

City of Seward, NE

Tuesday, May 19, 2015

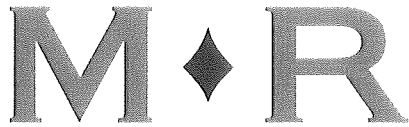
Regular Session

Item G5

CONSIDERATION OF PROPOSAL REGARDING PLANTING OF TREES IN CITY RIGHT OF WAY - Tree Board Chairman, Matt Stryson

Administrative Report: The Tree Board is proposing the City adopt an ordinance establishing a plan for planting trees in the City right-of-way. Following the presentation and discussion, Council to provide direction for drafting an ordinance for Council consideration.

Staff Contact:



MATTSON RICKETTS
LAW FIRM

May 14, 2015

**VIA E-MAIL
AND U.S. MAIL**

Joshua Eickmeier, Mayor
City of Seward
PO Box 38, 537 Main Street
Seward, NE 68434

RE: Street Tree Ordinances

Dear Mayor Eickmeier:

You have asked me to respond to a request from Matt Stryson concerning the drafting of ordinances for street trees.

I am enclosing with this letter a copy of Seward Municipal Code Section 2, Article 14 which contain the applicable code provisions for the City of Seward Tree Board. As the Ordinances indicate, it is the responsibility of the Board to study, investigate, counsel and develop a written plan for replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. The plan is to be presented to the City Council and upon their acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Seward, Nebraska. The Board is required to annually review and update, if needed, the comprehensive City tree plan and is also to prepare and present an annual work plan to the City Council for their acceptance and approval. When requested by the City Council, the Board is to consider, investigate, make findings reports and recommendations upon any special matter(s) of question coming within the scope of its work. *See*, Seward Municipal Code, § 2-1402.

It is my recommendation that the City of Seward Tree Board follow the requirements of § 2-1402 and present to the City Council its current comprehensive City tree plan. § 2-1403 requires that the Board meet quarterly on the second Tuesday of January, April, July and October.

Please let me know what further action you would like me to do with respect to this matter.

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○ Also Admitted in Colorado
△ Also Admitted in Iowa
□ Also Admitted in South Dakota

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Offices in Lincoln and Nebraska City

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Kelly R. Hoffschneider', with a stylized flourish extending from the end.

Kelly R. Hoffschneider
krh@mattsonricketts.com

KRH/cdw

Enclosures

cc: Bonnie Otte

Article 14. City Tree Board

[Editor's Note: Article 14 was adopted in its entirety by Ordinance No. 12-82, 6/1/82]

§2-1401 TREE BOARD; CREATION AND ESTABLISHMENT. There is hereby created and established a City Tree Board for the City of Seward, Nebraska, which shall consist of five (5) members, citizens and residents of this City, who shall be appointed by the Mayor, with the approval of the City Council.

§2-1402 TREE BOARD; TERM, COMPENSATION, DUTIES AND RESPONSIBILITIES. The term of the five (5) persons to be appointed by the Mayor 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 term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members of the Board shall serve without compensation.

It shall be the responsibility of the Board to study, investigate, counsel and develop a written replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented to the City Council and upon their acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Seward, Nebraska. The Board shall review annually and update, if needed, the comprehensive City tree plan. The Board shall prepare and present an annual work plan to the City Council for their acceptance and approval. The Board, when requested by the City Council, shall consider, investigate, make findings, reports and recommendations upon any special matter(s) of questions coming within the scope of its work. (Amended by Ord. No. 4-94, 2/1/94)

§2-1403 TREE BOARD; OPERATION. Section 1. TREE BOARD; OPERATION.

At the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a Chairman and Secretary. The Secretary shall keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. A majority of the members shall be a quorum for a transaction of business. The Board shall meet quarterly on the second (2nd) Tuesday of January, April, July and October, with additional meetings as needed. (Amended by Ord. No. 4-94, 2/1/94, Amended by Ord 52-05, 10-18-2005 Amended by Ord 1-09, 2-17-2009)

§2-1404 TREE BOARD DEFINITIONS.

STREET TREES: "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all

streets, avenues or ways within the City.

PARK TREES: "Park trees" are herein defined as 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.

SMALL TREES: "Small trees" are herein defined as trees which by their nature do not normally attain heights greater than twenty-five feet (25') at maturity.

MEDIUM TREES: "Medium trees" are herein defined as trees which by their nature normally attain heights of from twenty-five to forty-five feet (25' to 45') at maturity.

LARGE TREES: "Large trees" are herein defined as trees which by their nature attain heights greater than forty-five feet (45') at maturity.

§2-1405 TREE BOARD; TREE SPECIES TO BE PLANTED. The City Tree Board shall establish and maintain a list of Tree Species which shall constitute the official Street Tree species for the Municipality of Seward, Seward County, Nebraska. Said list shall be reviewed on an annual basis by the City Tree Board, and a copy of the listing of official Street Tree species for the City shall be maintained on file with the City Clerk and said list shall be made available to any person upon request. (Amended by Ord. No. 4-94, 2/1/94)

§2-1406 TREE BOARD; TREES; DISTANCE FROM UTILITY LINES. No Street Trees or Park Trees other than those species listed as Small Trees in section 2-1405 of this Article, or species specifically approved by the Municipal Tree Board, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility, line, wire or main. No street tree shall be planted within ten feet (10') of any fire hydrant.

§2-1407 TREE BOARD; TREES; CARE AND REMOVAL. The Municipality shall have the right, after notifying the property owner(s) and allowing sufficient time for them to eliminate the problem(s), to plant, prune, maintain or remove Street Trees or Park Trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds and after approval by the Tree Board.

The Municipal Tree Board may, after notifying the property owner(s) and allowing sufficient time for them to eliminate the problem(s), cause or order to be removed any Street Tree or Park Tree or part thereof which is in an unsafe condition or which, by reasons of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

The Utility Companies may remove, at their expense, trees or parts thereof which are injurious to their utility lines, after negotiating with the property owner(s).

No person or property owner shall remove any live Street Tree or Park Tree for any reason without written permission of the Municipal Tree Board. Provided, however, when said Utility Companies confront an emergency situation, they will have the authority to trim or remove the trees or parts thereof at their own discretion and expense.

§2-1408 TREE BOARD; TREE TOPPING. It shall be unlawful as a normal practice for any person, firm, or Municipal department to top any Street Tree, Park Tree or other tree on public property. Topping is defined as the severely cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so 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 Article at the determination of the Municipal Tree Board.

§2-1409 TREE BOARD: OBSTRUCTION, PRUNING, REMOVAL. All trees and shrubs within the Municipality shall be pruned or removed when such trees or shrubs obstruct the light from any street lamp, obstruct the visibility of any traffic control device or sign, obstruct the passage of pedestrians on sidewalks, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be fourteen feet (14') on all arterial and collector streets and eleven feet (11') on all residential streets and seven feet (7') over sidewalks.

All shrubs and hedges defined as Street Trees in this Article shall be kept trimmed by the abutting property owner at least one foot (1') back from all curbs, sidewalks, driveways or alleys; and the same shall at all times be kept trimmed to a height not greater than thirty inches (30") above the top of the curb unless the Municipal Tree Board, for other than corner lots, determines that a greater height would not constitute a hazard to pedestrian or vehicular traffic.

The Municipal Tree Board shall notify, in writing, the owners of such trees or shrubs on private property. Pruning shall be done by said owners at their own expense within sixty (60) days after the date of notification. In the event of failure of owners to comply with said notice, the Municipality shall have the authority to prune said trees or shrubs and assess the cost of said pruning to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner as provided by law.

§2-1410 TREE BOARD; DEAD OR DISEASED TREES, PRUNING, REMOVAL. All trees and shrubs within the Municipality shall be pruned or removed when such trees or shrubs constitute a hazard to life and property, or harbor insects or disease which constitute a threat to other trees or shrubs within the City.

The Municipal Tree Board shall have the power and authority to prune or remove, or order to prune or remove, any such trees or shrubs on private property. The Municipal Tree Board shall notify, in writing, the owners of such trees or shrubs. Pruning or removal shall be done by said owners at their own expense within sixty (60) days after the date of notification. In the event of failure of owners to comply with said notice, the Municipality shall have the authority to prune or remove said trees or shrubs and assess the cost of said pruning to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner as provided by law.

§2-1411 TREE BOARD; WORK ORDERED OR DONE BY THE CITY. Written

permission shall not be required for any tree, shrub or hedge planting, pruning, spraying or removing ordered or done by the City; however, all such work shall be done in conformance with the requirements of sections 2-1405 through and including 2-1410 of this Article and the following regulations and provisions.

The City of Seward Electric Department is responsible for maintaining adequate clearance from trees and branches approaching overhead primary, secondary and service electrical lines. The City Street Department is similarly responsible for insuring that the City's streets, alleys and walkways are clear of any trees, branches or shrubs which could obstruct the path or sight-distance of the motorist and/or pedestrian.

The City of Seward is also cognizant of the fact that trees serve an important aesthetic and energy saving purpose for the residents of the City. It is therefore necessary to establish clear and specific rules regulating how the trimming and/or removal of trees and shrubs is to be implemented when necessary.

1. NOTICES TO RESIDENTS. When it is determined that a tree or shrub requires trimming or removal, the City shall deliver or mail by means of certified mail, return receipt requested, to the owner or tenant of the abutting or affected property a notice advising him/her of the problem, the approximate location, and the suggested remedy. In addition, the notice shall advise the owner/tenant that he/she has ten (10) days in which to contact the City if questions or objections concerning the action exist; and that if no contact is made with City Personnel during this time, the City will proceed with the project as described in the notice.

The notice, as described above, shall apply to all cases, except when an emergency exists or when it is necessary to remove a tree or branches in order to restore electrical service or to open up a street blocked by a tree or branch.

2. REMOVAL OF TREES OR SHRUBS. Trees shall be taken out only if the following conditions exist:

- a. If the tree of concern is dead or affected by disease to the extent that it could not survive on a long-term basis.
- b. If the tree or shrub of concern is located in such a position that it cannot be trimmed properly to resolve the problem, without ruining its aesthetic appearance,

3. TRIMMING OF TREES OR SHRUBS. If in the opinion of City personnel it is necessary and feasible to trim a tree or shrub, trimming shall be completed in the following manner:

- a. Tree branches affecting overhead power lines shall be trimmed back from the power line a minimum of forty -eight inches (48").
- b. Tree branches nearer to a street or sidewalk than the standards set forth in section 2-1410 of the City Codes shall be trimmed back to a point which meets these standards.
- c. Wherever feasible, branches shall not be stubbed in the middle of a

branch; rather the branch shall be trimmed at that point where it joins with a greater sized branch of the trees.

4. REMOVAL OF BRANCHES. Trees, branches and shrubs taken down by the City shall be removed from the property as soon as is practical after they have been felled. In no case shall the timber be left on the property longer than five (5) working days after the trimming took place.
5. APPEAL OF CONFLICTS BETWEEN CITY PERSONNEL AND PROPERTY OWNER OR TENANT. If a property owner and/or tenant objects to the action proposed by City personnel and efforts to mutually resolve the objection between the parties involved fail, the City's Tree Board shall serve as a Hearing Board to resolve the dispute. Appeal to the Tree Board shall be made in writing to the City Clerk/Treasurer's office. When an appeal is filed, City personnel shall taken no further action to trim or remove the tree or shrub until the Tree Board has acted on the appeal. The Tree Board shall hear all appeals of this nature within thirty (30) days after it has been filed with the City Clerk/Treasurer.
6. APPLICABILITY OF TREE POLICY FOR TREES LOCATED ON PRIVATE PROPERTY AND ON PUBLIC PROPERTY. The above policies shall be applicable to trees and shrubs located on private property, as well as those located on public property, rights-of-way and easements.
7. REMOVAL OF STUMPS. If a tree must be removed, the City will be responsible for removing the stump. Stumps are generally removed once a year, usually in October or November of the year. All stumps from trees removed from the City shall be removed within one (1) year of tree removed. (Amended by Ord. No. 8-86, 6/17/86)

§2-1412 TREE BOARD; ABUSE OR MUTILATION. Unless specifically authorized by the Municipal Tree Board, no person shall intentionally damage, cut, carve, transplant or remove any Street Tree or Park Tree; attach any rope, wire, nails, advertising posters or other contrivance to such trees; allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of such trees. The preceding restrictions do not apply to proper planting, staking and guying practices.

§2-1413 TREE BOARD; PROTECTION OF TREES. All Street Trees or Park Trees near any excavation or construction of any building, structure or street work, shall be guarded with a substantial fence, frame or box not less than four feet high and eight feet square (8' x 8' x 4') and all construction materials, soil or other debris shall be kept outside the barrier. This shall be the responsibility of the persons or firms doing the construction work.

No person shall excavate any ditches, tunnels, trenches or lay any drive within ten feet (10') of any Street or Park Tree without first obtaining written permission from the

Municipal Tree Board.

No person shall deposit, place, store or maintain upon any public property of the Municipality, any stone, brick, sand, soil, concrete or other material which may impede the free passage of water, air and fertilizer to the roots of any Street Tree or Park Tree, except by written permission of the Municipal Tree Board.

§2-1414 TREE BOARD; 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.

§2-1415 TREE BOARD; REVIEW BY THE GOVERNING BODY. The City Council of the Municipality shall have the right to review the conduct, acts and decisions of the Municipal Tree Board. Any person may appeal any ruling or order of the Municipal Tree Board to the Governing Body who may hear the matter and make final decision.

§2-1416. TREE BOARD; REMOVAL OF STREET OR PARK TREES WITHOUT PERMISSION. It shall be unlawful for any person or property owner to remove any Street Tree or Park Tree for any reason without written permission of the Municipal Tree Board. Upon conviction, the penalty for said offense shall not be less than \$100.00 nor more than \$500.00.(Ord, 18-07, 8-7-2007)

Chapter 2.35

DESIGN STANDARDS FOR STREET TREES

The Department of Parks and Recreation is assigned responsibility for administration of these design standards.

Section 1. GENERAL REQUIREMENTS

The selection, planting, maintenance and removal of trees, shrubs and hedges along the public ways within the City of Lincoln substantially affect such matters as pedestrians and vehicle safety, the location and maintenance of utility services, tree maintenance costs, the incidence of tree diseases, and the general appearance of the cityscape; therefore, it is hereby found and determined that such selection, planting, maintenance and removal are matters of city-wide concern over which the city must exercise the control set forth in the following standards and specifications.

1. Street trees planted on City right-of-way (i. e. between the curb and sidewalk, behind the sidewalk, behind the curb with no sidewalk) shall generally be located as follows to avoid conflicts with traffic control signs, sight triangles, above- and below-ground utilities, and existing trees:
 - a. Street trees on corner lots shall be located 25 feet from the property corner adjacent to the street intersection.
 - b. Twenty-five (25) feet from stop signs.
 - c. Fifteen (15) feet from street light poles.
 - d. Ten (10) feet from fire hydrants.
 - e. Five (5) feet from driveways.
 - f. Five (5) feet from storm sewer inlets
 - g. Five (5) feet from manholes
 - h. Four (4) feet from water shut-off boxes
 - i. Three (3) feet from gas shut-off valves
 - j. Five (5) feet from underground utility service lines going from utility mains to homes/buildings. The location of the service lines shall be considered, for distance purposes, to be the surface of the ground above the service line.
 - k. Five (5) feet from traffic control signs
 - l. Four (4) feet from sidewalks where parking areas are greater than eight (8) feet wide.

If the street tree cannot be planted in compliance with the above requirements, an alternate location for the street tree may be approved by the Parks and Recreation Department.

Spacing between street trees to be determined by the Parks and Recreation Department.

(9-24-07)

*Design Standards for Street Trees
Chapter 2.35 -1*

2. Planting locations will be marked by the City. Installation of street trees shall be coordinated with the City Arborist prior to any street tree being planted.
3. The subdivider shall contact the Parks and Recreation Department Forestry Division for the species of street trees for each street.
4. All street trees, when planted, shall not be less than one inch in caliper.
5. There shall be at least one (1) street tree per lot unless the lot is less than 50 feet in width in which case the trees would be spaced for major streets according to Traffic Sight Distance Standards and Street Design Speed as follows:

Major Street Design Speed	Tree Spacing Feet
25 mph	35-40
30 mph	40-45
35 mph	45-50
40 mph	55-60
45 mph	60-70
50 mph	70-75
55 mph	80+

For non-major streets, the trees would be spaced as follows:

- a. Small Trees: Thirty (30) to thirty-five (35) feet from the nearest existing trees, public or private and spaced forty (40) feet from each other, unless otherwise approved by the City Arborist.
- b. Medium Trees: Forty (40) to forty-five (45) feet from the nearest existing trees, public or private, and spaced forty (40) to forty-five (45) feet from each other, unless otherwise approved by the City Arborist.
- c. Large Trees: Forty-Five (45) to fifty-five (55) feet from nearest existing trees, public or private, and spaced fifty (50) to fifty-five (55) feet from each other, unless otherwise approved by the City Arborist.

Corner lots shall require two or more street trees depending on the length of frontage on each street for such lots.

Lots with 100 to 150 feet of frontage shall require two (2) street trees and for each additional 50 feet of frontage one (1) additional street tree.

6. The same species of tree should not be used on streets which are generally parallel and within five (5) blocks apart, unless otherwise approved by the City Arborist.

(9-24-07)

*Design Standards for Street Trees
Chapter 2.35 -2*

7. If a species of tree has been approved on a temporary dead end street, the same species of tree should be used on the extension of the street into the new subdivision.
8. More than one species of tree may be allowed to be planted on the same street provided the designated street tree for that same street is according to the Master Street Tree Plan and other compatible species are those identified as an approved grouping of street trees from the most current approved trees for streets for Lincoln, NE.
9. In order to encourage solar access, where subdivision or community unit plans have easements, covenants, or other controlling regulatory measure to protect solar access to building envelopes then the design standards may be modified to allow approved smaller or dwarf variety trees of the same genus on the north side of east-west streets, provided however that trees of the same species be used if possible.
10. Plants shall be nursery grown, first class material, straight single stemmed and must meet the standards set forth in "American Standard for Nursery Stock" (ANSI Z60.1-2004 or most current edition) and as further specified herein. Plant Material shall be obtained from established commercial licensed nursery growers and installed by licensed nursery and/or landscape contractors.

(Resolution A-84549, September 24, 2007).

Chapter 12.20

TREES AND SHRUBBERY

Sections:

- 12.20.010 Statement of Intent.**
- 12.20.020 Master Street Tree Plan; Director Defined.**
- 12.20.021 Landscape Plantings Within the Sidewalk Space.**
- 12.20.025 Street Trees on Private Property.**
- 12.20.030 Maintenance of Street Trees.**
- 12.20.035 Maintenance of Landscape Plantings Within the Sidewalk Space.**
- 12.20.040 Application for Permit.**
- 12.20.050 Issuance of Permit; Requirements Pertaining to Planting, Maintaining, Removal, and Destruction.**
- 12.20.060 Work Ordered or Done by the City.**
- 12.20.070 Height and Spread Limitations for Landscape Plantings Within the Sidewalk Space; Special Assessment for Failure to Maintain.**

12.20.010 Statement of Intent.

The selection, planting, maintenance, and removal of trees and ornamental plantings along public ways within the City of Lincoln substantially affect such matters as pedestrian and vehicle safety, the location and maintenance of utility services, tree maintenance costs, the incidence of tree diseases, and the general appearance of the cityscape; therefore, it is hereby found and determined that such selection, planting, maintenance, and removal are matters of city-wide concern over which the city must exercise the control set forth in this chapter. (Ord. 18168 §1; April 28, 2003: P.C. §12.20.005: Ord. 10129 §1; March 22, 1971).

12.20.020 Master Street Tree Plan; Director Defined.

The Director shall prepare and maintain a "Master Street Tree Plan" for the city, showing thereon the genus, species, and variety of trees which may hereafter be planted in or upon any street, parkway, sidewalk space, or other public way within the city, and all such tree planting shall conform to such plan. A current copy of such plan shall be made available for inspection by the public at the office of the Director.

The term "Director" whenever used in this chapter shall mean the Director of Parks and Recreation of the City of Lincoln, Nebraska, or his authorized deputy, agent, or representative. (P.C. §12.20.007: Ord. 10129 §2; March 22, 1971).

12.20.021 Landscape Plantings Within the Sidewalk Space.

The space between the lot line and existing or projected curb line on each side of every street in the city (hereafter known as the sidewalk space) shall be used only for the location of approved street trees in accordance with Section 12.20.020, turf grass, shrubs, perennial and annual flowering plants, ornamental grasses, vegetable gardens, and ground covers. Shredded wood mulch may be

placed around street trees and landscape plantings within the sidewalk space. (Ord. 18168 §2; April 28, 2003).

12.20.025 Street Trees on Private Property.

The Director may, subject to approval of the Mayor, request permission to enter upon and plant one or more street trees on property adjacent to public right-of-way pursuant to an easement agreement when there is insufficient land available for the planting and proper growth of the street tree or trees in the public right-of-way. Such easement agreement shall be conditioned upon the owner of the property agreeing to assume ownership and liability for the street tree and the responsibility for its proper maintenance which shall include watering as often as required by necessity, cultivating, mulching, and trimming, or its removal if dead, dying, diseased, or hazardous.

The determination of insufficiency of available land shall be based upon existing roadway width, except in those cases where design work is underway or completed for a roadway project to be constructed within the next year, in which case the new curb location shall control. The Parks and Recreation Department shall prepare a report for the City Council detailing where trees have been planted on private property and the reasons for such plantings at the request of a City Council member. (Ord. 19819 §8; December 17, 2012; prior Ord. 17741 §1; October 9, 2000).

12.20.030 Maintenance of Street Trees.

Except as may otherwise be provided by the City Council for council-created street tree planting districts, the trimming, spraying, removing, and destroying of all trees now existing, the selecting, planting, trimming, spraying, removing, and destroying of all street trees hereafter planted in or upon any street, parkway, sidewalk space, or other public way within the city, shall be done by and at the expense of the city and at its discretion and by no other person; provided, the Director may, in accordance with the provisions of this chapter, issue a permit to any applicant therefor, allowing such person to plant, remove, or destroy any such tree. (Ord. 18168 §3; April 28, 2003; P.C. §12.20.010; Ord. 10129 §3; March 22, 1971; Ord. 3489 §30-601, as amended by Ord. 7145; May 2, 1960).

12.20.035 Maintenance of Landscape Plantings Within the Sidewalk Space.

The owner of the property abutting the sidewalk space shall be responsible for the routine care of such landscape plantings within the sidewalk space, including watering, mowing, raking and disposing of leaves, twigs, and other debris, weed control in accordance with Chapter 8.46, and the trimming and pruning of shrubs and other ornamental landscape plantings. (Ord. 18168 §4; April 28, 2003).

12.20.040 Application for Permit.

Any person desiring to plant, remove, or destroy any street tree in or upon any street, parkway, sidewalk space, or other public way within the city shall first make a written application to the Director so to do, upon forms furnished by the city. Such application shall set forth the name and address of the applicant, the name and address of the person, firm, or corporation doing the work, and such other information as the Director may require. At the time of making such application, the applicant shall agree in writing to save the city harmless and to protect the city and the public at all times in connection with such work under such permit, and to do such work in conformance with specifications set forth by the city. Also at the time of making such application, the applicant shall furnish the Director with the written consent to the issuance of such permit from

the owner of the property abutting the public property upon which such work is proposed to be done. (Ord. 18168 §5; April 28, 2003; P.C. §12.20.020: Ord. 10129 §4; March 22, 1971: Ord. 3489 §30-602, as amended by Ord. 7154; May 2, 1960).

12.20.050 Issuance of Permit; Requirements Pertaining to Planting, Maintaining, Removal, and Destruction.

After inspection of the location in question, if in his opinion it is desirable that such tree be planted, removed, or destroyed, the Director shall issue a permit therefor. Such permit shall set forth the name and address of the owner of the property abutting the public property upon which such work is to be done; the name and address of the person who will perform such work; and the location at which such work will be performed. The permittee shall furnish any such street tree to be planted. After planting, such street tree shall be and remain the property of the city, and subject to the provisions of this chapter. The cost of any such street tree and the cost of all such permitted planting, removing, and destroying shall be and remain the permittee's; provided, the Director may, in accordance with the Tree Voucher Program, issue a voucher towards the purchase of any such street tree. Such permit shall be subject to the following conditions, which shall be made a part of said permit, and failure to comply therewith shall constitute a violation of this chapter:

(a) Any street tree to be planted shall be planted at the location designated by the Director. All trees when planted shall be not less than one inch in diameter at one foot above the ground surface. No whips shall be planted;

(b) When a street tree is being removed or destroyed, the stump shall also be removed. All removed trees, including limbs and debris therefrom, shall be removed from the street, parkway, sidewalk space, or other public way within forty-eight hours after being cut, and the ground shall be raked clean of all chips, branches, and debris;

(c) When a street tree is being felled, it shall be felled away from the roadway or parallel with the roadway, when possible, and the sidewalk and street shall be guarded as to protect pedestrians and vehicles thereon;

(d) All damage to curbs, sidewalks, and other public property occurring in the performance of any such work shall be promptly and properly repaired at the permittee's expense. (Ord. 19050 §1; March 10, 2008; prior Ord. 18168 §6; April 28, 2003: Ord. 16951 §90; March 11, 1996: P.C. §12.20.030: Ord. 10129 §5; March 22, 1971: Ord. 3489 §30-603, as amended by Ord. 5893; October 25, 1954).

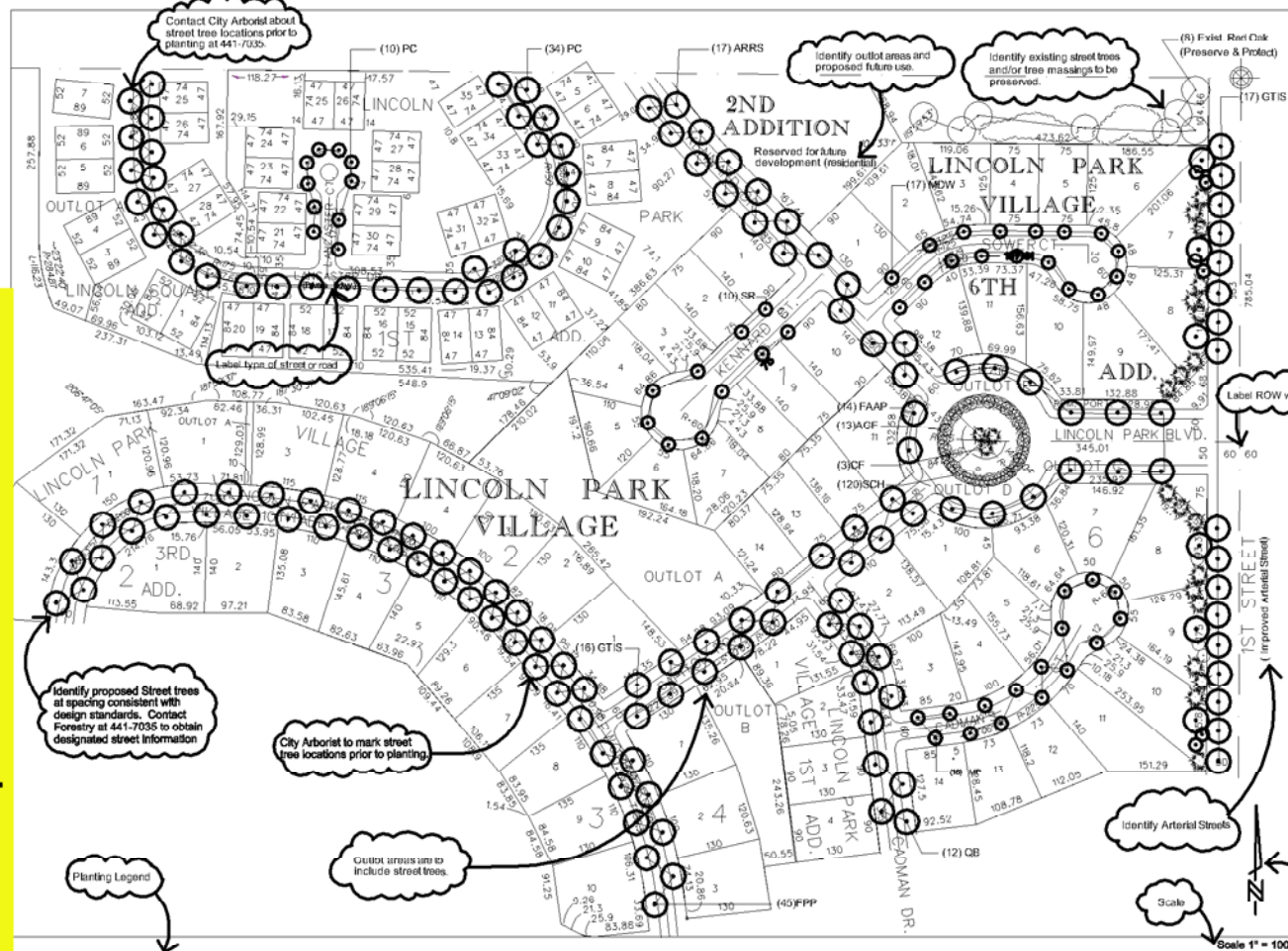
12.20.060 Work Ordered or Done by the City.

No permit shall be required for any street tree, shrub, or ornamental landscape planting, removing, or destroying ordered or done by the city; however, all such work shall be done in conformance with the requirements of subparagraphs (a), (b), (c), and (d) of Section 12.20.050 of this chapter. Further, the city may trim all trees in or upon any street, parkway, sidewalk space, or other public way so that there is a clearance of ten feet over sidewalks and fourteen feet over the portion of public streets and alleys used for vehicular traffic. (Ord. 18168 §7; April 28, 2003: Ord. 16111 §1; May 11, 1992: P.C. §12.20.035: Ord. 11310 §1; March 24, 1975: Ord. 10129 §6; March 22, 1971).

12.20.070 Height and Spread Limitations for Landscape Plantings Within the Sidewalk Space; Special Assessment for Failure to Maintain.

Shrubs, perennial and annual flowering plants, ornamental grasses, and ground covers planted within the sidewalk space, or abutting a sidewalk, shall be maintained so that they do not extend over curbs, sidewalks, driveways, or alleys. Such landscape plants located between the curb and sidewalk, or within twelve feet of the curb if no sidewalk exists, shall be maintained to have a maximum height of no more than thirty inches above the height of the adjoining curb. Landscape plants located behind the sidewalk, or beyond twelve feet from the curb if no sidewalk exists, shall be maintained to have a maximum height in conformance with the Lincoln Municipal Code. Upon the failure, neglect, or refusal of an owner of the property abutting the sidewalk space upon which landscape plants have been planted to maintain such plants in accordance with the requirements of this section, after at least five days' notice, by publication at least once in a daily newspaper of general circulation in the City of Lincoln and by postage prepaid certified mail has been given such person of such failure, neglect, or refusal, the city may treat such plants or growth thereof as weeds or worthless vegetation and forthwith trim, remove, or destroy the same. The Director shall annually prepare and file with the City Clerk a report of all such work, together with the cost thereof, done by his/her Department during the preceding twelve months. Upon receipt of such report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date, and place for hearing said report, and any protests or objections thereto. The City Clerk shall cause notice of said hearing to be published once in a newspaper of general circulation in the city, and served by certified mail, postage prepaid, addressed to the owner of such abutting property as his/her name and address appears on the last equalized assessment roll of Lancaster County, Nebraska, if such so appears, or as known to the City Clerk. Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour, and place the Council will hear and pass upon the Director's report, together with any objection or protests which may be made thereto, and assess such abutting property with such cost. Such assessment shall be certified by the City Clerk to the appropriate taxing official for the city, and shall be collected in the manner provided by law for the collection of general real estate taxes. Such assessment shall be a lien upon such property from the date of assessment, shall become delinquent December 1 after the date of assessment, and shall draw interest from said date until paid at the same rate as provided by law for delinquent general real estate taxes. (Ord. 18168 §8; April 28, 2003: P.C. §12.20.040: Ord. 13156 §1; June 22, 1981: Ord. 10129 §7; March 22, 1971: Ord. 9079 §2; August 22, 1966: Ord. 7730 §1; May 7, 1962: Ord. 3489 §30-605, as amended by Ord. 5893; October 25, 1954).

Sample Street Tree Plan

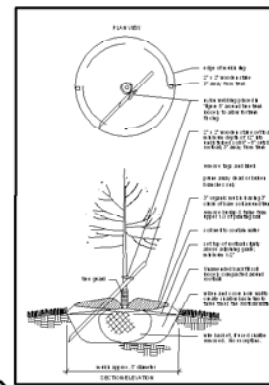


Proposed Landscape Schedule

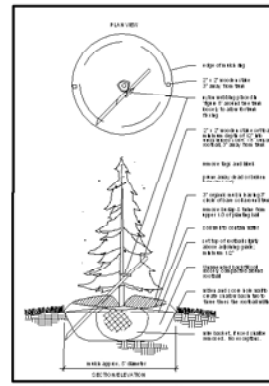
LOCATION	COMMON NAME	BOTANICAL NAME	SYMBOL	SIZE AT PLANTING	PLANTING METHOD	DESIGN W.	MAJOR STREET	UNIMPROVED ARTERIAL	IMPROVED ARTERIAL	LANDSCAPE SCREEN
1ST STREET	Shademaster Locust	<i>Gleditsia triacanthos</i> 'Inermis' 'Shademaster'	GTIS	1 1/2" CAL.	B&B	35' 45'		17		
LINCOLN PARK BLVD.	Autumn Purple Ash	<i>Fraxinus americana</i> 'Autumn Purple'	FAAP	1 1/2" CAL.	B&B	35' 14'				
CAPITOL ROAD	Shademaster' Locust	<i>Gleditsia triacanthos</i> 'Inermis' 'Shademaster'	GTIS	1 1/2" CAL.	B&B	35' 45'				
CADMAN COURT	Prairiefire Crabapple	<i>Malus 'Prairiefire'</i>	MP	1 1/2" CAL.	B&B	18' 20'				
CADMAN HWY	Swamp White Oak	<i>Quercus bicolor</i>	QB	1 1/2" CAL.	R&R	45' 48'				
COVER COURT	Donald Wyman Crabapple	<i>Malus Donald Wyman'</i>	MDW	1 1/2" CAL.	B&B	24' 20'				
KENNARD DRIVE	Red Sunset Maple	<i>Acer rubrum 'Red Sunset'</i>	ARRS	1 1/2" CAL.	B&B	35' 45'				
KENNARD COURT	Japanese Tree Lilac	<i>Syringa reticulata</i>	SR	1 1/2" CAL.	B&B	15' 15'				
EPWORTH ROAD	Patmore Ash	<i>Fraxinus pennsylvanica 'Patmore'</i>	FPP	1 1/2" CAL.	B&B	35' 45'				
LANCASTER DRIVE	Autumn Blaze Maple	<i>Acer x rubrum 'Autumn Blaze'</i>	ARAB	1 1/2" CAL.	B&B	40' 50'				
LANCASTER COURT	Chentleider Pear	<i>Pyr x 'Chentleider'</i>	PC	1 1/2" CAL.	B&B	15' 40'				
LINCOLN PARK BLVD.	Flame Arbor Maple (Single Stem)	<i>Acer glabrum 'Flame'</i>	AG	1 1/2" CAL.	B&B	20' 20'				
LINCOLN PARK BLVD.	White Fir	<i>Concolor fir</i>	CF	5" HT.	B&B	40' 20'				
LINCOLN PARK BLVD.	Hancock Coralberry	<i>Symphoricarpos x chenaultii 'Hancock'</i>	SCH	NO. 3 CONT.		2 1/2' 9"	120			
PURITAN DRIVE	Autumn Purple Ash	<i>Fraxinus americana</i> 'Autumn Purple'	FAAP	1 1/2" CAL.	B&B	40' 15'				6
1ST STREET	Colorado Green Spruce	<i>Picea pungens</i>	PP	1 1/2" CAL.	B&B	20' 20'				13
1ST STREET	Autumn Brilliance Serviceberry	<i>Aamelanchier 'Autumn Brilliance'</i>	AAB	1 1/2" CAL.	B&B	15' 20'				10

General Notes:

1. Pursuant to Chapter 2.35, Design Standards for Street Trees, and Section 12.20 of the Lincoln Municipal Code, street tree locations shall be marked by the City Arborist, or designee prior to planting.
2. Utility locations shown are approximate. Contractor shall verify locations and depths to all utilities which exist on or near the project site. Prior to planting, the contractor shall contact Diggers Hotline at 1-800-331-6966 to have utilities marked.
3. City ordinance requires that planted trees have a minimum trunk diameter of 1".
4. Landscaping shall be installed per Chapter 31 of City of Lincoln Standard Specifications for Municipal Construction.
5. Contact the City's Forestry Department at 441-7035 for designated Street Trees as identified by the City's Master Street Tree Plan locations shall be marked by the City Arborist, or designee



Current Tree Planting Details

[illegible]

PROJECT TITLE

LINCOLN PARK
VILLAGE

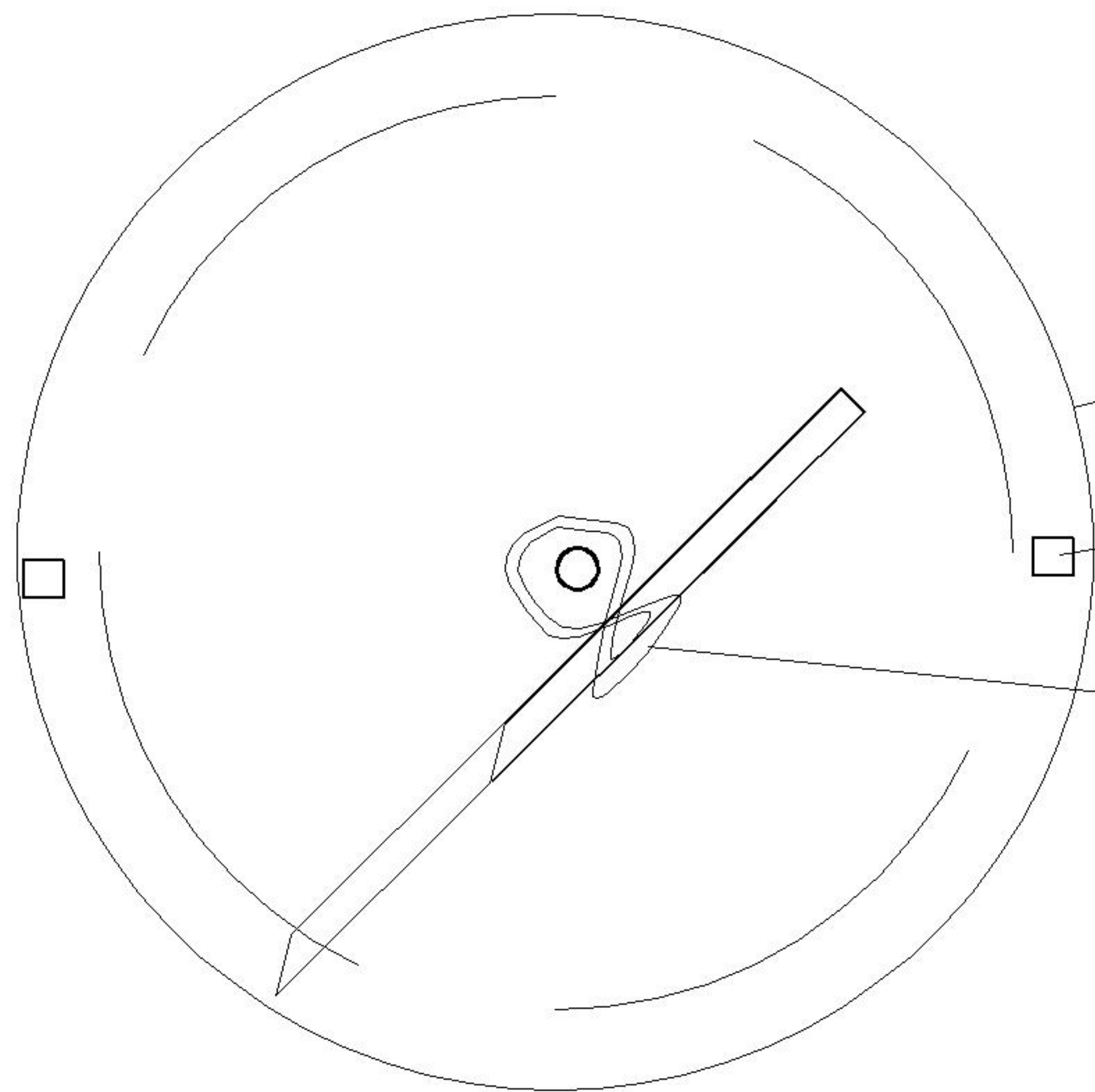
Project Title

Landscape Plan

Names, Dates,
Revision No., etc.

REVISIONS	01/12/04
DATE	01/12/04
DRAWN BY	MEC
CHECKED BY	LJ/SS
PROJECT NO.	LPV Landscape 011204
SHEET NO.	1/1

PLAN VIEW



edge of mulch ring

2" x 2" wooden stake
3" away from trunk

nylon webbing placed in
'figure 8' around tree trunk
loosely to allow for trunk
flexing

2" x 2" wooden stake set to a
minimum depth of 12" into
undisturbed soil 6" - 8" outside
rootball, 3" away from trunk

remove tags and labels

prune away dead or broken
branches only

3" organic mulch leaving 3"
circle of bare soil around trunk
remove burlap & twine from
upper 1/3 of planting ball

soil well to contain water

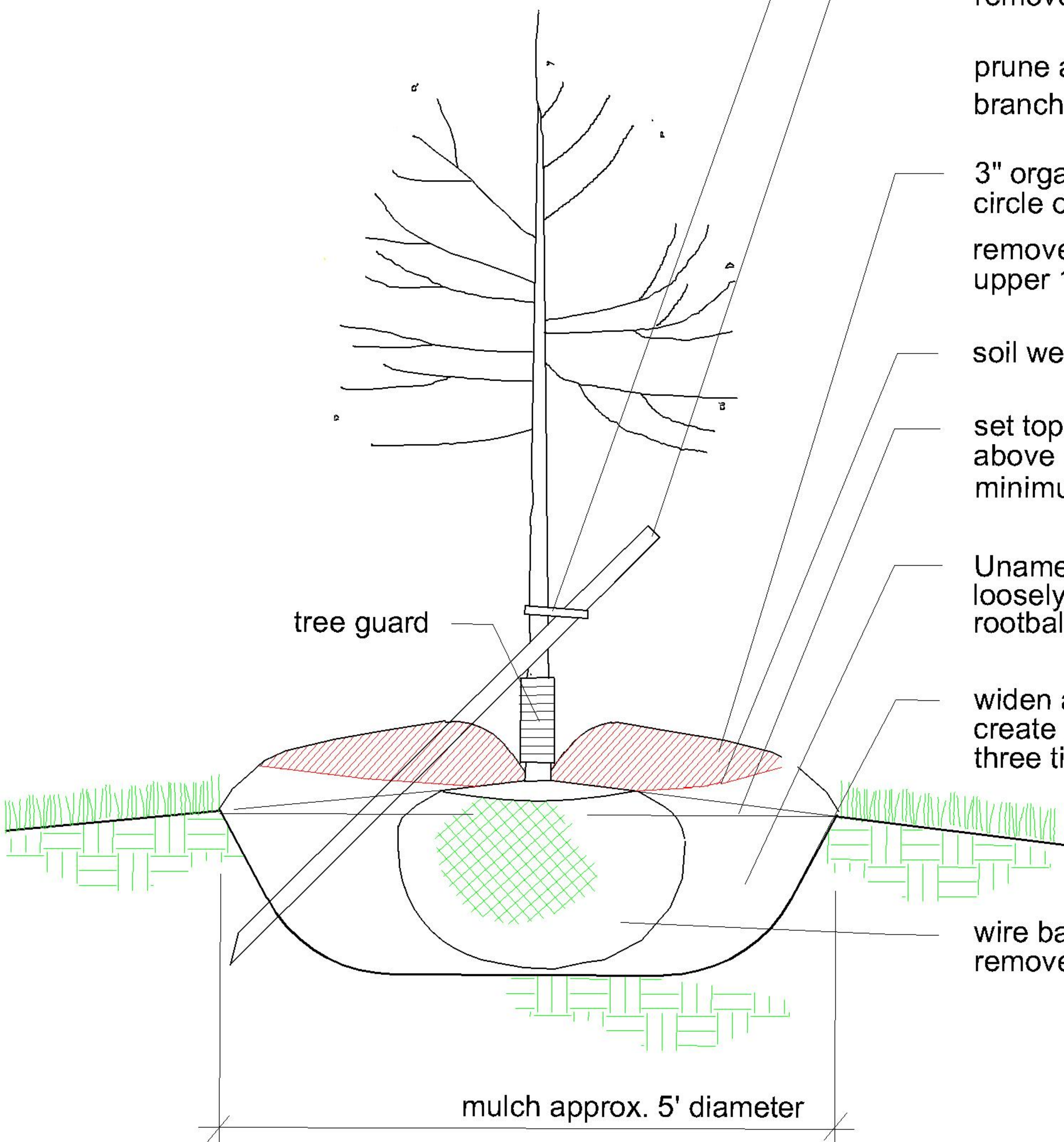
set top of rootball slightly
above adjoining grade;
minimum 1/2"

Unamended backfill soil
loosely compacted around
rootball

widen and score hole wall to
create shallow basin two to
three times the rootball width

wire basket, if used shall be
removed. No exceptions.

tree guard



mulch approx. 5' diameter

SECTION/ELEVATION

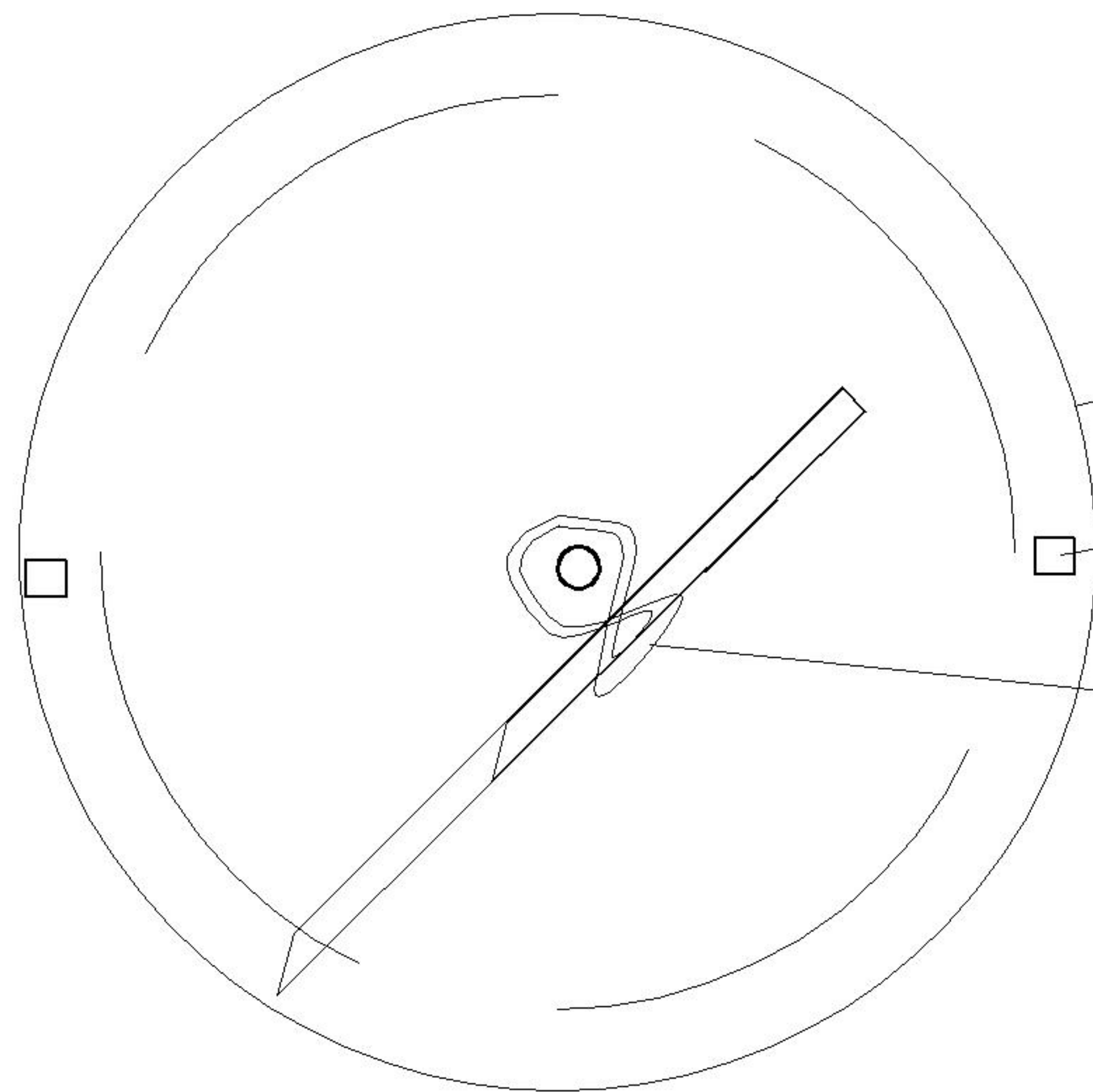
2

DECIDUOUS TREE PLANTING DETAIL FOR STREET TREES

Not to scale

Approved by the City of Lincoln Parks & Recreation Dept. 11.06.2006

PLAN VIEW



edge of mulch ring

2" x 2" wooden stake
3" away from trunk

nylon webbing placed in
'figure 8' around tree trunk
loosely to allow for trunk
flexing

2" x 2" wooden stake set to a
minimum depth of 12" into
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rootball, 3" away from trunk

remove tags and labels

prune away dead or broken
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3" organic mulch leaving 3"
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remove burlap & twine from
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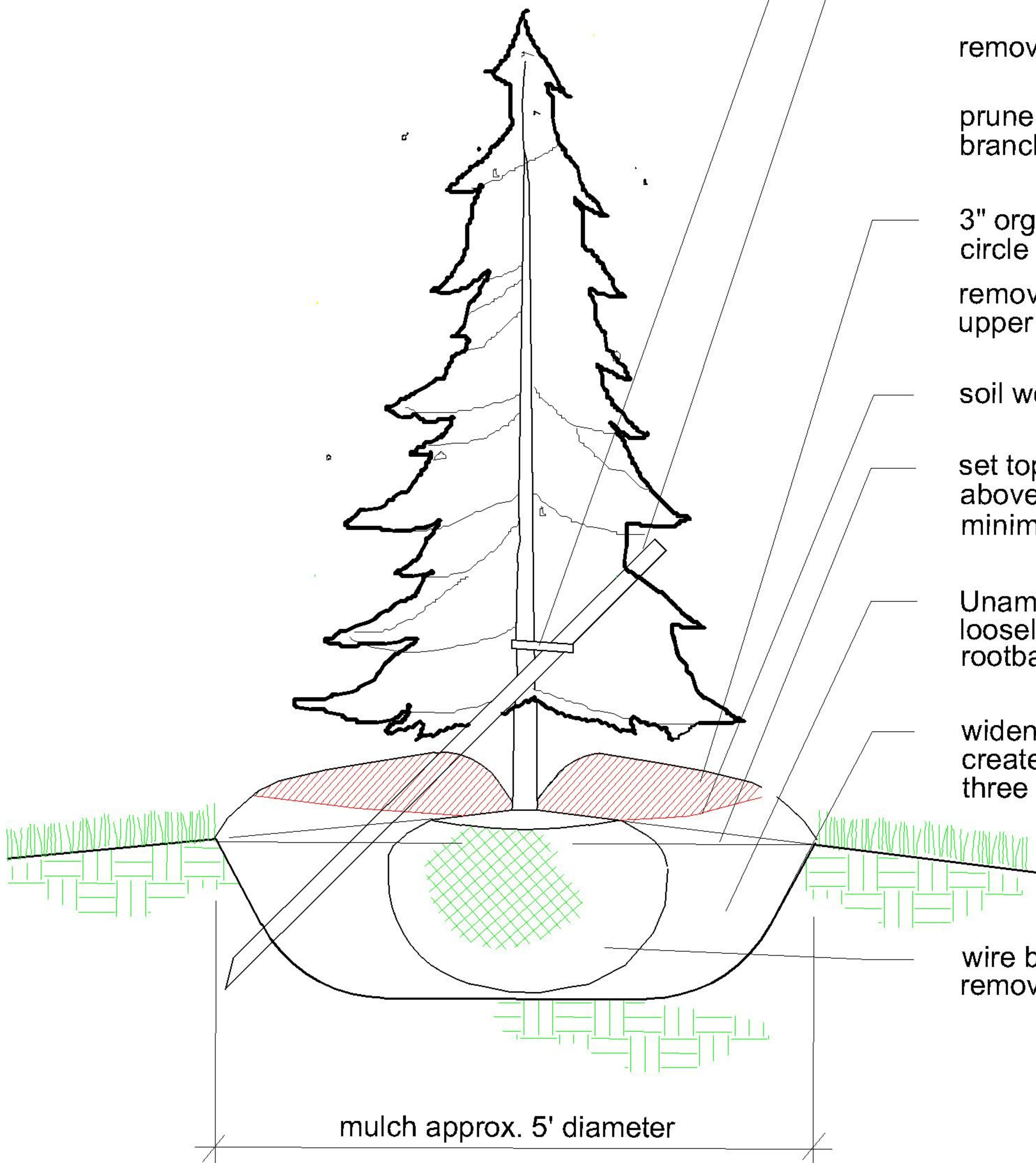
soil well to contain water

set top of rootball slightly
above adjoining grade;
minimum 1/2"

Unamended backfill soil
loosely compacted around
rootball

widen and score hole wall to
create shallow basin two to
three times the rootball width

wire basket, if used shall be
removed. No exceptions.



mulch approx. 5' diameter

SECTION/ELEVATION

2

EVERGREEN TREE PLANTING DETAIL

Not to scale

Approved by the City of Lincoln Parks & Recreation Dept. 11.06.2006