

ORDINANCE NO. 12

AN ORDINANCE OF THE CITY OF WOLVERTON PROMOTING AND PROTECTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROVIDING FOR THE REGULATION OF THE CARE AND PLANTING OF TREES AND PROVIDING FOR THE REGULATION AND REMOVAL OF CERTAIN TREES AND DISEASES AFFECTING TREES AND ESTABLISHING PROCEDURES FOR REMOVAL THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

The City Council of the City of Wolverton, Minnesota, does hereby ordain and enact the following ordinance:

SECTION 1: The City Council does hereby establish a tree board for the City of Wolverton which shall consist of the City Council. In addition, the City Council shall appoint a City Forester who will keep informed regarding current forestation and disease control techniques and who, together with the City Council, shall administer the provisions of this code.

SECTION 2: Any tree, shrub or hedge, or part thereof, growing upon public or private property but overhanging or interfering with the use of any public walk, street or highway, park, or public place, which, in the opinion of the City Forester & the City Council of Wolverton, endangers the health, safety, or property of the public, shall be declared a public nuisance. In addition, any dead tree, shrub or hedge or any diseased tree occurring on either public or private property, which, in the opinion of the City Forester and the City Council of Wolverton, may spread and infect other trees shall be declared a public nuisance.

SECTION 3: Property owners of trees, shrubs, hedges, or other vegetation, declared to be a public nuisance shall be notified in writing of the existence of such nuisance and shall be provided a time period of twenty (20) days after mailing by regular mail of such notification for the removal of such tree, shrub, hedge, or other vegetation. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the City Clerk. The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the City at the expense of the owner or occupant. The notice shall also state that the owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the City Clerk at least 3 days before the date by which abatement must be completed. If the City Clerk receives a written request for a hearing, the City Council shall hold a hearing on the question of whether a public nuisance in fact exists. The owner or occupant shall be given at least 3 days' notice. Each owner, occupant, or other person or entity with an interest in the property may have an opportunity to present evidence at the hearing. After the hearing, the City Council may issue an order confirming, modifying, or denying the order to abate. If no timely appeal is submitted, and the notice of abatement has not been complied with, the City Forester or designated person shall have the authority to enter the property and abate the nuisance. All costs of removal of any tree, shrub, hedge, or other vegetation declared to be a public nuisance which is located on private property shall be borne and paid for by the private property owner. In the event that the private property owner should fail to remove the tree, shrub, hedge, or other vegetation declared to be a nuisance, then the City Council may hire or perform such removal service and charge the fees and costs thereof to the property owner through the real estate tax rolls. As soon as the work has been completed and the cost determined, the City Clerk or other official shall prepare a bill for the cost, said amounts being immediately due and payable, and mail it to the owner.

SECTION 4: In the case of boulevard trees, the adjacent property owner shall be responsible for aesthetic trimming; for trimming on any corner lot which is necessary to allow visibility at intersections; for trimming of any boulevard tree or shrub which is necessary to maintain adequate sightlines for vehicles, bicycles, and pedestrians; and for any other trimming not performed by the City in its standard course of business which shall be in the sole discretion of the City Council. The removal of nuisance trees, shrubs, hedges, and other vegetation on boulevards and city property shall be accomplished by the City. All trees, shrubs, hedges, or other vegetation on City property and boulevards shall be removed four inches below the project above the surface of the ground.

SECTION 3: The stockpiling of bark bearing elm wood or wood from the red oak group within the city limits of the City of Wolverton shall be permitted during the period from September 15 through April 1 of any year. Any such wood not utilized by April 1 of any year, must then be removed, and disposed of by the owner or may be confiscated and disposed of by the City with the costs charged to the property owner through the tax rolls.

SECTION 4: Any planting of trees, shrubs, or hedges on any boulevard shall be done only with the consent of the City Council. The selection, location, and care of said trees shall be in accordance with the provisions of this code. No tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting street lines, and no tree shall be planted closer than 10 feet of any fire hydrant. In addition, no 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, except for small trees such as Red Splendor Crab and Red Leaf Chokecherry. The City promotes a diverse urban forest to minimize the spread of tree disease.

SECTION 5: The City of Wolverton shall have the right to plant, prune, maintain and remove trees, plants, shrubs, and other vegetation within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or preserve or enhance the symmetry and beauty of such public grounds.

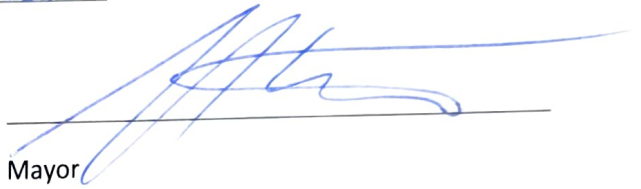
SECTION 6: The City Council of the City of Wolverton may remove or cause or order to be removed any tree, shrub, hedge, or other vegetation or part thereof which is in unsafe condition or which, by reason of its nature, is injurious to sewers, power lines, gas lines, water lines or other public utilities or improvements, or is infected with any injurious fungus, disease, insect, or other pest.

SECTION 7: No person shall intentionally damage, cut, carve, transplant, or remove any public tree; attach any contrivances to such trees; allow any harmful substance to come into contact with them; or permit any fire or its heat will injure any portion of the tree. No site Permit may be granted until the City Council determines that existing trees are adequately protected and preserved.

SECTION 8: Any persons or entity violating or failing to comply with the provisions of this Ordinance shall be subject to a fine as set by the City's fee schedule and shall be guilty of a Class B misdemeanor, and upon conviction thereof, shall be subject to a sentence of not more than 90 days or a fine of not more than \$1,000.00 or both. Any violation of any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine as defined in the City's fee schedule or to imprisonment of not more than 90 days, or both. Nothing in this Ordinance shall prevent the City from exercising any other available remedies under Minnesota law. The City's fee schedule shall be set by resolution.

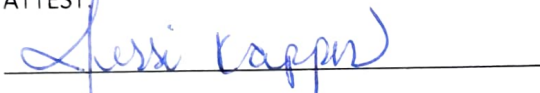
SECTION 9: This ordinance shall become effective upon its passage by the City Council and publication according to law and shall supersede all previous ordinances.

Passed and adopted this 9th day of November, 2021.



Mayor

ATTEST:



City Clerk

First Reading:

Second Reading:

Passed:

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