

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; Am. Ord. 2016-06, passed 11-15-16)

§ 91.02 SHADE TREE REGULATIONS ADOPTED BY REFERENCE.

(A) M.S. §§ 89.001, 89.01 and 89.51 through 89.64, 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 office.

(B) It shall be unlawful to store or otherwise harbor, on any property in the city, the material from any diseased or infected trees.

(C) Where the provisions of this section conflict or are inconsistent with any other ordinance of the city, the provisions of this section shall supersede 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.
(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 91.03 DESIGNATION AND DUTIES OF CITY.

(A) The city shall have jurisdiction and supervision over all trees, shrubs, and plants located within street right-of-ways, parks and public places in the city, and trees, shrubs and plants located on private property that may constitute a hazard or threat to the public.

(B) The city may direct the planting, care, maintenance, removal and replacement of any tree, shrub or plant on public grounds and the removal of diseased and/or dead trees or shrubs on private property. This will be done at the owner's expense.
(Ord. 2016-06, passed 11-15-16)

TREE PLANTING REGULATIONS**§ 91.35 PERMITS.**

Any new tree planted on a city street right-of-way that would constitute a street tree must first be approved by the city. A written permit stating the exact location and variety of tree must be obtained before planting. The city will make available an approved list of street trees.
(Ord. 2016-06, passed 11-15-16)

§ 91.36 STREET TREE SPECIES TO BE PLANTED.

A list constituting the official street tree species for Byron, Minnesota shall be detailed in a city resolution. No species other than those included in the list may be planted as street trees without written permission from the city.
(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 91.37 SPACING.

The spacing of street trees will be in accordance with the three species size classes listed in the city resolution, 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 the city.
(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 91.38 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in the city resolution. All trees are to be planted a minimum of five feet from the curb and a minimum of five feet from the bike trail/sidewalk. No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curb-lines. No street tree shall be planted closer than 15 feet of any fire hydrant.
(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 91.39 UTILITIES.

No street trees may be planted under or within ten lateral feet of any overhead utility wire or over or within ten lateral feet of any underground water line, sewer line, transmission line or other utility.
(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 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 city 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. The city shall not replace nor pay to replace street trees that are removed for any reason noted above.

(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 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 city.

(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16) Penalty, see § 91.99

§ 91.42 PRUNING, CORNER CLEARANCE; STREET TREES, STREET LIGHTS AND LIGHTING.

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 eleven 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; Am. Ord. 2016-06, passed 11-15-16)

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

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 eleven 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; Am. Ord. 2016-06, passed 11-15-16)

§ 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.

(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

§ 91.99 PENALTY.

Any person convicted of a violation of this chapter shall be guilty of a misdemeanor.

(Ord. passed 3-9-11; Am. Ord. 2016-06, passed 11-15-16)

Resolution 16 - 42

City of Byron Approved
List of Trees to Accompany
Ordinance Chapter 91 Trees

Whereas, the City of Byron has utilized City Ordinance Chapter 91 to regulate trees.

Whereas, the City of Byron feels that the list of approved trees previously included as part of Chapter 91 can be better managed and more easily updated by placing the approved tree list in a Resolution.

And Whereas, the City of Byron has determined that the trees listed below are the approved trees effective January 1, 2017 until superseded with a new resolution.

Small Trees/Bushes

Firelight Spirea
or Birchleaf Spirea
Dwarf-Loose Sumac

Medium Trees

Ginkgo Biloba
Autumn Gold
Princeton Sentry
Red Baron Crabapple
Service Berry
Buffalo Juniper

Large Trees

Greenspire/American Linden
Kentucky Coffee Tree
American Sentry Linden
Redmond Linden
Honeylocust Imperial
Red Sunset Maple
Swamp White Oak
Hackberry
American Elm (Resistant Cultivars)
Firefall Maple

Large Trees Continued:

Basswood
Tulip Tree
Sienna Glen Maple
White Oak
Cucumber Tree Magnolia
Burr Oak
Bitternut Hickory

Adopted by affirmative vote of the City Council of Byron this 29th day of November, 2016.

CITY OF BYRON

ATTEST:

: _____
Ann M. Diercks, Mayor

By: _____
Mary K. Blair-Hoefl, City Administrator