

CHAPTER 1220

FORESTATION CONTROL

1220.01: PURPOSE:

It is the purpose of this Chapter to protect and promote the public health, safety and general welfare of the people of the City by:

1. Regulating the planting, maintenance and removal of trees and plants on all public spaces and rights of way.
2. The licensing of the planting, maintenance, removal and trimming of trees on public lands.
3. The inspection of trees on public and private lands.
4. The control tree diseases to protect the trees and to prevent and abate hazardous conditions and nuisances within the City.
5. Protecting and preserving existing healthy trees.
6. Encouraging the planting of trees for the protection and enhancement of the environment.

1220.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

BOULEVARD: That property between the edge of the street and the property line (right-of-way line). On undeveloped streets, that property between the property lines.

COMPREHENSIVE TREE PLAN: Official planting guide and regulations outlining allowed and disallowed species, locations, techniques and treatments.

DISEASED TREES: Trees afflicted with dutch elm, oak wilt or other arboracious diseases identified in the Comprehensive Tree Plan.

HERBACEOUS PLANTS: Ordinary trees and shrubs.

TREE: Any self-supporting, woody perennial plant.

TREE TRIMMING: Recommended trimming and pruning techniques are amended 3/1/2011

outlined in the Comprehensive Tree Plan. Tree topping is specifically prohibited on all public lands.

1220.03: TREE BOARD:

The Park Commission shall act at the City Tree Board in all matters relating to the advice on issues contained in this Chapter and all other matters relating to forestation within the City. The process, conditions for appointment and terms shall be the same as those for the Park Commission.

1220.04: APPLICABILITY:

This Chapter applies to all trees, plants and shrubs located within street right 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 set forth in this Chapter.

1220.05: FORESTATION MANAGEMENT:

1. City Forester: The Park Superintendent or such other employee so designated by the City Administrator shall act as the City Forester.
2. Authority of City Forester: The City Forester shall have jurisdiction and supervision over all trees, shrubs and plants located within street right 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.
3. Duties of Forester: The City Forester may cause the planting of trees on public grounds and may direct the trimming, removal, treatment or other care of any tree, shrub or plant on private property in order to preserve or restore its condition or to protect the public from damage or injury. The cost of any such work may be assessed against the property on which the tree is located.
4. Tree Planting Plan: In addition to the other responsibilities under this Chapter, the City Forester shall prepare a Comprehensive Tree Plan regarding the planting of trees on public property within the City and the planting of trees on private property that may present a health or safety hazard. When approved by resolution of the City Council following a review by the City Tree Board, the Comprehensive Tree Plan and any modifications will be the official plan of the City. After the adoption of the official plan, no tree planting permit will be issued which does not conform to the Comprehensive Tree Plan.
5. Comprehensive Tree Plan Contents: The Comprehensive Tree Plan shall address the following matters together with any other matters deemed appropriate by the City Forester:

amended 3/1/2011

1. List of Acceptable Varieties: The list may provide for the planting of certain varieties or mixes of varieties in certain locations.
2. Specifically prohibited plantings.
3. Minimum size.
4. Grade.
5. Method of planting and support.
6. Maintenance.
7. Recommended trimming and pruning techniques.

1220.06: OTHER REGULATIONS FOR PLANTING TREES OR REMOVING HERBACEOUS PLANTS OR SHRUBS:

1. Hazard Placement: No tree, shrub or herbaceous plant shall be planted, placed or allowed to remain in a place which the City Forester determines causes a traffic hazard.
2. Boulevard Planting: Trees, herbaceous plants or shrubs must be located within the first three feet (3') of the boulevard, measured from the property line and shall be consistent with the Comprehensive City Tree Plan and not in conflict with public plantings based on the judgment of the City Forester. Planting within the boulevard or upon other public property owned by the City of Wabasha will be by permit only.
3. Spacing/Placement: Placement of trees, herbaceous plants or shrubs must be consistent with Sections 1220.06 through 1220.08 and the regulations listed in the Comprehensive Tree Plan.
4. Abuse or Mutilation: No person shall on public spaces and right of way:
 1. Damage, cut, remove, transplant, burn, carve, kill or injure trees without authorization.
 2. Trim, prune, remove, spray or otherwise treat trees without authorization.
 3. Attach any rope, wire, advertising poster, or other contrivance to any tree.
 4. Cause or permit any wire charged with electricity or any gaseous

amended 3/1/2011

liquid or solid substance to come in contact with trees which are located on, or extend over, any public street, boulevard, park or other public place without a permit.

5. Permits:

1. No person shall plant, maintain, prune, or remove trees or shrubs on a public boulevard without first obtaining a permit from the City Forester.
2. The following provisions apply to the issuance of permits for planting trees or herbaceous plants and shrubs on a public boulevard:
 1. Application Data: The application required under this Section shall state the number of trees to be planted, the location, size and specific species of each tree or plant.
 2. Standards for Issuance: A permit shall be issued by the City Forester only after the application has been determined to be in compliance with the Comprehensive Tree Plan and the requirements of this Section and related sections.
 3. Replacement: As a condition to the granting of a tree removal permit, the City Forester may require the applicant to relocate or replace trees consistent with the Comprehensive Tree Plan.
 4. Bond Requirements: A compliance bond or cash escrow may be required in an amount to be determined by the City Forester conditioned upon satisfactory compliance with the terms of the permit.
 5. Permit Denial: If a tree planting or removal permit is denied, the reason(s) for denial shall be set forth in writing and given to the applicant.
 6. Denial Appeal: Any applicant adversely affected by the decision may appeal to the City Tree Board and, finally, to the City Council.

6. Areas Not Applicable: The provisions of subsection D above shall not apply to:

1. The removal of trees on public easements/rights of way, conducted by, or on behalf of, a Federal, State, County, Municipal or other governmental agency in pursuance of its lawful activities or functions

amended 3/1/2011

in construction of improvements.

2. The removal of any tree by a public utility when such tree has the reasonable potential of endangering the facility's operation by the utility.

1220.07: DUTIES OF PRIVATE OWNERS:

It shall be the duty of any person owning private property to comply with the following:

1. **Planting on Private Property:** No person shall plant or allow to be planted on any privately owned property any tree listed on the City tree plan as prohibited.
2. **Acceptable Plant Materials:** All plant materials shall not have characteristics detrimental to the public welfare such as susceptibility to disease and wind damage or a tendency to interfere with utilities or public easements or rights of way.
3. **Prohibited Obstructions:**
 1. **Obstructing View:** No tree or herbaceous plant or shrub shall be planted or allowed to grow so as to obstruct the view of any vehicular traffic on streets or pathways or pedestrians on pathways.
 2. **Utilities:** No trees may be planted under or within ten (10') level feet of any overhead utility wire or over or within ten (10') lateral feet of any underground water line.
4. **Trimming of Trees:** Private property trees must be trimmed so as not to cause a hazard to persons or property on abutting property. All trees shall be pruned to sufficient height to allow free passage of pedestrians and vehicular traffic: nine feet (9') over sidewalks and sixteen feet (16') over streets.
5. **Tree Inspection:** The City Forester may enter on any private lands which may harbor diseased or dangerous trees as listed in the official Comprehensive Tree Plan to inspect trees located on such premises.
6. **Removal of Diseased or Dangerous Trees:** Diseased and/or insect-ridden trees, dead or injured trees deemed to be a health or safety hazard by the City Forester must be treated or removed so as not to constitute a health or safety hazard to the public or other trees or plants in the City.
7. **Storm-Damaged Trees:** Storm damaged trees within City Right-Of-Way will be removed by the City. Removal of stumps will be the responsibility of the adjacent

amended 3/1/2011

property owner.

8. Stockpiling and Storage of Elm Logs: No person shall stockpile or store elm logs with the bark intact without first having obtained a permit to do so. The City Forester may issue permits, upon proper application, for the stockpiling or storage of such logs only between September 15 and April 1 of the following year and only at locations which are specified in the permit.
9. Abatement of Dutch Elm Disease: The City Forester shall cause the infected tree or wood to be removed or otherwise effectively treated so as to destroy and prevent, as fully as possible, the spread of Dutch elm disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the City Forester.

1220.08: ORDER PROCEDURE:

When the City Forester determines that it is necessary to order the trimming, treatment or removal of trees or plants as authorized in subsection 1220.07, a written order to correct the condition shall be served.

1. Notice Format:

Dutch elm disease/oak wilt disease (or other prohibited or dangerous trees, as listed in the City tree plan) exist on these premises: _____(legal address)_____ and all trees marked with a designated symbol must be removed by _____(date) _____.

BY ORDER OF THE CITY FORESTER

2. Removal Date: The date inserted in the notice in subsection 1220.08A shall be twenty two (22) days after the notice is mailed.
3. Appeal: A person receiving said notice may, within five (5) working days of the postmark date of said notice, file an appeal with the City. The appeal will be heard by the City Tree Board and forwarded to the City Council for action within twenty one (21) calendar days following the appeal of said notice.
4. Summary Removal of Diseased Trees: In the event the trees covered in said notice are not removed, destroyed and/or treated, as provided in subsections 1220.08A through C, within ten (10) calendar days following the denial on an appeal as set forth in subsection 1220.08C, the City Forester shall cause said tree to be summarily removed, destroyed and/or treated and shall take any other action necessary to prevent the spread of the disease or danger to the public.
5. Under emergency situations, where delay may cause an unreasonable amount of risk to the health, welfare, or safety of the people of the city, the

City Forester may cause necessary action to be taken to private trees without prior notification to the property owner.

6. Cost Responsibility: Any costs of inspecting, removing or treating trees, including any legal expense, shall be itemized and mailed to the owner at the address shown in the records of the County Auditor. In the event said itemized bill is not paid within thirty (30) days, the amount of said costs, plus interest, shall be certified to the proper County officials as a special assessment and collected with the next succeeding five (5) years real estate taxes as provided for in Minnesota Statute sections 18.023 and 429.101.