

CHAPTER 904 – ENVIRONMENTAL

A. TREES. This section of this Chapter provides for the regulation of the planting, care and removal of trees within the corporate limits of the City.

1. Authority and Power. As was provided for in Ordinance 108, adopted in 1997, this section continues providing for a City Tree Board which shall consist of five (5) members appointed by the Mayor. The five (5) members shall consist of the four (4) city council members and Mayor or Tree Inspector as designated by the Mayor.
2. Applicability. This section shall pertain to trees on rights-of-way, public parks, cemeteries, other public grounds and at times on private property. This provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the City; and to the same on private land that constitute a hazard or threat.
3. Definitions of Classes of Trees.
 - a. Boulevard Trees, City – Trees that are on Main Street and not classified as Street Trees.
 - b. Boulevard Trees, Private – Trees on the boulevard within the City that are not on Main Street.
 - c. Park Trees – Trees that are in City parks and other City owned land not otherwise identified.
 - d. Private Property Trees – Trees that are on privately owned property
 - e. Street Trees – Trees within the sidewalk in the downtown business area.
4. General Provisions.
 - a. No trees shall be planted on the boulevard of Main Street or other city owned property unless authorized to do so by the City unless expressly provided for in this section.
 - b. City Boulevard Trees, Park Trees and Street Trees will be trimmed, planted and removed at City expense.
 - c. Private Boulevard Trees will be the responsibility of the private property owner where the tree is located. The City reserves the right to trim those trees that hang over the street that could be hit by passing vehicles, that could interfere

with any city operation or that could obstruct or in any way interfere with the elimination of streetlights.

- d. The City will generally give a three (3) day notice to the property owner when Private Boulevard Trees are trimmed. Only the curb side portion of the tree will be trimmed and will be trimmed up to fourteen (14) feet high and three (3) feet back from the curb.
- e. Private Property Trees. It shall be the responsibility on the property owner to maintain their trees and shrubs. In the event that trees or shrubs are diseased, damaged or dead or obstruct the view for persons utilizing city property or streets and sidewalks the private property owner shall remove such trees and shrubs. The City shall cause a two-week notice to be given to the property owner to remove said trees or shrubs

5. Tree Planting, Trimming and Removal.

- a. Tree planting on any boulevard shall be no closer than 30 feet apart, 15 feet from any fire hydrant or streetlight, 35 feet from any street corner, 10 feet from any utility right-of-way or under any utility wire. Additionally, no tree shall be planted within 8 feet of the back of the curb where no sidewalk exists. Gopher One shall be called for any tree planting.
- b. Tree Trimming. Private property owners may trim trees or hire a third party to trim trees provided the City is notified and said trimming is accomplished within 7 days of notification. After trimming, branches of the tree being trimmed shall be no closer than 14 feet from the surface of the street. Any and all trimmed materials from the tree shall be disposed of within 7 days after trimming has been completed. The City, in addition to Boulevard, Park and Street trees, shall be responsible for the trimming of any trees that interfere with utility lines.
- c. Tree Removal. The City shall be responsible for all City Boulevard, Park and Street trees. The property owner shall be responsible for the removal and cost of same for all other trees. Any tree, regardless of location, may be removed by the City if it interferes with City utilities.

6. Tree Protection. The City Tree Inspector or designee has the authority to enter onto private property whereon a tree, shrub, plant or plant part that is suspected to be a public nuisance. A public nuisance for the purposes of this section shall be, any tree, shrub or plant with an infectious disease or insect problem; dead or dying trees, a tree, shrub, plant or limb (s) that obstruct streetlights, traffic signs, the free passage of pedestrians or vehicles; or a tree, shrub, or plant that poses a threat to safety of any person.

- a. Upon discovery of a nuisance the City shall cause a notice to the property owner to remove such nuisance.
 - b. The owner shall have 2 weeks to remove said nuisance.
 - c. If said nuisance is not removed the City shall remove the nuisance with the cost for such removal shall be assessed to the property owner.
7. Wood Stacks Within City Limits. No person, company or other entity shall stockpile wood for purpose of resale without permission, in writing, from the Tree Board.

B. GRASS AND WEEDS. This section of this Chapter sets forth the responsibility of any owner or occupant of any lot or parcel of land to maintain any grass or weeds growing upon their land.

1. Grass and Weeds a Nuisance. Any grass or weeds, whether defined by law or not as noxious, growing upon any lot or parcel of land outside the traveled portion of any street or alley within the City, to a height greater than 6 inches or which have gone or are about to go to seed shall be considered a nuisance. Any land within the Agricultural zone when such land is used for pasturing of non-domestic animals (as defined by Ordinance 500) shall be exempt from the height provision of this section.
2. Noxious Weeds. It is the responsibility of any owner or occupant of any lot or parcel of land to keep from growing, any noxious weeds as defined by Minnesota State Statute. Any such weed is considered a nuisance.
3. Responsibility. The owner or occupant of any lot or parcel of land within the corporate limits of the City shall abate or prevent any grass or weed nuisance.
4. Notice to Owner. When the owner or occupant of any lot or parcel within the City allow a weed nuisance to exist, the City shall serve notice upon the owner of said property owner or occupant to have such weeds cut and removed within 7 days after receipt of the notice. If, after notice, the nuisance still exists, the City will remove said nuisance.
5. Grass and Weed Removal. The cost of removal of any nuisance grass or weed shall be at the expense of the property owner. If the cost of the removal is not reimbursed to the City by November 1st, the work will be made a special assessment against the property concerned and collected in the same manner as property taxes.

6. Depositing of Leaves, Grass Clippings and Weeds. No person shall deposit or cause the deposit of any leaves, grass clippings or weeds upon any sidewalk, public street or alley way.

7. Penalty. Any person violating any provision of this Chapter shall be punishable with an administrative fine in accordance with Ordinance 1900. Any subsequent violation is subject to up to 3 times the administrative fine. Each day a violation is allowed to exist shall constitute a separate offense.