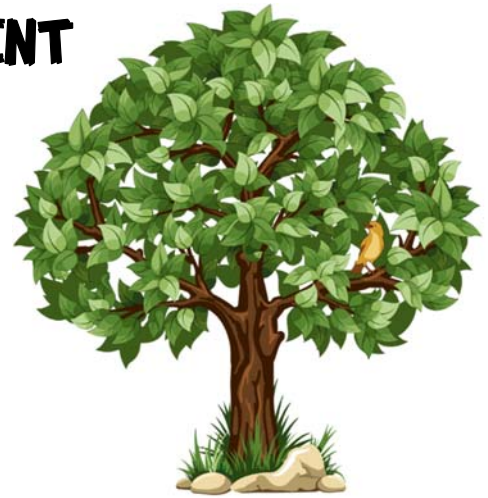


**PARTNERS IN PLANTING
BOULEVARD TREE REPLACEMENT
REIMBURSEMENT REQUEST**



NAME:

PROPERTY ADDRESS:

PHONE:

SPECIES OF TREE:

RECEIPT ATTACHED

COMMENTS:

Site Inspected: _____

Approval Amount: _____

ARTICLE 7 – PLANTING, MAINTENANCE, AND REMOVAL OF TREES AND SHRUBS

3.0701 Purpose

It is declared the public policy of the City of Oakes that orderly planning and compliance with uniform standards regarding the planting, maintenance, and removal of trees and shrubs within its jurisdiction is necessary for the health, safety, and welfare of its residents. It is the purpose, therefore, of this article to ensure that trees and shrubs are planted and maintained in a manner that enhances the visual appeal of the City, traffic safety, and property values.

3.0702 Definitions

As used herein the following definitions apply:

“Master List” – a listing of varieties of trees and shrubs determined by the City Council as acceptable for planting in the City. List will be reviewed by the Community Forester and will be available at City Hall.

“Street” – means the traffic roadway and adjacent boulevards and berms.

3.0703 Public Trees

The City Council shall have control over all trees and shrubs planted or now growing on City owned property and shall be solely responsible to determine the kind and location of such trees, shrubs, and plants. Any elm tree or dead elm wood on the property which is a public nuisance as defined in this article shall be promptly removed and burned within 30 (thirty) days of notification.

The costs for removing any diseased tree, including the stump, located not in the boulevard will be shared between the City of Oakes and the property owner at 50% each. The costs for removing any diseased tree, including the stump, located in the boulevard will be at the total expense of the City. In the case the owner of any lot in the City refuses or neglects to remove such diseased tree within the time specified, the same may be removed by or under the direction of the city supervisor, and the necessary expenses shall be charged against the property by special assessment in the manner prescribed in Section 3.0710.

Trees may not be planted within 35 feet of any intersection or within 15 feet of any driveway, alley, or utility pole (measuring from the edge of each object). Existing trees that violate this restriction are allowed to remain unless the Oakes Police Department determines the tree is a safety hazard.

Any trees removed within restricted area will not be replaced.

City Council or City Forester will determine classification of tree size by motion and spacing of trees shall be as follows:

1. Large trees (50 feet plus) – Boulevard width shall be 7 feet to 9.5 feet or larger depending on the species and planted at the middle distance between the sidewalk and the curb edge.
2. Medium trees (30 – 50 feet) – Boulevard width shall be 5.5 feet to 7 feet or larger depending on the species and planted at the middle distance between the sidewalk and the curb edge.
3. Small tree (less than 30 feet) – Boulevard width shall be 4 feet to 7 feet or larger depending on the species and planted at the middle distance between the sidewalk and the curb edge.
4. The distance between trees shall be a minimum of 30 feet. Other distances shall be as followed:
 - a. At least 8 feet from any water lines and fire hydrants
 - b. Trees less than 30 feet shall be planted under the powerlines

3.0704 Private Trees

All trees, shrubs, and hedges planted on private property must be at least three (3) feet from all property lines, and no tree shall be closer than four (4) feet from any sidewalk or the normal location of

any sidewalk from the curb.

3.0705 Notification of Planting and Permission to Plant

Any person desiring to plant any trees, plants or shrubs within the streets of the City shall, before planting, notify the City Forester or City Auditor stating the variety and precise location proposed for each tree, plant or shrub. A locate should be requested to

3.0706 Tree Varieties Allowed

All acceptable varieties of trees that can be planted within the City will be listed on a master list which shall be adopted by the City Council and filed with the City Auditor.

3.0707 Establishment and Duties of Tree Committee

There is hereby established a Tree Committee for the City which consists of five members, residents of this City and the City Forester, who shall be appointed by the mayor with the approval of the City governing body. The terms of committee members shall be three years, except that the term of two of the members appointed to the first committee shall be for only one year, and the term of two members of the first committee shall be for two years. In the event that a vacancy occurs during the term of any committee member, a successor shall be appointed for the unexpired portion of the term. Members of the committee shall serve without compensation.

The Tree Committee shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. It shall be the responsibility of the committee to study, develop, update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall be presented annually to the City governing body and upon their acceptance and approval shall constitute the comprehensive tree plan for the City.

3.0708 Public Safety and Protection of Property – Hazards Defined and Prohibited

All trees and shrubs within the City shall be pruned or removed when such trees or shrubs constitute a hazard to life and property, as determined by City Forester or Chief of Police, or harbor insects and disease which constitute a threat to other trees and shrubs within the City. The owner will be billed for the City work done in the removal of one-half (1/2) the cost of removal of the hazardous plant, tree, or shrub including stump. No city payment or reimbursement will be made to the owner unless the removal has had prior approval by the City in writing signed by the owner and a representative of the City in their official capacity. Such hazards include:

1. Any tree, shrub, or hedge, or any part of such, which is diseased or over aged and is clearly deteriorating.
2. Any living or standing elm tree (*Ulmus* spp.), or part of any tree, infected to any degree with Dutch Elm Disease fungus (*Ceratocystis ulmi*), or which harbors any of the elm bark beetles capable of transmitting this fungus (*Scolytus multistriatus* or *Hylurgopinus rufipes*);
3. Any dead elm tree or part of any tree, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and properly disposed of;
4. Any tree, shrub, or hedge, or any part of which is obstructing or shading streetlights, obstructing the passage of pedestrians on sidewalks, obstructing the vision of traffic signs, or obstructing the view of any street or alley intersection.

3.0709 Removal of Illegal Plantings or Hazards

1. In addition to all other remedies provided, the City Auditor upon the recommendation of the City Forester, City Council, or Chief of Police hereby empowered to order the removal of any trees or shrubs planted or maintained in violation of this article. Stumps of all removed trees shall be cut to at least three (3) inches below the ground, the soil replaced, and the area leveled.
2. The City Auditor shall notify in writing and by registered mail the owners of such trees or shrubs. Pruning or removal shall be done by the owners at their own expense within thirty (30) days after notification.

3.0710 Action of City Upon Noncompliance – Costs

Upon the failure, neglect, or refusal of any owner so notified to prune or remove the specified trees and shrubs, the City shall have the authority to prune or remove the specified trees or shrubs. When the City has effected the removal of such hazardous trees or shrubs or has paid for their removal, the actual cost thereof, if not paid by the property owner, shall be charged and assessed against the property upon which the hazardous or diseased trees and shrubs are growing.

3.0711 Penalty

Any person who shall violate any of the provisions of this article shall be guilty of a violation and be subject to a fine of twenty-five (\$25.00) for the first violation and for each subsequent violation within 6 months from the first offense double the fine up to one-thousand (\$1000.00).