funds in the account shall be used by the City 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.

(E) *Street tree species to be planted.* An approved list of acceptable species of trees that may be planted as street trees will be maintained at City Hall.

(F) *Spacing and location of street trees.*

- (1) *Spacing.* The spacing of street trees must be in accordance with tree species size classes provided in this Chapter. No trees may be planted closer together than as follows: small trees, 30 feet from any other tree; and large trees, 50 feet from any other tree; with the exception of special plantings designed or approved by the Streets and Parks Commission or its designee.
- (2) *Location.* The distance that trees may be planted from curbs or curb lines

and sidewalks shall be in accordance with the tree species size classes defined in this Chapter. No tree may be planted closer to any curb or sidewalk than as follows: small trees, two feet and large trees, four feet. If conditions on the property make it unable to conform to these requirements, an alternative location for the tree may be approved by the City's Streets and Parks Superintendent. An area without sidewalks must be treated as if a five-foot sidewalk will be placed on the property abutting the right-of-way border.

- (3) *Corners, fire hydrants, and driveways.* No street tree may be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines, eight feet of any fire hydrant, and five feet from any driveway.
- (4) *Utilities.* No street trees other than small trees may be planted under any three-phase (main feeder) overhead utility wire, over, or within three lateral feet of any underground water line, sewer line, transmission line, or other utility with the exception of overhead utility lines delivering cable television and telephone service.

(G) *Installation of trees.* The Public Works Department shall be responsible for the planting of all trees required by this Section. The City may hire a private contractor to install the required street trees. The trees shall be installed in accordance with the City's subdivision regulations and Streetscape Analysis and Guidelines.

(H) *Timing of planting.* The Public Works Director will decide when the street trees required by this Section are to be planted. Generally, the street trees will be planted at the first appropriate planting season after there is no longer any danger of any damage being caused to the trees by construction activity.

(I) *Refund policy.*

- (1) The City may issue a partial refund in the following instances:
  - (a) A street tree that meets or exceeds the minimum tree requirements as defined in this Section 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 landscape plan for the site;
  - (b) The lot does not have, in the opinion of the Public Works Director, 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 this Section and the Lake City Community Forestry Plan; or

- (c) Any existing street trees meeting the requirements of this Section and the Lake City Community Forestry Plan that are protected during construction in accordance with the Minnesota Department of Natural Resources publication, "Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota."
- (2) If the City issues a refund pursuant to paragraph I (1) of this Section, the City may retain a portion of the fee to cover its administrative costs associated with processing the request. The balance of the fee will be refunded to the party who issued the street tree payment to the City.
- (3) Refunds issued pursuant to paragraph I (1)(a) of this Section 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 paragraph I (1), (b) and (c) of this Section shall be issued upon written verification by the Public Works Director or that the requirements of this Section have been met.

(J) *Rules and regulations.* The Public Works Director in consultation with the Director of Planning and Community Development is authorized to establish rules and regulations to implement the requirements of this Section that are consistent with the City's subdivision regulations and the Lake City Street Tree and Streetscape Analysis and Guidelines.

### **§ 55.03 PUBLIC TREE CARE.**

The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the public right-of-way and public grounds as may be necessary to ensure the public safety or to preserve or enhance the symmetry and beauty of such public right-of-way or public grounds. No person shall plant trees, plants, or shrubs within the public right-of-way in the City without consent of the Public Works Director or his or her designee.

### **§ 55.04 PRUNING OF TREES AND SHRUBBERY ABUTTING PUBLIC RIGHTS-OF-WAY.**

Trees or shrubs overhanging any street or right-of-way within the City must be pruned so that the branches do not obstruct the light from any streetlight or obstruct the view of any street intersection. There must be a clear space of 13 feet between an overhanging tree or shrub and the surface of any street or alley and eight feet between an overhanging tree or shrub and the surface of any sidewalk. Trees and shrubs near sidewalks must allow for an unobstructed sidewalk width of at least five feet. All dead or diseased trees, branches, or shrubs located on property abutting the right-of-way which are or may become a hazard to the use of public right-of-way must be removed by the owner of the abutting property. Any trees obstructing traffic control signs or devices from the view of pedestrians or motorists shall be pruned by the Public Works Department to ensure proper safety for motorists and pedestrians.

**§ 55.05 TREE TOPPING.**

It shall be an unlawful practice for any person or entity to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes (diseases) or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this prohibition per the City's Public Works Director.

**§ 55.06 INTERFERENCE WITH THE STREETS AND PARKS COMMISSION.**

It shall be unlawful for any person to prevent, delay, or interfere with the Streets and Parks Commission, or any of its agents, while the Streets and Parks Commission is engaging in the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees.

**§ 55.07 ARBORIST LICENSE.**

(A) It shall be unlawful for any person who engages in the business of cutting, trimming, pruning, removing, spraying, or otherwise treating trees or shrubs from doing so on public property without first applying for and procuring a license from the City, the requirements for which shall, at a minimum, include the following and such additional requirements and liability insurance as the City determines necessary and appropriate.

(B) The requirements to procure a license to engage in cutting, trimming, pruning, removing, spraying, or otherwise treating trees are as follows:

- (1) Current certification in the International Society of Arboriculture, or a two-year or four-year degree in arboriculture or other related field; or
- (2) Attendance at and completion of an annual arborist training program approved by the Streets and Parks Commission (such as a course offered by the University of Minnesota, the University of Minnesota Extension, the Minnesota Department of Natural Resources or similar organization) that has subject matter that is related to planting, cutting, pruning, trimming, removing, spraying or otherwise treating trees.

(C) The license fee shall be paid annually in advance. The amount of the license is set forth in the City's fee schedule. No license shall be required of any public utility company, provided work is done under the direction of an individual who has successfully completed the aforementioned licensing requirements.

**§ 55.08 RIGHT OF REVIEW BY CITY COUNCIL.**

Any person aggrieved by any ruling or order of the Streets and Parks Commission may appeal to the City Council, which shall hear the matter and make a final decision. The City Council shall have the right to review the conduct and decisions of the Streets and Parks Commission. The

City Council may modify, affirm, or reverse any determination of the Streets and Parks Commission.