

Title XVII Chapter 94 Trees

Tree Regulations

170.94.50 Trees; Definitions

A. 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.

B. Park Trees - Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

170.94.51 Trees; Street Species To Be Planted

A list of acceptable trees for the City of Stanton, State of Nebraska, will be kept at the City Hall. The list of acceptable trees will be revised or updated on a regular basis or as the need arises. No species other than those included in the list of acceptable trees may be planted as street trees without permission of the City Tree Board.

170.94.52 Trees; Spacing

The spacing of street trees will be in accordance with the tree species size classes as indicated on the list of acceptable trees, and no trees may be planted closer together than the following: small trees, twenty-five feet (25'); medium trees, thirty three feet (33'); and large trees, forty feet (40'); except in special plantings designed or approved by a landscape architect.

170.94.53 Trees; Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the tree species size classes as indicated on the list of acceptable trees and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet (2'); medium trees, three feet (3'); and large trees, four feet (4').

170.94.54 Trees; Distance from Street Corners and Fireplugs

No street tree shall be planted closer than thirty-five feet (35') of any street corner, measured from the point of nearest intersection curbs or curb lines. No street tree shall be planted closer than ten feet (10') to any fireplug.

170.94.55 Trees; Utilities

No street trees other than those species listed as small trees on the list of acceptable trees 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 under ground water line, sewer line, transmission line or

other utility. It shall be the general philosophy of the City Tree Board not to recommend planting of a tree under a utility line. However, in those instances where a property owner desires to plant a tree in the area in between the street and the sidewalk, where the potential height of the tree at maturity will come in conflict with a utility line, the appropriateness of planting a tree or the type of tree or shrub to be planted, will be determined on a case by case basis by the City Tree Board.

170.94.56 Trees; Public Tree Care

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 City employees and Utility companies may trim or remove city trees in an emergency situation without notifying the Stanton Tree Board or adjacent property owners when there is eminent danger to life or property.

The City Tree Board 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 lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing the selection and location of said trees is in accordance with Sections 94.51 through 94.55 of this Article.

170.94.57 Trees; Tree Topping

It shall be unlawful as a normal practice for any person, firm or city department 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 (3") in diameter within the tree's crown to such a degree 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 ordinance at the determination of the City Tree Board.

170.94.58 Trees; Corner Clearance

Every owner of any tree overhanging any street or right of way within the City shall prune the branches so that such branches shall not obstruct the light from the street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from the street light or interferes with visibility of any traffic control device or sign.

170.94.59 Trees; Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on

private property within the City when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

170.94.60 Trees; 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.

170.94.61 Trees; Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided however, that no license shall be required of any public service company, city employee, or Stanton Tree Board member, doing such work in pursuit of their public endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and One Hundred Thousand Dollars (\$100,000.00) for property damage indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.