

ORDINANCE NO. 208

AN ORDINANCE OF THE VILLAGE OF POTTER PERTAINING TO TREES AND TO HEREBY CREATE AND ESTABLISH A CITY TREE BOARD.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF POTTER, NEBRASKA:

Section 1. Definitions

Street Trees: "Street trees" are herein defined as trees, shrubs 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: "Park trees" are herein defined as trees, shrubs 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 2. Creation and establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Potter, Nebraska which shall consist of five members, citizens and residents of this City, who shall be appointed by the mayor with the approval of the Village Board.

Section 3. Term of Office

The term of the five persons to be appointed by the Chairman shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two 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 portion of the term.

Section 4. Compensation

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council 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 City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the Village of Potter, Nebraska. The Board, when requested by the Village Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. 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 7. Street Tree Species to be Planted

The following list constitutes the official Street Tree species for Potter, Nebraska. No species other than those included in this list may be planted as Street Trees without permission of the City Tree Board.

Small Trees	Medium trees	Large Trees
Apricot	European Mt. Ash	Coffeetree
Crabapple	Yellow wood	Maple Sugar
Golden Rain	Pin Oak	Oak, Bur
Hawthorne	Scarlet Oak	Sycamore
Pear, Bradford	Ash, Green	Sycamore, London plantree
Redbud	Hackberry	Cottonwood (cottonless)
Soapberry	Honeylocust	Ginkgo
Lilac, Jap. Tree	linden	
Peach	Oak, English	
Plum	Oak, Red	
serviceberry	Pagodatree	
Amur Maple	Norway Maple	
	Amur	

Section 8. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. Distance from Curb and Sidewalk

The distance trees may be planted from curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 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 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 15 feet of any street corner, measured from the point of nearest intersecting curbs and curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may 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.

Section 12. 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 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 7 through 11 of this ordinance.

Section 13. 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 ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance

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 (8') 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.

Section 15. Review by the Village Board of Trustees

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

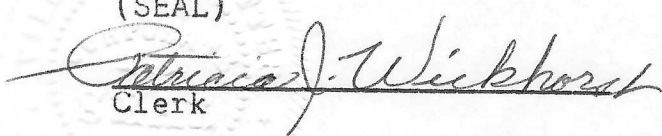
Section 16. That any ordinances passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions, are hereby repealed insofar as the same are in conflict with this ordinance.

Section 17. This ordinance shall take effect and be in full force from and after its passage, approval, publication or posting as required by law.

Passed and approved this 7th day of December, 1987.


Chairman

(SEAL)


Clerk