



City of Grand Island

Tuesday, May 22, 2018

Council Session

Item F-5

#9690 - Consideration of Amendments to Chapter 24 Article IV and V of the Grand Island City Code Relative to the City Tree Ordinance

Staff Contact: Todd McCoy, Parks & Recreation Director

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director

Meeting: May 22, 2018

Subject: Consideration to Update City Tree Ordinance

Presenter(s): Todd McCoy, Parks and Recreation Director

Background

The Grand Island City Tree Board provided a presentation to City Council on March 20, 2018. One of the items presented was the recommendation to update the City Tree Ordinance.

Discussion

The City Tree Board has reviewed and approved the proposed changes to the City Tree Ordinance.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that City Council approve an amendment to City Code.

Sample Motion

Move to approve amending the City Tree Ordinance.

ORDINANCE NO. 9690

An ordinance to amend Chapter 24, Article IV and V of the Grand Island City Code; to amend Sections 24-11, 24-13, 24-14, 24-15, 24-18, and 24-21; to amend Section 24-16 and renumber as 24-17; to add new Section 24-16; to reserve section numbers and to renumber sections as required; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Chapter 24, Article IV and V of the Grand Island City Code Sections 24-11, 24-13, 24-14, 24-15, 24-18, and 24-21 are hereby amended; Section 24-16 is hereby amended and renumbered as 24-17; new Section 24-16 is adopted; and section numbers reserved and sections renumbered, all as set forth below:

Article IV. Trees in Public Right-of-Way

§24-11. Trees as a Community Concern.

The Mayor and Council, or their designated representative, hereby determine that the selection, planting, maintenance, and removal of trees within the public right-of-ways in the City of Grand Island substantially affects the degree of pedestrian and vehicular safety, the location and maintenance of utility services, tree maintenance costs, the incidence of tree diseases, and the general appearance and beautification of the City; that removal of trees due to disease, private development, or public works improvements has resulted in a loss of their important contribution to ~~man and his~~people and environment, and therefore it is determined that such selection, planting, maintenance and removal of trees in public right of ways are a community concern over which the City must exercise control.

Approved as to Form	☐ _____
May 9, 2018	☐ City Attorney

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§24-13. Recommended Trees.

The City Tree Board is empowered to recommend trees to be placed in the public right-of-way. The following trees are recommended by the City Tree Board for planting within public right-of-way because of their superior resistance to insects and disease, maximum ability to resist wind or storm breakage, desirable life spans, and minimal maintenance requirements. The full spread as indicated shall be used for spacing purposes:

(A) In all zoning districts except in locations where overhead utility lines are present.

Variety	Spread
Maple: sugar, black, red, Norway.....	40 feet
Hackberry.....	40 feet
Honeylocust (thornless).....	40 feet
Bradford Pear (<u>Ornamental Pear Varieties</u>).....	25 feet
Oak: red, scarlet, English, bur, pin.....	40 feet
Linden: American, European, Littleleaf.....	40 feet
Linden: Redmond.....	25 feet
Ash: White, green	40 feet
Ginkgo: maidenhair (male variety).....	40 feet
Black Walnut.....	40 feet
Ponderosa Pine	25 feet
Austrian Pine	25 feet
Scotch Pine	25 feet
Ohio Buckeye.....	25 feet
Kentucky Coffee Tree.....	30 feet
Catalpa.....	30 feet
Japanese Pagoda Tree.....	40 feet

(B) In business and manufacturing zoning districts, and in other districts in locations where overhead utility lines are present:

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Variety	Spread
Maple: Trident, hedge, amur, tatarian.....	20 feet
East Redbud.....	20 feet
Hawthorn: lavelle, Washington.....	20 feet
<u>Carolina Silverbell.....</u>	<u>20 feet</u>
Crabapple: fruitless.....	20 feet
Purpleleaf Plum.....	20 feet
Flowering Cherry.....	20 feet
Ash: European or mountain.....	20 feet
Saucer Magnolia.....	20 feet
Japanese Tree Lilac.....	20 feet
Amur Cork Tree.....	20 feet

Trees not included on the above recommended lists are prohibited within public right-of-way.

§24-14. Minimum Placement.

The following standards for minimum spacing, location, area requirement and minimum size of seedlings shall be utilized for the placement of trees within the public right-of-way, greenways, and city parks:

- (1) Recommended trees shall not be planted closer than twenty (20) feet ~~the distance of their full spread, as set forth in §24-13,~~ measured from center to center of each tree.
- (2) Recommended trees shall not be placed closer than forty (40) feet from the corner of a curb at intersections or closer than three (3) feet to the edge of a driveway.
- (3) Recommended trees shall not be planted closer than the width of its full spread to a standard or pole, measured from the center of the tree to the center of the pole.
- (4) Recommended trees shall not be planted when at least six (6) feet of space between curb and sidewalk or other obstruction is not available.

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(5) Recommended trees shall generally be planted equidistant between the curb and street edge of a conventional sidewalk or equidistant between the property line and edge of a curb-type sidewalk, unless specifically directed differently on the required permit in order to avoid conflict with existing or proposed utilities.

(6) Recommended trees shall be planted in an area containing at least nine square feet of ground for each tree ~~listed in §24-13(B)~~ and no impervious material shall be placed nearer than thirty inches to the center of a tree ~~listed in §24-13(A)~~.

(7) ~~It is suggested, but not mandatory, that for best results of successful tree growth and minimum tree mortality that trees with the following minimum heights be considered for planting in the public right-of-ways:~~

~~(a) Six feet to eight feet for those trees listed in §24-13(A);~~

~~(b) Five feet to six feet for those trees listed in §24-13(B)~~ No tree shall be planted closer than ten (10) feet from any fire plug.

§24-15. Unlawful to Top.

It shall be unlawful, as a normal practice, for any person, firm, or municipal department to top any tree within public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Parks & Recreation director or his/her appointed representative. Topping of trees within the public right-of-way shall comply with ANSI A300 pruning standards.

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§24-16 Dead and Diseased Trees.

Is shall be a violation for any property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the city, and said dead or diseased trees shall constitute an nuisance. Notice to abate and remove such nuisance and notice of the right to a hearing shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal, residential, publication, certified mail, or first class mail. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the city clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by the City Parks and Recreation Director. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing.

If the appeal fails, the city may have the work done to abate and remove the dead or diseased trees. If the owner or occupant of the lot or piece of ground does not request a hearing with the city within five days after receipt of such notice or fails to comply with the order to abate and remove the nuisance, the city may have such work done. The city may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment.

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Diseased trees that are dead or dying shall be removed following disposal methods recommended by the Nebraska Forestry Service.

Neb.Rev.Stat. 16-207.

~~§24-167. Violation of Selected Trees~~Injury Prohibited.

~~When in the judgment of the Parks & Recreation Director or his appointed representative it has been determined that a violation exists due to any trees not specifically listed in §24-13 herein being within the public right of way, or that other trees are improperly planted or maintained as provided herein within the public right of way, action may be directed to correct the violation with all or part of the costs thereby incurred assessed to the abutting property owners~~It shall be unlawful for any person to intentionally or recklessly cut down, destroy, by girdling or tapping, or otherwise injure any tree within the public right-of-way unless authorized to do so by the owner of the abutting property or by an authorized representative of the City.

§24-18 [Reserved]

§24-19 [Reserved]

§24-20 [Reserved]

~~§24-17~~21. Penalty.

Failure to comply with any section of this Article shall be unlawful, and shall be punishable in accordance with §1-7 of the Grand Island City Code.

Article V. Tree Board

~~§24-18~~22. Tree Board Established; Membership

There is hereby created and established a Tree Board for the City, which shall consist of seven (7) members, citizens and residents of the City, who shall be appointed by the

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Mayor with the approval of the City Council. The City Parks and Recreation Director and Hall County Extension Officer shall be ex officio members of the Tree Board.

§24-~~19~~23. Term of Office of Members of Tree Board

The terms of the seven (7) persons appointed to the City's Tree Board shall be three (3) years, except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year and the terms of two (2) members of the first Board shall be for two (2) years. If a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

§24-~~20~~24. Compensation of Members of Tree Board

Members of the Tree Board shall serve without compensation.

§24-~~24~~25. Duties of Tree Board. ~~City Tree Plan.~~

The duties and responsibilities of the Tree Board shall be as follows:

- (1) To promote and encourage responsible planting, care, replacement, and maintenance of trees in the City.
- (2) To conduct fund raising activities, the proceeds of which shall be designated for the planting of trees, shrubs, and bushes.
- (3) To plan and sponsor activities in celebration of Arbor Day.
- (4) To provide educational materials and programs to the public concerning the planting and care of trees.

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(5) To make recommendations to City Department Directors concerning landscape plans for any new or existing public facilities constructed by the City.

(6) When requested by the City Council, to consider, investigate, make finding, report, and recommend upon any special matter or question relating to trees. It shall be the responsibility of the Tree Board to study, investigate, counsel, and develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal and disposition of trees and shrubs in parks, along streets or in other public areas. The plan will be presented annually to the City Council and, upon the Council's acceptance and approval, shall constitute the official comprehensive city tree plan. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

§24-~~22~~26. Organization and Meetings of Tree Board

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§24-27 [Reserved]

§24-28 [Reserved]

§24-29 [Reserved]

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 22, 2018.

Jeremy L. Jensen, Mayor

Attest:

Norma Hernandez, City Clerk Pro-Tem