

## **ORDINANCE NO. 156**

AN ORDINANCE RELATING TO TREES AND SHRUBS WITHIN THE CITY OF WASHBURN, ND  
BE IT ORDAINED by the City Commission of the City of Washburn, State of North Dakota.

This ordinance shall repeal and replace all other ordinances related to Trees of Washburn, ND.

### **SECTION 1. DEFINITIONS**

“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.

“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.

- A. Boulevard Tree/Street Tree/Alley Tree- trees lying between property lines and the street or avenue.
- B. Park Tree- trees in public parks, on city owned area, and in areas to which public has access.
- C. Private Tree- trees on private property.
- D. Right-of-way- the land over which a public road is built.
- E. Easement- limited use of land belonging to an individual.
- F. Boulevard- the broad, often landscaped, area abutting street or road
- G. Alter- to take action by cutting or pruning a tree, or by filling, surfacing, gardening, compacting, or changing the draining pattern of the soil around any tree in a manner that threatens to diminish the health of a tree.

### **SECTION 2. PURPOSE OF ORDINANCE**

This ordinance establishes polices, regulations, and standards necessary to ensure that the City of Washburn will continue to realize benefits from its community forest by providing for the regulation of the planting, maintaining, and removing of trees and shrubs within Washburn City.

Tree ordinance goals. The purpose of the Tree Ordinance for the City of Washburn is to promote and protect the health, safety, and welfare of the citizens of Washburn through clearly stated practices regarding our community forest.

- 1. Establish and maintain maximum tree cover.
- 2. Maintain trees in healthy condition.
- 3. Establish and maintain a variety of species.
- 4. Promote conservation.
- 5. Centralize tree management.
- 6. Foster community support for forest programs and encourage good tree management on private properties.
- 7. Facilitate the resolution of tree-related conflicts between citizens.

### SECTION 3. POLICIES

This ordinance sets forth the guidelines for the planting, maintaining, and removal of trees.

- A. Approved Street/Boulevard/Alley trees for the City of Washburn.
  - 1. Large Trees- Oak, Bur (*Quercus macrocarpa*), Elm hybrids, these are resistant to Dutch elm disease- 'Prairie Expedition', 'Accolade', 'Northern Empress', etc. (*Ulmus* spp.), Hackberry (*Celtis occidentalis*), Kentucky Coffeetree (*Gymnocladus dioicus*), Silver maple (*Acer saccharinum*).
  - 2. Medium Trees- Alder, Manchurian (*Alnus hirsute*), Amur Maackia (*Maackia amurensis*), Ironwood/Hophornbeam (*Ostrya virginiana*)
  - 3. Small Trees- Japanese Tree Lilac (*Syringa reticulata*), Amur Chokecherry (*Prunus maackii*), Flowering Crabapple (*Malus* spp.)
- B. Planting distances- the spacing of Street/Boulevard/Alley trees from other trees will be as follows: Small trees-20 feet; Medium trees-30 feet; Large trees-40 feet.
  - 1. From the curb and sidewalk- The distance trees may be planted from curbs, property lines, and sidewalks will be in accordance with the three tree species size classes listed in Section 3A of this ordinance, and no trees may be planted closer to any curb or sidewalk other than the following: Small trees-2 feet; Medium trees-3 feet; Large trees-4 feet.
  - 2. From the street corners and fire hydrants- No Street/Boulevard/Alley tree shall be planted closer than 20 feet of a street corner, measure from the point of the nearest intersecting curbs or curb lines. No Street/Boulevard/Alley tree shall be planted closer than 10 feet of any fire hydrant.
  - 3. From utilities No Street/Boulevard/Alley tree shall be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.
- C. Trimming of trees, shrubs, and bushes- The owner or occupant of any private property within the City of Washburn shall trim all trees, shrubs, or bushes bordering alleys, sidewalks, boulevards, or streets so that the lowest branch or part thereof shall be trimmed to at least eight (8) feet above any such sidewalk and fifteen (15) feet above any such street or alley.
- D. Corner clearance and trimming- 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 streetlamp or obstruct the view of any street or right-of way. 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 that interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control devices or sign, such pruning to be confined to the area immediately above right-of-way.
- E. Removal of dead or diseased 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 of Washburn, 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 shall notify in writing the owners or the resident of property. Removal shall be done by said owner or resident at their own expense within 30 days after the date of notice. In the event of failure of owners or residents to comply with such provisions, the City shall have

the authority to remove such trees and charge the cost to property owner's expense and assess it to the property.

- F. Removal of stumps- All stumps of Street/Boulevard/Alley 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.
- G. The City of Washburn prohibits the commercial dumping or disposal of trees and shrubs at the city dump site. Disposal at this site is for resident's personal disposal only.
- H. Residential tree/shrub disposal is restricted to limbs not to exceed 4" in diameter.
- I. In case of severe damaging winds or storms, the commercial dumping provision and oversize limbs may be waived at the discretion of the city commission.

**SECTION 5. PENALTY**

Anyone who violates the provisions of this ordinance or fails to comply with any of its requirements shall be punished by a fine of fifty dollars (\$50.00) for each violation.

**SECTION 6. SEVERABILITY**

Should any part of provision of this ordinance be declared by a court of competent jurisdiction to be valid, the same shall not affect the validity of the ordinance, or any part thereof, other than the part declared to be invalid.

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Larry Thomas, President  
City of Washburn

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Date of Adoption

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Chelsey Brandt  
City Auditor, City of Washburn

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Date Effective

First Reading: March 14, 2022

Second Reading:

Final Passage: