

## SECTION I

### DEFINITIONS

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 other rights of way within the city.

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.

## SECTION II

### CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

There is hereby created and established a Town Tree Board for the town of Olney Springs which shall consist of members, citizens, and residents of this city, or the surrounding area, who shall be appointed by the mayor with the approval of the Town Board.

## SECTION III

### TERMS OF OFFICE

The term of the seven (7) persons appointed by the mayor shall be three years except that the term of three of the members appointed to the first board shall be for only one year and the term of four members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired term.

## SECTION IV

### COMPENSATION

Members of the board shall serve without compensation.

## SECTION V

### PRIVILEGES

It shall be the privilege of the Board to study, investigate, counsel, and develop and/or update annually, 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 will be presented annually to the Town Board and upon their acceptance and approval shall constitute the official comprehensive

community tree plan for the town of Olney Springs.

The Board, when requested by the Town Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

#### SECTION VI

##### OPERATION

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

#### SECTION VIII

##### TREE SPECIES TO BE PLANTED

The Town Tree Board develops and maintains a list of desirable trees for planting along streets in two size-classes: small and large. A list of trees not suitable for planting will also be created and administered by the Tree Board.

##### LARGE DECIDUOUS TREES 35' + OR -

Ash, Arizona - 3	Locust, Black
<i>Fraxinus velutina</i>	<i>Rabinia pseudoacacia</i>
Ash, Green - 3	Mulberry, Fruitless
<i>Fraxinus pennsylvanica laneolata</i>	<i>Morus alba</i> 'Fruitless'
Box Elder	Mulberry, Paper
<i>Acer negundo</i>	<i>Broussonetia papyrifera</i>
Bois d'Arc Cultivars	Oak, Black-jack
<i>Maclura pomifera</i> 'Pawhuska'	<i>Quercus marilandica</i>
and 'Chetopa'	Oak, Bur
Catalpa, Western	<i>Quercus macrocarpa</i>
<i>Catalpa speciosa</i>	Oak, Chinkapin
Cottonwood, male - 3	<i>Quercus muehlebergi</i>
<i>Populus deltoides</i>	Oak, Post
Coffeetree, Kentucky	<i>Quercus stellata</i>
<i>Gymnocladus dioicus</i>	Oak, Shumard
Cypress, Bald - 3	<i>Quercus shumardi</i>
<i>Taxodium distichum</i>	Oak, Sawtooth
Cypress, Pond - 3	<i>Quercus actissima</i>
<i>Taxodium ascendens</i>	Pecan, Native
Elm, Lacebard	<i>Carya illinoensis</i>
<i>Ulmus parvifolia</i>	Pistache, chinese - 3
Hackberry	<i>Pistachis Chinensis</i>
<i>Celtis occidentalis</i>	Sycamore
Honeylocust Cultivars, i.e.,	<i>Plantanus occidentalis</i>
Moraine; Shademaster, <i>Gleditsia</i>	Tree-of-heaven
<i>triacanthos</i> c.v.	<i>Ailanthus altissima</i>
Linden, American	Walnut, Black
<i>Tilia americana</i>	<i>Juglans nigra</i>

- 1 - Spring Flowers
- 2 - Summer Flowers
- 3 - Fall Flowers or Foliage Color
- 4 - Ornamental Fruit

SMALL DECIDUOUS TREES 15' + OR -

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Apricot - 1</li> <li>Prunus armeniaca</li> <li>Crabapple</li> <li>Malus spp.</li> <li>*Elm, Golden Lacebark</li> <li>Ulmus parvifolia aurea</li> <li>Euonymus, Pink Lady</li> <li>E. bungeana 'Pink Lady'</li> <li>Goldenrain Tree - 2 &amp; 4</li> <li>Koelreuteria paniculata</li> <li>Lilac, Japanese Tree - 1 &amp; 4</li> <li>Syringa amurensis japonica</li> <li>*Maple, Amur - 3</li> <li>Acer ginnala</li> <li>*Mapel, Bigtooth - 3</li> <li>Acer grandidentatum</li> <li>*Maple, Tatarian - 3</li> <li>Acer tataricum</li> </ul> | <ul style="list-style-type: none"> <li>Mulberry, Chapparral Weeping</li> <li>Morus alba 'Chapparral'</li> <li>(Fruitless)</li> <li>Pear, Bradford - 1 &amp; 3</li> <li>Pyrus calleryana</li> <li>'Bradford'</li> <li>Russian Olive</li> <li>Elaeagnus angustifolia</li> <li>Smoke Tree, Purple - 3 &amp; 4</li> <li>Cotinus coggygria</li> <li>Soapberry - 3 &amp; 4</li> <li>Sapindus drummondi</li> <li>Sumac</li> <li>Rhus spp.</li> <li>Willow, Desert - 2</li> <li>Chilopsis linearis</li> </ul> |
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\*Protected sites from all SW wind; shade and extra irrigation for most.

- 1 - Spring Flowers
- 2 - Summer Flowers
- 3 - Fall Flowers or Foliage Color
- 4 - Ornamental Fruit

SECTION IX

SPACING

The spacing of street trees will be in accordance with the two species size-classes listed in Section VIII of this ordinance, and no trees may be planted closer together than the following: small trees-- 20-feet; large trees-- 40-feet; except in special plantings designed or approved by a landscape architect.

SECTION X

DISTANCE FROM CURBS AND SIDEWALKS

The distance trees may be planted from curbs or curblines and sidewalks, will be in accordance with the three species size classes listed in Section III of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees-- 2-feet; medium trees-- 3-feet; and large trees--

4-feet.

## SECTION XI

### 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 intersecting curbs or curblines. No street tree shall be planted closer than 10-feet of any fire-hydrant.

## SECTION XII

### UTILITIES

No street tree other than those species listed as small trees in Section III of this ordinance may be planted under or within 10-feet of any overhead utility wire.

## SECTION XIII

### PUBLIC TREE CARE

The town 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 Town 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 improvements, 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 said trees is in accordance with Sections VIII through XIII of this ordinance.

## SECTION XIV

### TREE TOPPING

It shall be discouraged 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 3-inches in the normal canopy and cause to 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 Town Tree Board.

## SECTION XV

### PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way with the city shall prune the branches so that such branches shall not (severely) 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 13-feet above the street surface or 8-feet above the sidewalk surface. 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 town 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 lamp, or interferes with visibility of any traffic control device or sign.

#### SECTION XVI

##### DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The town shall have the right to cause the removal of any dead or diseased trees on private property within the town, 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 town. The Town Tree Board will notify in writing the owners of such tree. 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 town shall have the authority to remove said trees and charge the cost of removal on the owner's property tax notice.

#### SECTION XVII

##### 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.

#### SECTION XVIII

##### FIREWOOD FROM ELM TREES

It shall be unlawful for any person to stack or pile green, dying, or dead wood from elm trees within the town limits, unless such wood is entirely covered by plastic, canvas, or other material which is penetration resistant to the Elm Bark Beetle.

#### SECTION XIX

##### INTERFERENCE WITH TOWN TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds as authorized in this ordinance.

SECTION XX

ARBORIST 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 town without first applying for and procuring a license from the town. The license fee shall be \$25 annually to be paid in advance; provided, however, that no license shall be required of any public service company or town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 for property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION XXI

REVIEW BY TOWN BOARD

The Town Board shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal any ruling or order of the Town Tree Board to the Town Board who may hear the matter and make final decisions.

SECTION XXII

PENALTY

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to fines not to exceed the cost of correcting each violation by town employees or a licensed arborist, for each violation.

*Ed Anderson Myer*

August 10, 1991