

**CHAPTER 93: TREES**

## Section

93.01 Title

93.02 Purpose and intent

93.03 Definitions

93.04 Delegation of City Tree Committee functions

93.05 Permit procedures, tree planting and types of trees to be planted, by abutting property owners

93.06 Special tree districts within the city

93.07 Tree maintenance, care, pruning, corner clearance and removal of dangerous or nuisance trees

93.08 Abuse, mutilation or indiscriminate topping of trees

93.09 Interference with the city

93.10 Administration of this chapter

93.99 Penalty

Appendix A: Planting Instructions

Appendix B: Locating Trees on Property

**§ 93.01 TITLE.**

This chapter shall be known and cited as the Tree Ordinance of the city.

(Ord. 1303, passed 9-8-2015)

**§ 93.02 PURPOSE AND INTENT.**

(A) *Purpose.* The city, recognizing the value of trees in preserving the aesthetic and environmental qualities of the community, wishes to maintain the Tree City USA Program. This chapter shall constitute the official Comprehensive City Tree Program of the city. It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city public parks, public right-of-way and other public places where the public has free access.

(B) *Intent.* It is the intent of the city that the terms of this chapter shall be construed as to promote:

- (1) The recognition of the special significance of heritage and distinctive trees, and value the contribution which these trees make to the beauty and quality of life in the city;
- (2) The recognition that because of the known benefits of trees, trees on development properties should be preserved so that they may be considered for incorporation into development plans; and
- (3) The intent is not to prohibit the removal of trees but to stop the thoughtless destruction of that vegetation, which has a beneficial effect on the value of property and on the city in general.

(Ord. 1303, passed 9-8-2015)

### § 93.03 DEFINITIONS.

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

**BUSH/SHRUB.** All other woody vegetation not considered trees.

1. The City of Tillamook.

1. Diameter of a tree at breast height.

1. To remove or sever a tree or to use any procedure which is to cause the death or other substantial destruction of the tree. **FELL** does not in any context include normal trimming or pruning.

**ILLEGALLY REMOVED TREE.** A tree removed without first obtaining City Street Tree Committee approval and a city permit.

**IMMEDIATE DANGER OF COLLAPSE OF A TREE.** A tree may already be leaning with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage to the surroundings. **IMMEDIATE DANGER OF COLLAPSE** does not include hazardous conditions that can be alleviated by pruning or treatment.

**PARKING STRIP, PLANTER STRIP or TREE LAWN.** The area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting.

**PEDESTRIAN TRAVEL PATH.** Generally concrete, but can also be gravel, asphalt, and in some cases, dirt or vegetation in non-improved areas.

1. A tree cut back to the trunk to promote the growth of a dense head of foliage.

**SAFE PEDESTRIAN WAY.** A travel path five feet wide, where possible, but not less than four feet wide when affected by other obstacles in addition to a tree; an eight-foot overhead clearance from the sidewalk to the lowest tree branches hanging over the travel path (seven foot overhead clearance may be allowed when requiring an eight foot clearance would require removing a substantial portion of the tree).

1. Includes land within the dedicated public right-of-way, including easements, sidewalks, tree lawn or tree well, and roadway.

1. Any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below four and one-half feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than six inches DBH. Trees specifically planted and maintained as a hedge shall not be considered a **TREE**. Different classifications of **TREES** include the following:

(1) **DEAD TREE.** A tree is lifeless. Evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches or lack of any growth during the growing season.

(2) **HERITAGE TREE.** A tree listed on the Official City Heritage Tree List adopted by the City Planning Commission.

(3) **PARK OR MONUMENT TREE.** A tree located in a public park or other area owned by the city having an individual name, and all other areas owned by the city, or to which the public has free access as a park.

(4) **PRIVATE TREE.** A tree located on private property other than a dedicated right-of-way or city utility easement or public parks and grounds.

(5) **SIGNIFICANT TREE.** A tree having a trunk 18 caliper inches DBH or larger in diameter.

(6) **STREET TREE.** A tree on land lying within a dedicated right-of-way along either side of a street, avenue or other way within a dedicated utility easement of the city.

(7) **TREE CUTOUT** or **TREE WELL.** The area between the street and a sidewalk in the public right-of-way, for street tree planting.

**TREE SIZE.** Notwithstanding the above tree classifications, the size of a tree, though not specific, will be described as either:

- (1) *SMALL.* Being less than 15 feet high, usually with small main branches that are one to three inches in diameter.
- (2) *LARGE.* Being over 15 feet high, usually with main branches or limbs over three inches in diameter.

**TREE REMOVAL.** To cut down a tree, or remove 50% or more of the crown, trunk or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. **REMOVAL** includes topping. **REMOVAL** includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. **REMOVAL** does not include normal trimming or pruning of trees.

**TREE TOPPING.** The severe cutting back of a tree's limbs to stubs three inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. **TOPPING** does not include the practice of pollarding when conducted in accordance with the standards established by the International Society of Arboriculture.

(Ord. 1303, passed 9-8-2015)

#### § 93.04 DELEGATION OF CITY TREE COMMITTEE FUNCTIONS.

(A) *Designation.* The authority of the Tree Committee is hereby delegated to the standing Beautification Committee for the city.

(B) *Duties and responsibilities of the City Tree Committee.*

(1) The City Tree Committee shall study, investigate and develop, and/or update annually, and administer the ordinance for the care, preservation, pruning, replanting, removal or disposition of street trees and park trees. This chapter shall be presented when required to the City Council and upon their acceptance and approval, shall constitute the official comprehensive city tree program of the city.

(2) The City Tree Committee, when requested by the City Planning Commission or City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Such report, with or without recommendations, shall be presented first to the City Planning Commission and then to the City Council for their review and final consideration and action if needed.

(3) This chapter provides full power and authority to the City Tree Committee to make recommendations to the City Council which has final authority over all trees, plants and shrubs located within street rights-of-ways, parks and public places of the city, and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

(Ord. 1303, passed 9-8-2015) (Ord. 1327, passed 4-17-2017)

**§ 93.05 PERMIT PROCEDURES, TREE PLANTING AND TYPES OF TREES TO BE PLANTED, BY ABUTTING PROPERTY OWNERS.**

(A) *Permit procedures.* Property owners abutting the public right-of-way may be granted permission to plant street trees administratively upon review by the assigned City Planner or designee if street tree(s) are proposed on an existing tree lawn and an established road right-of-way with curb. The following information must be provided to the city:

- (1) A request in writing is provided in the form of a city public works permit application;
- (2) A plot plan of area referencing water and sewer lines, power lines, driveways and intersecting streets is provided;
- (3) Approval, if granted by the city, shall be required in the form of an approved city public works permit prior to planting of the tree or trees. Fees for the permit shall be paid prior to approval by the abutting property owner; and
- (4) A permit fee for the planting or removal of a street tree shall be established by resolution and incorporated into the land use fee schedule.

(B) *Diagrams.* The diagrams contained in Appendix A to this chapter display general instructions on how to plant a bare-root tree and a containerized tree.

(C) *Tree species to be planted and minimum tree planting dimensions.* The Official City Street Tree List of acceptable species of trees, shrubs, bushes and other woody plant material, as modified below in the listings under minimum planting dimensions, shall be compiled by the Committee, reviewed and adopted by the City Council in a resolution and made available to the public.

- (1) No person, without the written permission of the city, through a city public works permit shall plant a Street tree or Park (Monument) tree of a species other than those included on the list.
- (2) Street tree (identified in ‘a – d’ below) and Park (Monument) tree (identified in ‘e’ below) plantings shall be restricted to the following guidelines unless division (C)(2)(k) applies:
  - (a) The following small street trees are allowed in a minimum three-foot wide parking strip, or a minimum three-foot by three-foot tree well in the Commercial Districts, with the exception of the Town Center Commercial District, with minimum 20-foot spacing between trees:

***Common Name***

Almira Norway Maple

English Hedge Maple

***Scientific Name***

Acer Platanoides “Almira”

Acer Campestre

|                   |                       |
|-------------------|-----------------------|
| Green Leaf Maple  | Acer Palmatum         |
| LaValle Hawthorne | Crataegus Lavellei    |
| Red Leaf Maple    | Atropurpuraum         |
| Thundercloud Plum | Prunus “Thundercloud” |
| Chinese Dogwood   | Cornus kousa          |
| Paper Bark Maple  | Acer griseum          |
| Full Moon Maple   | Acer japonicum        |
| Snake Bark Maple  | Acer laxiflorum       |
| Manchurian Maple  | Acermanchuricanum     |

These trees will grow from 18-30 feet in height.

(b) The following small street trees are allowed in a minimum four-foot wide parking strip, no closer than two feet from any curb, curb-line or sidewalk, with minimum 30-foot spacing between trees:

| <i>Common Name</i>          | <i>Scientific Name</i>       |
|-----------------------------|------------------------------|
| Pyramidal European Hornbeam | Carpinus Betulus “Pyramidal” |
| Pyramidal Sycamore Maple    | Acer Pseudo Plantanus        |
| Rancho Little Leaf Linden   | Tilia Cordata                |
| Red Maple Species           | Acer rubrum species          |
| Scarlet Oak                 | Quercus coccinea             |
| Northern Red Oak            | Quercus rubra                |

These trees will grow from 20-35 feet in height.

(c) The following medium street trees are allowed in a minimum six-foot wide parking strip, no closer than three feet from any curb, curb-line or sidewalk, with minimum 40-foot spacing between trees:

| <i>Common Name</i>       | <i>Scientific Name</i>               |
|--------------------------|--------------------------------------|
| Norway Maple Species     | Acer platanoides species             |
| Crimean Linden           | Tilia Echlora                        |
| Flame Ash                | Fraxinus Pennsylvania “Atropurpurea” |
| Ginkgo                   | Ginkgo biloba                        |
| Mongolian Linden         | Tilia                                |
| Purple European Hornbeam | Carpinus                             |
| Royal Crimson Maple      | Acer Platanoides “Royal Crimson”     |
| Ruby Red Horse Chestnut  | Aesculus Carnea                      |
| Shade King Red Maple     | Acer Rubrum”Shade King”              |
| Vineleaf Sycamore Maple  | Acer Pseudo Plantanus “Vineleaf”     |
| <i>Purple Beech</i>      | <i>Fagus riversii</i>                |
| <i>Black Tupelo</i>      | <i>Nyssa silvatica</i>               |

These trees will grow 35-40 feet in height.

(d) The following large trees are allowed in a minimum eight-foot wide parking strip, no closer than four feet from any curb, curb line or sidewalk, with a minimum 50-foot spacing between trees:

***Common Name***

Blue Ash  
 Linden Species  
 Norway Maple Cultivars  
 Oriental Plaintree  
 Pin Oak  
 Red Maple  
 River Birch  
 Sugar Maple  
 Tupelo

***Scientific Name***

Fraxinus quadrangulata  
 Tilia species  
 Acer platanoides  
 Plantanus orientalis  
 Quercus palustris  
 Acer rubrum  
 Betula nigra  
 Acer saccharinum  
 Nyssa sylvatica

These trees will grow 60-120 feet in height.

(e) The following Monument trees are recommended to be planted in City parks and other public places:

|                        |                                |
|------------------------|--------------------------------|
| Balsam Fir             | Abies balsamae                 |
| Fraser Fir             | Abies fraserii                 |
| Grand Fir              | Abies grandis                  |
| Korean Fir             | Abies koreana                  |
| Nordmann Fir           | Abies nordmanii                |
| Noble Fir              | Abies procera                  |
| Big Leaf Maple         | Acer macrophyllum              |
| Chinese Birch          | Betula albo-sinensis           |
| Yellow Birch           | Betula lutea                   |
| Whitespire Birch       | Betula platyphylos             |
| Weeping Alaska Cedar   | Chamaecyparis nootkatensis     |
| Japanese Cedar         | Cryptomeria japonica           |
| Honey Locust           | Gleditsia triacanthos          |
| Witch Hazel Cultivar   | Hammamelis xintermedia species |
| Magnolia species       | Magnolia species               |
| Dawn Redwood           | Metasequoia glyptostroboides   |
| Oriental Spruce        | Picea orientalis               |
| Lacebark Pine          | Pinus bungeana                 |
| Sourwood               | Oxydendrum arboreum            |
| Yoshino Cherry         | Prunus xyedoensis              |
| Swamp White Oak        | Quercus bicolor                |
| English Oak            | Quercus robur                  |
| Northern Red Oak       | Quercus rubra                  |
| Pin Oak                | Quercus palustris              |
| Bald Cypress           | Taxodium distichum             |
| Zelkova                | Zelkova serrata                |
| Japanese Snowbell Tree | Styrax japonica                |

(f) The diagram contained in Appendix B to this chapter is an example of planting the right trees in the right place.

(g) Street trees and Monument trees shall not be allowed closer than 20 feet from the tangent point at street intersections as described in the vision clearance areas specified in §§ 153.021.

(h) Small tree species within the list in division (C)(2)(a) above of acceptable species may be planted under overhead utilities.

(i) No trees shall be allowed within five lateral feet of underground utilities, sewer and water lines.

(j) In new subdivisions or when the development of commercial property occurs, the City Planner and Public Works Director shall review landscaping plans and may require Street trees and Monument trees to be planted in any of the streets, parking lots, parks and other public places abutting land henceforth developed and/or subdivided, prior to division (C)(2)(k) below.

(k) No person, without the written permission of the City Street Tree Committee, shall plant a Street tree or a Monument tree of a species other than those included on the list.

(l) The following trees are illegal and may not be planted in dedicated street rights-of-way or utility easements:

| <i>Common Name</i> | <i>Scientific Name</i> |
|--------------------|------------------------|
| Box Elder          | Acer Negundo           |
| Catalpas           | Catalpa Species        |
| Elms               | Ulmus                  |
| Hickory            | Carya Species          |
| Holly              | Ilex Species           |
| Horse Chestnut     | Aescules Hippocastanum |
| Lilac Species      | Syringa Species        |
| Locust Species     | Robinia Species        |
| Pines              | Pinus Species          |
| Poplar Species     | Populus Species        |
| Silver Maple       | Acer Saccharinum       |
| Spruces            | Picea Species          |
| Tree of Heaven     | Ailanthus Altissima    |
| Walnuts            | Juglans Species        |
| Willow Species     | Salix Species          |

In general, no conifers or fruit-bearing trees may be planted in the right-of-way as Street trees.

(D) *Landscaping credit for street tree planting.*

(1) The retention of trees shall be considered in the design of partitions, site plans, subdivisions or planned developments; the placement of roads and utilities shall preserve trees wherever feasible.

(2) The preservation of trees shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements described in §§ 153.026.

(3) The planting of trees in the public right-of-way shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements described in §§ 153.026.

(E) *Tree Technical Manual.* The Tree Committee may adopt a Tree Technical Manual, and revise its contents from time to time. The Tree Technical Manual shall contain specialized, arboricultural reference materials; establish procedures and design standards required for installation, planting, grating, pruning, thinning, removal and maintenance of trees; and establish or preserve the tree and root protection zone. Any person who is required under this code or pursuant to a condition of approval of a development permit to undertake those activities or to comply with the tree and root protection zone shall comply with the requirements and procedures set forth in the Tree Technical Manual.

(Ord. 1303, passed 9-8-2015)

**§ 93.06 SPECIAL TREE DISTRICTS WITHIN THE CITY.**

The following district(s) shall be considered special tree district(s), and shall have detailed descriptions contained in Attachment C to Ordinance 1230, which attachment is hereby adopted by reference, for the planned location of street trees and other amenities.

(A) *Town Center (TC) District Streetscape Design Plan.* This district shall include three-foot by three-foot tree wells located approximately 30 feet apart from one another with an historic streetlight centered between each tree (see adopted attachment). Street trees shall be required on all streets in the Town Center District, except Main and Pacific Avenues, between First and Fourth Streets. A reduction to the number of street trees may be granted when the development preserves healthy, mature trees adjacent to the sidewalk. Under this design plan, there is no requirement to remove existing trees on Main Avenue, but the planting of new trees on Main Avenue between First and Fourth Streets is discouraged.

(B) *Allowed trees.* The following small street trees are allowed in the Town Center Commercial District:

| <i>Common Name</i> | <i>Scientific Name</i> |
|--------------------|------------------------|
| Hedge Maple        | Acer campestre         |
| Paper Bark Maple   | Acer griseum           |
| Manchurian Maple   | Acer mandshuricanum    |

(Ord. 1303, passed 9-8-2015)

**§ 93.07 TREE MAINTENANCE, CARE, PRUNING, CORNER CLEARANCE AND REMOVAL OF DANGEROUS OR NUISANCE TREES.**

(A) Tree maintenance, care, pruning and corner clearance.

(1) Standards. All public trees must be pruned to National Arborist Association Pruning Standards for Shade Trees. These standards shall be adopted as part of the City Tree Program. (Ord. 1332, adopted 12-18-2017)

(2) Adjacent property owners to maintain private and street trees. Unless identified in a written agreement or Memorandum of Understanding, every adjacent property owner of any tree overhanging any right of way within the city shall prune the branches so that the branches shall not obstruct the light from a street lamp, or obstruct the view of any street intersection. The owner of a tree at or within 20 feet of a street intersection shall follow the criteria for the vision clearance areas as described in §§ 153.021. The owner of a tree which is encroaching on or adjacent to electric wires is required to notify the city People's Utility District (PUD) prior to removal of hazardous limbs or branches. It is PUD's responsibility to remove, prune or trim tree from electric wires. The owner shall maintain a clear space of 14 feet over the street, and a safe pedestrian way. Owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to public safety. (Ord. 1332, adopted 12-18-2017)

(a) In reviewing trees, tree size will be factored in where possible so as to be realistic in clearance concerns. (Ord. 1332, adopted 12-18-2017)

(b) With small trees, there will be small limbs that will be less than the 7 foot height requirement, over a walkway. As long as there is still a wide enough safe pedestrian way, aesthetics and viability will be used to determine if further pruning or cutting would not be required at present and in fact could damage the tree or effect viability in certain conditions such as wind, criminal mischief etc. (Ord. 1332, adopted 12-18-2017)

(c) With larger trees, aesthetics and viability will also be taken in account. If cutting off a major limb would affect tree viability, as long as there is a safe pedestrian way, that limb would be allowed to exist but would be reviewed on a regular basis. (Ord. 1332, adopted 12-18-2017)

(3) Adjacent property owners liable. Unless identified in a written agreement or Memorandum of Understanding, the owner of property abutting trees on a right of way shall be liable for injury, damage or loss to persons or property caused by the property owner's negligent failure to comply with division (A)(2) of this section. (Ord. 1332, adopted 12-18-2017)

(4) *Notification.* The Public Works Director or designee may serve notice on the adjoining property owner to prune, remove or otherwise treat any tree on a right-of-way as conditions may require. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.

(5) *Debris removal.* Unless identified in a written agreement or Memorandum of Understanding, the owner of property abutting trees on a right-of-way, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Public Works Director or designee. The acceptable standard shall be a broom clean finish or better.

(6) *City tree maintenance.* The city shall have the right to plant, prune, maintain and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of the areas. This section does

not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of the tree is in accordance with § 93.05.

(7) *City held harmless.* The city shall not be liable for injury, damage or loss to person or property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city from all claims for loss and damage arising from the owner's negligent failure to comply with this chapter.

(8) *Permit.* A city public works permit is not required for the pruning of a street tree.

(B) *Removal of dangerous or nuisance trees.*

(1) The city may prune or cause to have pruned a private tree when it interferes with the proper spread of light along the street from a streetlight, or interferes with the visibility of any traffic control device or sign.

(2) The city may cause the removal of all, or part of any dead, dangerous or diseased park or street tree when the tree constitutes a hazard to life, property or harbors insects or disease that constitutes a potential threat to other trees within the city.

(3) The city 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, electrical power lines, natural gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(4) Prior to the filing of an application for a city public works permit, abutting property owners may be granted permission by the Tree Committee for the removal of dangerous or nuisance trees if the tree is considered to be dead, dangerous or diseased, or when the tree constitutes a hazard to life or property, or harbors insects or disease that constitutes a potential threat to other trees within the city.

(5) Upon approval by the Tree Committee, the applicant shall provide for a one-for-one replacement with a minimum of 2" DBH tree in a public space acceptable to public works.

(6) Notice to prune or remove dangerous or nuisance trees. If any property owner fails to maintain adjacent trees as per this chapter, the Public Works Director or designee, shall order the person or persons, within 30 days of mailing of the notice, to so prune or remove the tree(s).

(C) *Existing trees.* All trees existing in the right-of-way or parks or other City property used for public assembly prior to the approval of this chapter or amendments thereto or identified in a Park Replanting Plan shall be considered pre-existing and allowed to remain unless they are considered a nuisance to, dead, diseased or dangerous to the general public by the City Street Tree Committee.

(Ord. 1303, passed 9-8-2015) Penalty, see § 93.99

### **§ 93.08 ABUSE, MUTILATION OR INDISCRIMINATE TOPPING OF TREES.**

(A) No person shall abuse, destroy or mutilate any street tree, in a dedicated public right-of-way, park, or any other public place owned by the City; attach or place any rope or wire (other than one used to support the tree itself), sign, poster, handbill or other thing to or on any tree growing in a public place; cause or permit any wire charged with electricity to come into contact with any tree; or to allow any gaseous, liquid or solid substance which is harmful to trees to come into contact with their roots or leaves.

(B) Except as provided by this section, it shall be unlawful as a normal practice of any person, firm or city department to top any street tree, park tree or other tree on public property owned by the City. Trees severely damaged by storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this chapter by the determination of the city.

(Ord. 1303, passed 9-8-2015) Penalty, see § 93.99

### **§ 93.09 INTERFERENCE WITH THE CITY.**

No person shall prevent, delay or interfere with the city or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying or removal of any street trees, park trees or private trees as authorized by this chapter.

(Ord. 1303, passed 9-8-2015) Penalty, see § 93.99

### **§ 93.10 ADMINISTRATION OF THIS CHAPTER.**

(1) The interpretation and administration of this chapter is the responsibility of the City Manager or persons designated by the City Manager.

(Ord. 1303, passed 9-8-2015)

(2) City staff shall review trees in the city right of ways and city property and, once a tree is identified as being a concern, the person, business, entity responsible for the tree will be notified, either in person or by letter, with letter being the best practice for documentation. The letter shall identify the issue and the code(s) involved.

a)The notification process shall be performed by the Police Department, for documentation and followup.

b)Extension of time for mitigating the concern may be allowed if requested but shall be timely to the concern.

c)If there is no response to the notification, then further action shall occur up to and including citation into Municipal Court, following City Codes.

(3) If the person, business or entity requests to contest the concern or remedy, prior to the issuance of a citation, then the issue may be brought up before the Beautification Committee with the person, business or entity being notified of date, time and location to appear and present their response or other suggested remedy. The Police Department will also present all information to date available to the Beautification Committee to assist in any further recommendation to the Council.

The Beautification Committee will then make a recommendation for the next Council Meeting, to either move forward allowing the person, business or entity to complete a specific remedy or recommend that there is no agreed upon resolution. The Council, after review, may revoke the charges, accept other mitigation, or direct the Police Department to move forward with other enforcement options to include citation into Municipal Court.

(Ord. 1332, passed 12-18-2017)

### **§ 93.99 PENALTY.**

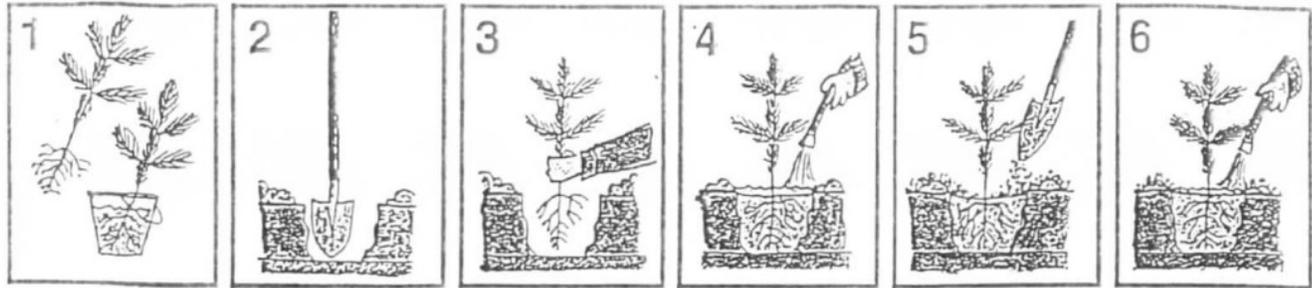
(A) *Nuisance.* Any person, firm or corporation violating any provisions of this chapter shall be deemed to be causing a nuisance and be considered in violation of Chapter 130.

(B) *Failure to comply.* When a person to whom a notice is directed shall fail to comply within the specified time, the violation shall be considered a nuisance and it shall be lawful for the city to cause the tree(s) in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.

(Ord. 1303, passed 9-8-2015)

### **APPENDIX A: PLANTING INSTRUCTIONS**

Attachment A



1 Unpack tree and soak in water 3 to 6 hours. Do not plant with packing materials attached to roots, and do not allow roots to dry out.

2 Dig a hole, wider than seems necessary, so the roots can spread without crowding. Remove any grass within a three-foot circular area. To aid root growth, turn soil in an area up to 3 feet in diameter.

3 Plant the tree at the same depth it stood in the nursery, without crowding the roots. Partially fill the hole, firming the soil around the lower roots. Do not add soil amendments.

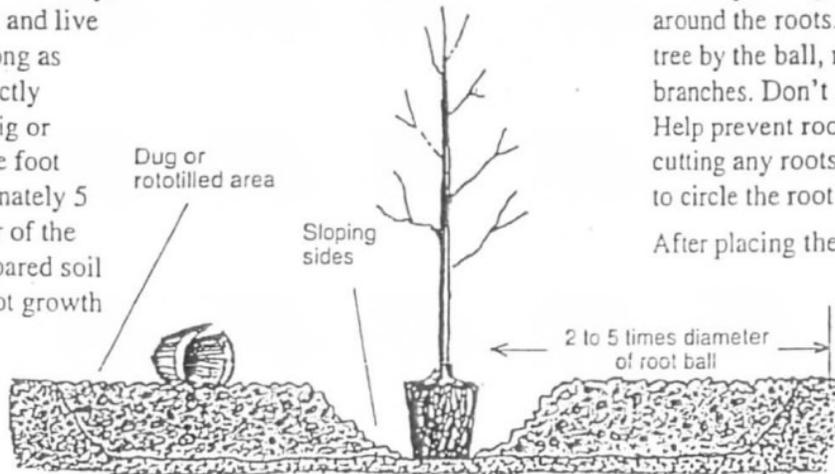
4 Shovel in the remaining soil. It should be firmly but not tightly packed with your heel. Construct a water-holding basin around the tree. Give the tree plenty of water.

5 After the water has soaked in, place a 2-inch deep protective mulch in an area 3 feet in diameter around the base of the tree (but not touching the trunk).

6 During dry weather, water the tree generously every week or 10 days during the first year.

How To Plant A Containerized Tree

If a tree is planted correctly, it will grow twice as fast and live at least twice as long as one that is incorrectly planted. Ideally, dig or rototill an area one foot deep and approximately 5 times the diameter of the root ball. The prepared soil will encourage root growth beyond the root ball and results in a healthier tree.



In transplanting, be sure to keep soil around the roots. Always handle your tree by the ball, not by the trunk or branches. Don't let the root ball dry out. Help prevent root girdling by vertically cutting any roots that show tendencies to circle the root ball.

After placing the tree, pack soil firmly but not tightly around the root ball. Water the soil and place a protective 3-foot circle of mulch around the tree.

Firm subsoil to prevent settling



(Ord. 1303, passed 9-8-2015)

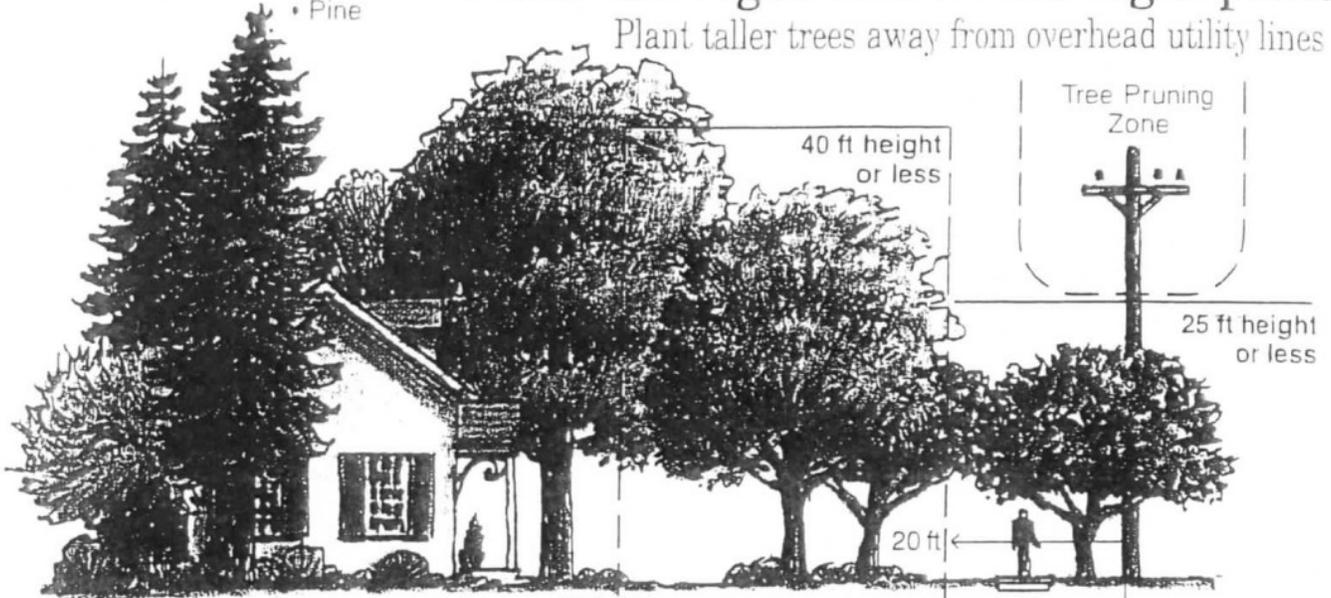
**APPENDIX B: LOCATING TREES ON PROPERTY**

Attachment B

Tall Trees, such as:  
• Maple • Oak • Spruce  
• Pine

# Plant the right tree in the right place

Plant taller trees away from overhead utility lines



 **The National Arbor Day Foundation\***  
Nebraska City, NE 68410

50 ft

Medium Trees, such as:  
• Washington hawthorn  
• Golden raintree

Small Trees, such as:  
• Redbud • Dogwood  
• Crabapple



(Ord. 1303, passed 9-8-2015)