3.0504 Tree Care – Tree Topping

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs 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. The Shade Tree Committee 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, electric power lies, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. It shall be unlawful as a normal practice to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches 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 or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Shade Tree Committee.

ARTICLE 8 - Forestry, Boulevard Trees and Grass or Ground Cover: 6.0801 Boulevard Trees:

A. Tree Layouts: It is required by the city to have at least one (1) tree on a boulevard every forty (40) feet unless the Shade Tree Committee determines otherwise. Tree layouts (plans) shall be coordinated with existing corridor planting plans, subdivision street landscape plans, and other established landscape plans to provide the desired effect as determined by this standard and the Shade Tree Committee. Yard trees shall be a minimum of 8’ (feet) from the property line

B. Tree Spacing: Trees shall be planted twelve (12’) feet from driveways and alleyways. Boulevard tree spacing shall be a minimum of 25’ (feet) from other existing boulevard trees. Trees should be a minimum of 8’ (feet) from the edge of the road to the boulevard tree. On corner lots, the trees shall be planted forty (40) feet from the point of intersection of the curbs. The Shade Tree Committee shall have the final approval of the location of the tree and have the right to approve variances from the above requirements where conditions necessitate.

C. Size Requirements: No tree measuring less than 1 ¼ inches in diameter of trunk one foot above ground may be planted on the City Boulevard. The lowest branch shall not be over 9 feet from the ground. The tree must be a single stem trunk and have a straight vertical line

D. The home owner must submit to cityoffice@reilesacresnd.org a Boulevard Tree Permit found on the Reile’s Acres website prior to planting any boulevard trees.

E. A member of the Reile’s Acres Shade Tree Committee must stake where all boulevard trees must be planted.

F. Health and Maintenance of Trees

1) Acceptable trees include those identified as suitable for the intended use in the Approved Tree

List.

2) Species of trees shall not be planted if the roots cause damage to public works, the branches are subject to a high incidence of breakage, and the fruit is considered a nuisance or high maintenance as determined by the Shade Tree Committee.

3) All trees shall be planted in good condition. All plant materials to be installed shall be nursery grown and root pruned stock free of insects, disease, and defects.

4) It shall be the duty of all persons, whether owners or tenants, to keep the shade trees along the public streets and avenues adjoining such property trimmed in such a manner that such trees shall not interfere with travel on said streets, avenues, and sidewalks. No tree shall be hacked which will initiate the decay of trees and attract wood boring insects.

G. Approved Boulevard Tree List: See Boulevard Tree Permit on the city website

1) Honey locust (thornless only)

2) Thornless Hawthorne

3) Prairie Stature Oak, Bur Oak, or Swamp White Oak

4) Kentucky Coffee Tree

5) Ironwood

6) Maple (any variety)

7) Lindens (any variety)

8) Lewis and Clark Expedition Elm

9) DED Resistant Elm

10) Prairie Horizon Alder

11) Hackberry

12) European or Mountain Ash

13) Flowering Crab (any fruitless variety) Red Splendor and Radiant Only

14) Cork Tree

15) Prairie Gem Pear

6.802 Grass, Trees and Ground Cover:

Grass shall be planted in species normally grown as permanent lawns, and may be sodded, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse grass seed shall be sown for immediate protection until complete coverage is otherwise achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent of complete coverage after two (2) growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the city. Required boulevard trees shall be planted no later than the beginning of the second growing season after the Certificate of Occupancy has been granted.

6.803 Maintenance:

Owner has a duty to trim trees and to keep the shade trees along the public streets and avenues adjoining such property trimmed in such a manner that such trees shall not interfere with travel on said streets, avenues, and sidewalks.

It shall be unlawful for any owner to permit a dead tree which might endanger the health or safety of persons or property to remain on real property in the city. A determination of whether or not a tree or part thereof is dead or diseased shall be made by a qualified arborist employed by the city.

Owner has a duty to trim or cut excessive growth of vegetation.

Owner has a duty to eliminate weeds.

Violations:

The city shall notify the property owner and tenant in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, tenant, or authorized agent shall correct the violation within 30 days. Where immediate attention and care may restore damaged trees, the owner or tenant shall submit a treatment narrative and schedule prepared by a registered landscape architect or a local nursery professional. If the treatment plan and procedures fail to restore the plants to vigorous growth to meet their normal growth habit and the original design intent within 90 days, then the trees must be replaced. If not replaced or a schedule prepared following the above mentioned guidelines, a fine of $25 will be instituted, each day in violation will constitute a new violation. The City may further enforce this Chapter by filing an action in the appropriate court for an injunction to enforce provisions of this Chapter; to cause correction of any such violation; for assessment and recovery of a civil penalty for such violation; or to pursue any other appropriate civil remedy.

6.804 Definitions:

The following definitions are intended to provide a common interpretation of terms in order to avoid confusion and insure that the standards are utilized in a uniform manner.

A. APPROVED TREE LIST: A list of trees that is approved by the Shade Tree Committee and the City of Reiles Acres to plan within the city limits.

B. BOULEVARD: An area located in front of a property facing a city street or public right of way.

C. CALIPER: A way of measurement for trees around the trunk of the tree, in otherwords, by measuring the outer circumference or perimeter of a tree trunk.

D. DEAD TREE: Any tree that is diseased; or has a dead, diseased, or broken limb or a dead, diseased or broken trunk, or any tree that is totally or partially uprooted, if the height of the tree or the length or the limb or trunk is such that, if it were to fall, the tree, limb or trunk could fall within the public right of way or strike a structure or improvement to real property.

E. EXCESSIVE GROWTH OF VEGETATION: shall mean any Weed, grass, or other uncontrolled and uncultivated vegetation which is more than eight (6”) inches in height above the ground or in length if matted down as measured along the stem. The abatement of Excessive Growth of Vegetation may include trees, bushes, shrubs, flowers, and ornamental or garden plants, either cultivated or uncultivated, if such vegetation is not made readily distinguishable from any Excessive Growth of Vegetation.

F. GRASS: Vegetation consisting of typically short plants with long narrow leaves, growing wild or cultivated on lawns and pasture.

G. GROUND COVER: Plants grown for their low-spreading capabilities for the protection of soils, to prevent growth of weeds and for aesthetic purposes.

H. HATRACKING: A type of pruning where most of the canopy is removed from a tree, leaving mostly branch stubs. Hatracking initiates decay in the trunk and main branches and attracts wood boring insects.

I. OWNER: Shall mean the named property owner as indicated by the records of the Records and Tax Administration or Appraiser’s office in Cass County, North Dakota.

J. PUBLIC RIGHT OF WAY (ROW): The strip of land over which facilities such as highways, railroads, or power lines are built. The customary or legal right of a person, vessel, or vehicle to pass in front of another.

K. SHADE TREE COMMITTEE: An employee or appointed members of the city that is responsible for the promotion of the health and sustainability of the urban forest within the municipal limits of the City of Reiles Acres and providing public education as to the benefits and best use of the urban forest and the maintenance of such forest.

L. SWALES: A depression in grade to control and direct the flow of surface water.

M. WEEDS: shall mean to include, but not be limited to, barnyard grass \_\_\_\_\_\_\_\_\_ (Echinochloa crusgalli); beggar tick, sticktight, devil’s pitchfork (Bidens frondosa); burdock (Arctium minus); Canada goldenrod (Solidago canadensis); crabgrass, large or large hairy (Digitaria sanguinalis); cocklebur (Xanthium strumarium); curled dock,

sour dock (Rumex crispus); curltop smartweed (Polygonum lapathifolium); daisy \_ fleabane (Erigeron strigosus); dandelion (Taraxacum officinale); dogbane (Apocynum cannabinum); fall panicum (Panicum dichotomiflorum); flannel mullein (Verbascum thapsus); fireweed (Kochia scoparia); foxtail barley (Hordemjubatum); green foxtail \_\_ (Solaria viridis); hedge parsley (Forilis arvensis); hemp (Cannabis sativa); hoary \_ verbena (Verbena stricta); horsenettle (Solanum carolinense); horseweed (Conyza canadensis); Indian mallow, velvet leaf (Abutilon theophrasti); ironweed (Vernonia baldwinii); Japanese brome (Bromus japonicus); lambsquarter (Chenopodium album); \_ maple-leaved goosefoot (Chenopodium hybridum); milkweed (Asclepias syriaca); mullein, common (Verbascum thapsus); patience dock (Rumex patientia); Pennsylvania smartweed (Polygonum pennsylvanicum); pennycress (Thlaspi arvense); pigweed, rough, or redroot (Amaranthus retroflexus); pokeberry (Phytolacca americana); prickly wild lettuce (Lactuca serriola); purpletop grass (Tridens flavus); ragweed, common \_\_\_ (ambrosia artemisiifolia); ragweed, giant kinghead (Ambrosia trifida); sagewort \_\_\_ (Artmisia ludoviciana); shepherd's purse (Capsella bursa-pastoris); smooth dock \_\_\_ (Rumex altissimus); snakeroot (Eupatorium rugosum); Spanish needles (Bidens bipannata); spurge, nodding or upright spotted (Euphorbia maculata); stinging nettle, nettle (Urtica diocia); stinkgrass, lovegrass (Eragrostis cilianesis); sumpweed (Iva \_ annua); swamp smartweed, tanweed, devil's shoestring (Polygonum coccineum); tall \_\_\_ thistle (Cirsium altissimum); treacle mustard or spreading erysimum (Erysimum arvense); tumble panicgrass or witchgrass (Panicum capillare); tumbleweed, tumble amaranth (Amaranthus albus); water hemp (Amaranthus rudis); and wild four-o'clock (mirabilis nyctaginea).

6.0805. VIOLATIONS

The city shall notify the property owner and tenant in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, tenant, or authorized agent shall correct the violation within 30 days. Where immediate attention and care may restore damaged trees, the owner or tenant shall submit a treatment narrative and schedule prepared by a registered landscape architect or a local nursery professional. If the homeowner is still not following the above ordinances after 30 days and no care plan has been produced, a fine of $25 per day will be due to the city, each day in violation is a new occurrence.