



## SHADE TREE PRESERVATION ORDINANCE

### **Sec. 26-330. – Purpose.**

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare of the citizens of East Bethel by preserving the City's community forest and significant trees. Trees and woodlands provide numerous environmental, economic and scenic benefits including filtering air pollutants, absorbing stormwater runoff, providing wildlife habitat, moderating temperatures, reducing cooling costs, increasing property value, providing scenic beauty, and providing sound and visual buffers.

### **Sec. 26-331. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Hazardous tree* means any tree or shrub which in the opinion of the City Forester, which by reason of location, condition, disease or damage has become or threatens to become a hazard so as to adversely affect the public safety, whether such tree or shrub shall be on public or private property.

*Shade tree* means any deciduous or coniferous tree situated in the City.

*Significant tree* means any live healthy tree measuring 8 inches in diameter or greater, measured at 4.5 feet above the ground.

### **Sec. 26-332. - Tree Commission.**

The City Council hereby establishes a Tree Commission. The composition and duties of the Tree Commission may be established and changed from time to time by resolution of the City Council. Until and unless such a resolution is adopted, the Tree Commission shall consist of the members of the City's Park Commission. The Tree Commission shall advise the City Council on matters affecting the community forest, in addition to such other duties as may be established by resolution.

### **Sec. 26-333. - City Forester.**

(a) *Position created.* The position of City Forester is hereby created. The City's Public Works Director shall be the City Forester. The powers and duties set forth in this subchapter are hereby conferred upon the City Forester or his or her duly authorized agent.

(b) *Duties.* It is the duty of the City Forester to coordinate, maintain and administer, under the direction and control of the City Administrator, all activities of the city relating to shade tree management and to the control and prevention of Dutch elm disease, oak wilt disease, emerald ash borer, and other epidemic diseases including insect and fungal infestation of shade trees of public trees in and on City parks, property, open spaces and along the public right-of-way.

### **Sec. 26-334. - Public tree care.**

The city has the right to plant, prune, maintain, remove or perform any other arboricultural practices as reasonably necessary to serve the public good on all public property including the

street right-of-way to ensure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

**Sec. 26-335. - Abuse or mutilation of public trees on City property, excluding street right-of-way.**

Unless specifically authorized by the City Forester, no person shall intentionally damage, cut, carve, transplant, remove any tree, attach any rope, wire, nails, advertising poster, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to come in contact with any tree, or set fire or permit any fire to burn when the heat could injure any portion of any tree, or top a tree by severely cutting back the tree canopy to a stub on any City property, excluding street right-of-way.

**Sec. 26-336. - Minimum Height of Tree Limbs.**

All limbs of trees or portions of limbs which overhang public streets and sidewalks that are less than 14 feet above the surface shall constitute a nuisance and are prohibited. This section shall not apply to any tree to which pruning or trimming would endanger the tree's health as determined by the City Forester.

**Sec. 26-337. - Diseased and Hazardous Trees.**

(a) *Findings and declaration of purpose.* The health of trees in the city may be threatened by epidemic shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to, and in accordance with, Minnesota Statutes, sections 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted by reference as an effort to control and prevent the spread of any shade tree pests.

(b) *Declaration of a shade tree pest.* The City Council may declare any vertebrate or invertebrate, animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or the community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minnesota Statute, section 89.001, as adopted or amended.

**Sec. 26-338. - Tree Preservation Requirements.**

Tree preservation requirements for subdivisions are described in Chapter 66, Article VIII of East Bethel City Code.

**Sec. 26-339. – Penalty.**

Any person violating the provisions of this article shall be guilty of a misdemeanor and may be punished as provided in section 1-14.

**Adopted by the City Council of the City of East Bethel, Minnesota, this 20<sup>th</sup> day of April, 2016.**



## *East Bethel City Hall*

2241 221<sup>st</sup> Ave NE | East Bethel, MN 55011  
Phone: (763) 367-7844 | Fax: (763) 434-9578

Please contact **East Bethel City Hall** with any questions in regards to this ordinance.

### **Call:**

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