

City of Redwood Falls

Boulevard Tree

Policy



Table of Contents

Section	Subject
A	Intent and Purpose
B	Definitions
C	City Forester
D	Public Nuisance, Declaration, and Abatement
E	Rules and Regulations Regarding Public Trees and Shrubs
F	Planting, Removal, Maintenance and Protection of Public Trees and Shrubs
G	Appeal from Order of City Forester
H	Penalties
	Appendix I -- Pruning Trees – Natural Target Pruning Method
	Appendix II -- Boulevard Tree Planting
	Appendix III -- Application and Permit
Approved	8-7-09 by City Administrator Muetzel & Supt. Hagert

A. INTENT AND PURPOSE

1. The City of Redwood Falls has established this policy to regulate and control the planting, removal, maintenance and protection of trees and shrubs upon or in all public areas of the City in order to:
 - a. Eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the City.
 - b. Promote and enhance the aesthetics and general welfare of the City.
 - c. Prevent damage to any public sewer, water main, street, sidewalk, or other public property.
 - d. Protect trees and shrubs in public areas from undesirable and unsafe planting, removal, maintenance, and protection practices.
 - e. Guard all trees and shrubs (both public and private), within the City against the spread of disease, insects, or pests.
2. The provision of this policy shall apply to all trees and shrubs presently or hereafter planted in or upon any public area; and also to all trees and shrubs presently or hereafter planted in or upon any private premises which shall endanger the life, health, or safety of persons or property.

B. DEFINITIONS. The following words or terms, when used in this policy, shall be construed to have the following meanings:

Word or Term	Definition
City	The City of Redwood Falls
Clear-Sight Triangle	A triangle formed by the intersecting of existing or proposed curb lines of two or more intersecting streets, roads, or alleys and a third line connecting specified points on those curb lines in order to provide vehicular traffic and unobstructed view of intersection (See Appendix II)
Board	The Board of Park and Recreation Commissioners of the City of Redwood Falls, as constituted under the Code of the City of Redwood Falls.
Boulevard	Area between back of curb and property line.
Maintenance and Protection	Shall include all operations of trimming, pruning and cutting any tree or shrub above or below ground.
Person	An individual, firm, partnership, association or corporation.
Public Area	Shall include all public ways, parks, and other lands owned, controlled, or leased by the City.
Public Nuisance	Any tree or shrub or part thereof, which by reason of its condition, has been declared to be a public nuisance under this policy.
Public Trees and Shrubs	Any tree or shrub, as herein defined, presently or hereafter planted in or upon any public area.
Public Way	All public streets, roads, boulevards, alleys, and sidewalks.
Shrub	A woody plant, usually with multiple stems branched at or near the base, reaching a height of less than twelve feet.
Trees	A woody plant, usually with a single stem with no branches at the base, reaching a height of 12 feet or more.

C. CITY FORESTER:

1. *Powers and Duties.* The City Forester, subject to the direction and supervision of the Park and Recreation Commission and City Administrator, shall have the following general powers and duties:
 - a. To direct, manage, supervise, and control the City's forestry program to include the planting, removal, trimming, maintenance, and protection of all trees and shrubs in or upon all public areas of the City; to supervise Park Department personnel and private contractors in the planting, removal, trimming, maintenance, and protection of trees and shrubs.
 - b. To cause the provisions of this policy to be enforced.
 - c. To guard all trees and shrubs within the City against the spread of plant diseases, insects, or pests. To eliminate conditions which may endanger the life, health, or safety of persons or property.
 - d. To use all available means of communication to inform the public concerning the forestry program and tree and shrub care. The City Forester shall, upon request by the owner or occupant of private property, examine and recommend the proper care or treatment of trees or shrubs, to be affected by the owner at his expense. There shall be no charge to the owner for the examination.
 - e. Such powers and duties, as are provided by the laws of Minnesota and by ordinances of the City and by direction of the Board.
2. Authority to preserve and remove public trees and shrubs. The City Forester shall have the authority to plant, remove, maintain, and protect all public trees and shrubs or cause such work to be done, as may be necessary to preserve the beauty of public areas, and to protect life and property.
3. Authority to enter private premises. The City Forester or his authorized representative shall have the authority to enter upon private real estate, excluding buildings thereon, at reasonable times for the purpose of examining or taking the necessary samples of any suspected nuisance tree or shrub located upon or over such premises, and enforcing the provisions of the ordinance. All nuisance trees and shrubs to be removed pursuant to this policy may be appropriately marked by the City Forester.
4. Interference Prohibited. No person shall interfere with the City Forester or his authorized representatives while engaged in the execution or enforcement of this policy.

D. PUBLIC NUISANCE, DECLARATION AND ABATEMENT

1. The City Council declares any of the following to be a public nuisance and therefore subject to abatement pursuant to this section.

Any tree or shrub or part thereof located upon any public or private property which by reason of its condition interferes with the use of public area, is

infected with an infectious plant disease, such as Dutch Elm Disease, is infested with injurious insects or pests, is injurious to public improvements, or endangers the life, health, or safety of persons or property.

2. A public nuisance is prohibited. No person shall permit any public nuisance, as defined in this policy, to remain in or upon any premises owned or leased by them within the City.
3. Abatement of Nuisances.
 - a. *Public Areas.* Whenever the City Forester finds on examination that a public nuisance exists upon any public area, they shall immediately cause such nuisance tree or shrub to be treated, trimmed, removed, or otherwise abated in such a manner as to destroy or prevent the spread of the nuisance. The manner in which the nuisance is to be abated shall be determined by the City Forester.
 - b. *Private Premises.* If the City Forester determines with reasonable certainty upon inspection or examination that any nuisance tree or shrub exists in or upon any private premises within the City, he/she shall notify the owner of such premises, or their agent, in writing that said nuisance tree or shrub must be treated, trimmed, removed, or otherwise abated. The written notice shall specify the nature and exact location of the nuisance, the manner in which the nuisance should be abated, and the time limited in which the nuisance should be abated which shall not be less than fifteen (15 days) after issuance of the notice unless the City Forester determines that immediate action is necessary for public safety.
 - c. *Abatement by the City.* If the owner of a private premises, or their agent, refuse or neglect to comply with the terms of the written notice within the specified time, the City Forester shall cause the public nuisance to be abated and shall report the expense thereof to the City Administrator who shall enter it as a charge against the property upon which the tree or shrub is located. No damage will be awarded to the owner for the destruction of trees or shrubs pursuant to this policy.

E. RULES AND REGULATIONS REGARDING PUBLIC TREES AND SHRUBS.

1. Injury to public trees and shrubs is prohibited. No person shall, without written permission for the City Forester, do or cause to be done any of the following:
 - a. Secure, fasten, or run any rope, wire, sign, electrical installation or other device or material to, around, or through any public tree or shrub except in an emergency such as a storm or accident.
 - b. Break, injure, mutilate, deface, kill, or destroy any public tree or shrub.

- c. Permit any toxic chemical, gas, smoke, salt brine, oil, or other injurious substance to seep, drain, or be emptied upon or about any public tree or shrub.
 - d. Excavate any ditch, tunnel, or trench, or lay any drive, sidewalk or other impermeable surface within a radius of five (5) feet from any established public tree or shrub.
 - e. Erect, alter, repair, raze, or excavate near or around any public tree or shrub without placing suitable guards approved by the City Forester around the trees and shrubs which may be injured by such operations.
 - f. Remove any guard, stake, or other device or material intended for the protection or support of any public tree or shrub.
 - g. Place any earth filled, rock, trash, or other material within the dripline of any public tree or shrub which may compact or prevent the entry of air and water to the root zone.
2. Clear-Sight Triangle. No tree, shrub, hedge, or other growth exceeding thirty (30) inches in height above street grade shall be planted in any clear-sight triangle within the City. The limits of each clear-sight triangle, as defined in this policy, shall be determined by the Police Department or the City Forester or other department controlling traffic safety.
 3. Obstruction of signs, signals or travel. All trees and shrubs located upon any public way or upon any private premises adjacent to the public way shall be kept trimmed so that the lowest projecting branches provide a clearance height of not less than fourteen (14) feet above the public street, and not less than nine (9) feet above the public sidewalk. The City Forester may waive the provision of this section for newly planted or naturally low-profile trees if he/she determines that they do not interfere with public travel, obstruct the light of any street light, obstruct the view of any traffic sign or signal, or endanger public safety.
 4. Any tree or shrub or part thereof found to be in violation of the provisions of this section shall be declared to be a public nuisance and shall be subject to abatement, as set forth in this policy.

A property owner shall have the right to contest such taking by the City Forester and have such rights, as provided in Chapter 117 of the Minnesota Statutes relating to the "taking of real property".

F. PLANTING, REMOVAL, MAINTENANCE, AND PROTECTION OF PUBLIC TREES AND SHRUBS.

1. Permit Required. No person shall plant, remove, maintain or protect any public tree or shrub, or cause such work to be done without obtaining a written permit from the City Forester.
2. Application and Approval. Any person desiring to plant, remove, maintain, or protect any public tree or shrub shall apply in writing to the City Forester for a permit to do such work. Such application shall specify the location and description of the proposed work. If the City Forester determines that the proposed work is necessary and in accord with the purposes of this policy, taking into account the safety, health, and welfare of the public, location of utilities, public sidewalks, driveways and street lights, general character and aesthetic quality of the area in which the tree or shrub is located or proposed to be located, and the soil conditions and physiological needs of the tree or shrub, he shall issue a permit to the applicant.
3. Permit Form, Expiration, Compliance, Inspection. Permits shall be issued by the City Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species, variety, size, grade, and location of trees or shrubs to be planted if any. Any work done under such permit shall be performed in strict compliance with the terms thereof and with the arboricultural specification and standard set forth under Subsection 5. of this section. The City Forester may inspect all work performed pursuant to this section. Permits issued under this section shall expire six (6) months after issuance.
4. Permit Exceptions. No permit shall be required to cultivate, water, or fertilize any public tree or shrub or to take the necessary action to guard the public safety or clear the public way in the event of a storm, accident or other emergency.
5. Arboricultural Specifications and Standards. The following specifications and standards are hereby established for the planting, trimming, and removal of all public trees and shrubs within the City. (For purposes of this section, "street tree" shall mean any tree presently or hereafter located on the public way between the curb and the public sidewalk.)
 - a. Planting
 1. No tree shall hereafter be planted which is less than one (1) inch in diameter at six (6) inches above the ground and a height of six (6) feet minimum.
 2. No street tree shall be planted closer than two (2) feet from the curb

line or the street edge of the sidewalk.

3. No street tree shall be planted within the designated clear-sight triangle or less than thirty (30) feet from any street corner, whichever is greater.
4. All street trees shall be planted in line with each other and shall be spaced not less than thirty (30) feet apart. The actual spacing shall depend on specific site factors and the species to be planted.
5. All trees and shrubs to be planted bare root shall have incorporated about their roots a good quality of soil mixture.
6. The following are allowable trees in public ways or as indicated:

	Tree	Plant under Power Line
1" diameter at 6" above ground	Elm: Discovery Elm New Horizon Elm Valley Forge Elm	NO 
	Honeylocust: Skyline Honeylocust Northern Acclaim Honeylocust Sunburst Honeylocust	
	Hackberry	
	Linden: Greenspire Linden American Sentry Linden Frontyard Linden	
	Maple: Fall Fiesta Sugar Maple Green Mt. Sugar Maple Royal Red Maple	
	Oak: Burr Oak Northern Pin Oak	

7. The specific size, location, spacing, genus, species, variety, and manner of planting of street trees shall be determined by the City Forester.
 8. No planting of trees and shrubs within a ten (10) foot radius of fire hydrants.
- b. Trimming
1. All dead and decaying branches, stubs, suckers, and water sprouts shall be removed.

2. Crown shall be thinned as necessary to promote the general health and vigor of the tree. The weaker or crossed or rubbing branches and the weaker side of narrow crotches shall be removed.
3. All Pruning cuts shall be done by the natural target pruning method (see Appendix I)
4. All trees and shrubs shall be trimmed to preserve and enhance the natural form and character of the species.

c. Removal

1. Trees shall be completely removed from the growing site and disposed of in the proper manner. Any person or firm engaged in the removal of any public tree or shrub shall have the necessary limits of insurance and shall be held liable for any injury or damage to persons or property.
2. Stumps shall be removed from the growing site by grinding or other means to a depth suitable for future plantings of trees shrubs, or turf. The hole created by removal of a stump shall be filled with quality soil and seeded.
3. Spraying, injecting, fertilizing, bracing, and surgery shall be done in a neat and professional manner according to accepted industry standards and in compliance with all laws governing the use of pesticides.

G. APPEAL FROM ORDER OF THE CITY FORESTER.

A person who receives a violation notice from the City Forester and objects to all or part thereof may, within eight (8) days of the receipt of order, notify the Park and Recreation Commissioners of the City of Redwood Falls and the City Forester in writing of the nature of the objection and request a hearing. Within eight (8) days of the receipt of such notice of appeal, the Park and Recreation Commissioners shall schedule a hearing before said Board or its designated subcommittee, to hear the objection. The hearing shall be held within thirty (30) days of notice to the appellant. The City Forester shall be present at such hearing. The appellant is entitled to representation by counsel. Within eight (8) days after such hearing, the Commission shall notify in writing the appellant and the City Forester of this decision. The Commission may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this policy.

H. PENALTY.

Every person convicted of a violation of this second shall suffer a forfeiture not to exceed \$100 together with costs of prosecution, and in lieu of payment

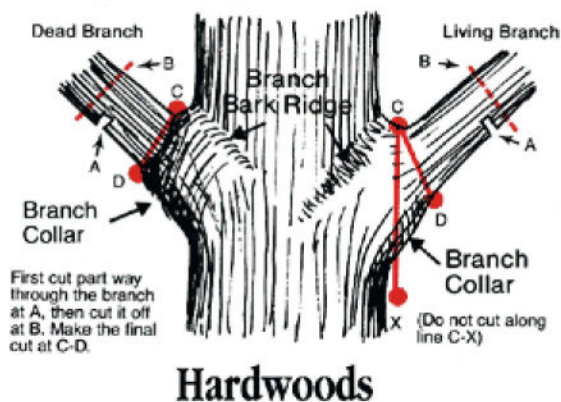
assessed, imprisonment for a period not to exceed thirty (30) days in the County jail.

APPENDIX I

Pruning Trees - Natural Target Pruning Method

The practice of natural target pruning makes use of the branch collar to identify the proper location to remove a branch. But there is a three-cut process that must be used to remove branches in order to preserve the bark tissue and the branch collar. Correct pruning is the best thing you can do for your tree.

- ✂ The **first cut** (marked A in figures below) is an undercut about 1/4 through the branch made upward from the bottom of the branch about one or two inches farther out than the collar.
- ✂ The **second cut** (marked B in figures below) is a downward cut just outside the undercut that actually removes the entire branch, eliminating the weight of the branch before making the final natural target cut.
- ✂ The **third cut** (marked C-D in figures below) is the natural target cut. The remaining portion of stub is removed with a cut made just outside of the branch collar tissue.

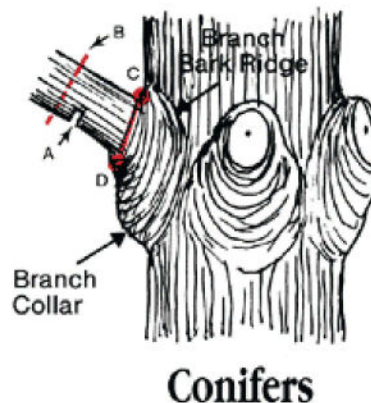


(Figure 7-8) Pruning Hardwoods to Protect Branch Collars. A three cut process.

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The best time to prune living branches is late in the dormant season or very early in spring before leaves form. Dead and dying branches can be pruned anytime. Use sharp tools! Make clean cuts. Do not apply house paints, wood preservatives, or heavy coats of any material. Research shows that wound dressings do not stop decay or stall rot. Do not interfere with the natural process. Do NOT top trees.

(Figure 7-9) Pruning Conifers to Protect Branch Collars.

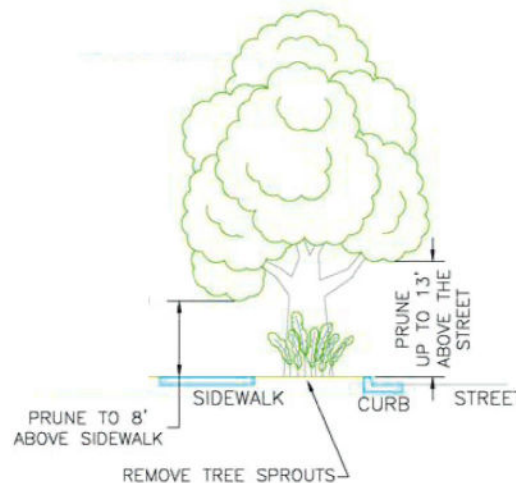
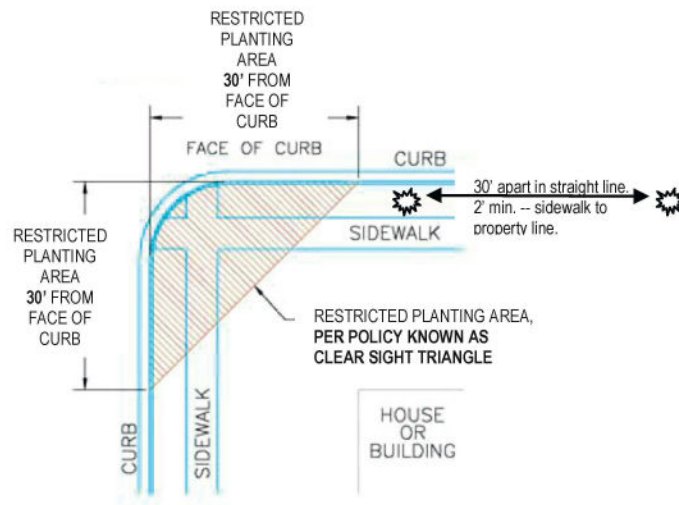


The first two cuts remove the weight of the branch. This will prevent the bark from being ripped off the trunk at and below the branch collar. In our "rule of thumb" example, this would be similar to a hangnail on your finger.

APPENDIX II

BOULEVARD TREE PLANTING

1. Boulevard trees should not be planted on city boulevards where the distance between the inside of the curb and the street edge of the sidewalk is less than four feet. On such narrow boulevards where the curb to sidewalk distance is less than four feet, residents should consider planting their trees at least two feet inside of the sidewalk.
2. Boulevard trees should be planted at least 30 feet from the street corner to provide a clear-sight triangle at street intersections.
3. Boulevard trees should be planted in line with each other on the boulevard, and should be spaced at least 30 feet apart.
4. Once you decide on a location for a tree, place a stake or marker and then **BEFORE YOU DIG** call Gopher State One Call 1-800-252-1166. This toll free service will locate any buried utilities that may be beneath your planting site. **Remember**, the phone call before you dig is FREE. You are responsible for any damages created by digging without getting utility locations first.
5. Plan on watering and maintaining your new shade tree for at least a couple of years until it has had time to become established.



APPENDIX III

CITY OF REDWOOD FALLS BOULEVARD TREE APPLICATION/PERMIT FORM

APPLICATION TO PLANT, REMOVE, MAINTAIN OR PROTECT ANY PUBLIC TREE OR SHRUB	
APPLICANT NAME:	DATE OF APPLICATION:
APPLICANT ADDRESS:	DESCRIBE PROPOSED WORK:
SPECIFY LOCATION OF PROPOSED WORK:	IF PLANTING, STATE SPECIES, GENUS, VARIETY & SIZE:
OTHER PERTINENT INFORMATION:	
APPLICANT'S SIGNATURE: X _____	FOR OFFICE USE ONLY: <input type="checkbox"/> APPROVED (PERMIT BELOW) <input type="checkbox"/> DENIED DATE: _____

<i>City of Redwood Falls Boulevard Tree Permit</i>	
PERMITEE:	EXPIRATION DATE OF PERMIT:
PERMITEE ADDRESS:	LOCATION AND DESCRIPTION OF WORK:
IF PLANTING:	
SPECIES, GENUS, VARIETY & SIZE TO BE PLANTED PER POLICY:	
OTHER PERTINENT INFORMATION:	
APPROVED BY:	TITLE: CITY FORESTER
COMPLETION INSPECTION DATE:	COMPLIANCE WITH POLICY: <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> COPY TO APPLICANT <input type="checkbox"/> COPY TO FORESTER <input type="checkbox"/> COPY FOR OFFICE FILE	