

## ORDINANCE NO. 3-07

An Ordinance of the City of Mountain Lake Establishing the Boulevard, Tree and Shrub Policy and the Tree Commission.

Be it ordained existing Section 8.05 of the Mountain Lake City code is repealed and a new Section 8.05 is adopted to read as follows:

### **Section 8.05** Regulation of Trees and Establishment of Tree Commission

Purpose: The City of Mountain Lake (herein called the “City”) believes that it is in the best interest of the general public for the City to regulate boulevard landscaping and treatments as well as the planting, pruning and removal of trees located upon City boulevards, rights-of-way and easements. The City encourages the proper planting and care of trees within the City. The City Tree Inspector or designee shall have the authority to enforce the City Code and implement related policy.

#### **Subd. 1. Definitions**

**A. Right-of-way** – City, County or State owned or controlled property designated to be used for streets, sidewalks, alleys, and boulevards.

**B. Boulevard** – The portion of a right-of-way that is located between the concrete curb and property line of adjacent private property (approximately fifteen feet), including the sidewalk or area reserved for sidewalk.

**C. Easement** – Permission granted by a property owner authorizing the City to enter a strip of land for the purpose of constructing and maintaining streets, public utilities, storm drainage ways, or ponding areas.

**D. Tree Inspector** - A person retained by the City responsible for inspecting trees within city limits and implementing this ordinance. The tree inspector may appoint a designee and retain a tree care service to carry out the provisions of this ordinance. Any tree care service retained by the City must show proof of insurance in an amount as deemed appropriate by the City.

#### **Subd. 2. Boulevards**

**A. General standards:** Boulevard sections of public rights-of-way throughout the City can be planted with grass, or a combination of grass and deciduous trees. Any trees planted within or near boulevards shall be of a species acceptable to the City and planted and pruned in such a manner to insure that foliage does not obstruct pedestrians, vehicles, utility lines or regulatory signage. It is the responsibility of the adjoining property owners to properly maintain boulevard grass and trees, to keep the area free of weeds and debris, and to remove any substance or material that may be hazardous to pedestrians.

#### **Subd. 3. Tree Planting**

**A. Varieties of trees:** Only those trees identified on the attached list may be planted on the City’s rights-of-way, boulevards and/or easements.

**B. Suitable planting conditions:** Generally, trees planted on boulevards shall adhere to the

specifications as described in the attached “Mountain Lake Acceptable Shade and Boulevard Trees.” This information refers to the space from the tree to the back of concrete curb and to the sidewalk (or area reserved for sidewalk if none exists). It also specifies which trees are acceptable for planting under power lines.

**C. Spacing:** No trees shall be planted closer than the following: large trees-thirty (30) feet and small trees-fifteen(15 ) feet of another tree and/or stop sign and fifteen (15) feet of a light standard, power pole, or hydrant without approval of the Tree Inspector or designee. Also, no tree shall be planted where it may interfere with sight lines to traffic signs, the clear view at intersections, the overhead power lines, street lighting or any other City infrastructure. **No street trees, other than those species accepted as small trees on the “Mountain Lake Acceptable Shade and Boulevard Trees” list may be planted under any overhead utility wire or within fifteen (15) feet of any other utility.**

1. Exceptions – If the green space does not meet the size requirements for planting or there are any other special circumstances, the Tree Inspector or designee shall review each proposed planting on an individual basis.

**D. Wrong Choice of Planted Tree:** The Tree Inspector or designee may require the replanting of a boulevard tree at least three (3) feet (minimum) behind the sidewalk or space reserved for sidewalk on either public or private property, if it is interfering with sight lines to traffic signs, the clear view at intersections, the overhead power lines, street lighting or any other City infrastructure.

#### **Subd. 4. Tree Removal on Public and Private Property**

##### **A. Reasons for Tree Removal (Exceptions considered on an individual basis.)**

1. Disease
2. Dead or declining health
3. Structurally hazardous/obstructs views
4. Undesirable species
5. Insufficient growing space
6. Threat to the health and well being of the public and/or urban forest.

**B. 1. City Action/Non-Utility:** The Tree Inspector, as appointed by the City Council, 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 lacks the minimum clearance over streets, alleys and sidewalks, is dead or is affected with any injurious fungus, insect, or other pest which constitutes a potential threat to the trees within the city. The Tree Inspector 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 owner's property tax assessment.

**2. City Action/Utility:** Any tree or part thereof which is unsafe or injurious to sewers, electric power lines, water lines, and other public improvements shall be removed or trimmed as set forth in Ordinance 3.05 Subd. 5.

**C. Removal of Stumps:** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The waste material shall be cleaned up and the hole filled with soil.

## **Subd. 5. Tree Commission**

- A. Establishment.** A Tree Commission is hereby established.
- B. Purpose.** The purpose of the commission is to aid and advise the City Council in the creation and implementation of a plan for the development, conservation, and care of the urban forest resources of the City.
- C. Composition.** The commission shall be composed of five members. One member from the City Council shall serve as an additional non-voting member of the commission. The term of office will be three years. Members will serve without compensation.
- D. Procedure.**
1. The commission shall adopt rules for the conduct of its affairs, including the frequency and schedule of meetings. These shall be filed with the City Clerk.
  2. All meetings of the commission shall be open to the public.
  3. The commission shall record minutes of each meeting and shall file such minutes and an annual report of the activities of the commission with the City Clerk. The commission may file such other reports or pertinent information as the commission deems appropriate. A majority of the members shall be a quorum for the transaction of business.
- E. Duties.** In fulfillment of its purpose, the commission's duties and responsibilities shall include, but not be limited to, the following:
1. Coordinate a community inventory of all trees and available planting spaces on public property, and upon completion of the inventory, supervise the updating of the inventory every three years.
  2. Recommend the manner in which the City of Mountain Lake prunes and/or removes dead or weakened portions of trees.
  3. Develop and implement a program of plant health management, including monitoring of insect control and disease situations; management of hazardous trees; selective treatment; and maintenance of tree vigor.
  4. Develop and implement a plan for the selection of trees to be planted on public property to insure the diversity of species, ages, and sizes within the City's urban forest and to lessen damage to the City's urban forest caused by insects, disease, and the environment.
  5. Educate and inform residents on matters concerning the betterment of trees and related resources.
  6. Advise the City Council on various other matters concerning trees and related resources, including, from time to time, evaluation of and recommendations regarding the City's boulevard tree and shrubs policy and other ordinances affecting trees.
  7. Accept such other responsibilities and functions as the City Council may from time to time direct.

Passed and approved this 16th day of April, 2007.

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Mayor

ATTEST:

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City Clerk

Motion Carried

Ayes - 4

Nays - 0

Abstain - 0

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