

CHAPTER 91: TREES

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GENERAL PROVISIONS**§ 91.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. 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.

STREET TREES. 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.

(Ord. passed 3-9-11)

§ 91.02 SHADE TREE REGULATIONS ADOPTED BY REFERENCE.

(A) Minn. Rules parts 1505.0010 to 1505.0600, as amended from time to time, are adopted by reference and made a part of this section as if set out here in full, except as hereinafter provided. A copy of said agency rules herewith incorporated is on file in the City Clerk-Treasurer's office.

(B) The stockpiling of bark bearing elm wood within the city limits of the City of Byron shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this section and the regulations incorporated thereby.

(C) Where the provisions of this section conflict or are inconsistent with any other ordinance of the city, the provisions of this section shall supercede except in instances where one regulation is more restrictive than another, in which case the more restrictive shall apply and control.

(D) Any person who shall violate any provisions of section shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine of not to exceed \$100, or to imprisonment of not to exceed 90 days, or both.

(Ord. passed 3-9-11)

TREE BOARD**§ 91.20 BOARD CREATED.**

The Byron Park Board for the City of Byron, Minnesota, which consists of five members, citizens and residents of this city, who are appointed by the Mayor with the approval of the City Council, will review this policy annually.

(Ord. passed 3-9-11)

TREE PLANTING REGULATIONS**§ 91.35 STREET TREE SPECIES TO BE PLANTED.**

The following list constitutes the official street tree species for Byron, Minnesota. No species other than those included in this list may be planted as street trees without written permission of the Park Board.

Medium Trees

Ginkgo Biloba
 Autumn Gold
 Princeton Sentry

(Ord. passed 3-9-11)

Large Trees

Greenspine Linden
 American Linden
 American Sentry Linden
 Redmond Linden

§ 91.36 SPACING.

The spacing of street trees will be in accordance with the two species size classes listed in § 91.35, and no trees may be planted closer together than the following: medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(Ord. passed 3-9-11)

§ 91.37 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the two species size classes listed in § 91.35. All trees are to be planted a minimum of five feet from the curb and a minimum of five feet from the sidewalk. In the older section of the city where the five foot minimum requirement cannot be met, street trees may be replanted between the curb and sidewalk.

(Ord. passed 3-9-11)

§ 91.38 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curblines. No street tree shall be planted closer than 15 feet of any fire hydrant.

(Ord. passed 3-9-11)

§ 91.39 UTILITIES.

No street trees may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. passed 3-9-11)

§ 91.40 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 Park 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 that the selection and location of the trees is in accordance with §§ 91.35 through 91.39.

(Ord. passed 3-9-11)

§ 91.41 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 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 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 chapter at the determination of the Park Board.

(Ord. passed 3-9-11) Penalty, see § 91.99

§ 91.42 PRUNING, CORNER CLEARANCE; STREET TREES.

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 any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners 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 a street light or interferes with visibility of any traffic control device or sign and assess cost of pruning on the owner's property tax notice.

(Ord. passed 3-9-11)

§ 91.43 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY AND BOULEVARD.

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 Park Board will notify in writing the owners of such trees. Removal shall be done by said owners of such trees. Removal shall be done by said owners at their own expense within 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 assess cost of removal on the owners property tax notice.

(Ord. passed 3-9-11)

§ 91.44 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. Removal of stumps shall be done by said owner of such trees at their own expense within 60 days after the street tree has been removed. In the event of failure of owners to remove the stumps, the city shall have the authority to remove such stumps as assess cost of removal on the owner's property tax notice.

(Ord. passed 3-9-11)

§ 91.99 PENALTY.

Any person convicted of a violation of this chapter shall be guilty of a misdemeanor, subject to a fine of \$700 and/or 90 days in jail.

(Ord. passed 3-9-11)

