

ORDINANCE NO. 26/8-2

AN ORDINANCE OF THE VILLAGE OF STERLING, NEBRASKA, APPROVING AND ADOPTING A TREE CARE ORDINANCE FOR THE VILLAGE OF STERLING, NEBRASKA

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF STERLING, NEBRASKA, as follows:

Section 1. 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 street, avenues, or ways within the Village.

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 Village, or to which the public has free access as a park.

Section 2. Delegation of Authority and Responsibility

The Village Superintendent 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 Village Superintendent 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.

Section 3. Village Tree Board

There is hereby created and established a Tree Board for the Village of Sterling, Nebraska which shall consist of five members, citizens and residents of this village, who shall be appointed by the Village Board Chairman with the approval of the Governing Body.

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 by the Village Board Chairman.

Members of the Board shall serve without compensation.

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 9. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or Village 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 Village Tree Board.

Section 10. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Village 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 Village 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 11. Dead or Diseased Tree Removal on Private Property

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the city, 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 Village Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provision, the Village shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 12. 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 13. Interference with Village Superintendent

It shall be unlawful for any person to prevent, delay or interfere with the Village Superintendent, 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 14. Arborists 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 Village without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or Village 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 \$50,000 for bodily injury and \$100,000 property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 15. Review by Village Board of Trustees

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

Section 16. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed One Hundred and No/100ths Dollars (\$100.00) for each such offense.

Section 17. Repeal of Prior Conflicting Ordinances

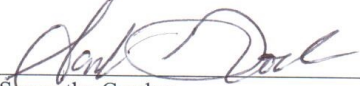
That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.


Section 18. Effective Date

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

Passed and adopted by the Board of Trustees of the Village of Sterling, Nebraska on this 8th day of May, 2018.

ATTEST:


Samantha Gordon,
Village Clerk
of the Village of Sterling, Nebraska


Greg Peterson,
Chairman of the Board of Trustees

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 Village Board of Trustees and upon their acceptance and approval shall constitute the official comprehensive tree plan for the Village of Sterling, Nebraska. The Board, when requested by the Village Board of Trustees, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

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

It shall be unlawful for any person to prevent, delay or interfere with the Village 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 4. Trees Species List

The Village Superintendent shall develop and maintain an official list of desirable tree species for planting on public property in three size classes: small, medium, and large trees. Only trees from this approved list may be planted without written approval from the Village Superintendent.

Section 5. 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 6. Distance from Curb and Sidewalk

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 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 7. Distance from Street Corners and Fireplugs

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 fireplug.

Section 8. Utilities