ORDINANCE 222,9d

Introduced by Councilor Brooks

AN ORDINANCE OF THE CITY OF ALBERT LEA, MINNESOTA ESTABLISHING CHAPTER 22, ARTICLE XIII, SEC. 22-503 THROUGH 22-506 REGARDING TREE SERVICE LICENSE REQUIREMENTS AND REGULATIONS

THE CITY COUNCIL OF THE CITY OF ALBERT LEA ORDAINS:

Sec. 22-503 - Abuse or mutilation of Trees.

No person, shall willfully damage, injure, mar, cut, carve, remove, deface, destroy, attach any rope, wire, nails, advertising poster, or other contrivance, or allow any gaseous liquid or solid substance which is harmful to come into contact with any tree, or set fire to any tree on any boulevard or public property in the city. Tree topping is not considered an appropriate tree trimming technique and is specifically prohibited on all public lands.

Sec. 22-504 – Tree Trimming

a) The city will perform all trimming of boulevard trees except the city's public utilities may do such trimming necessary to protect their electrical lines or residents. Residents, through a permit process, may contract with a tree service licensed with the city to trim an adjacent boulevard tree. The property owner shall bear the entire cost of tree trimming when using a contracted tree service.

b) Where city gives permission, a limb or bough may be properly pruned by abutting property owner.

c) Tree topping is not considered an appropriate tree trimming technique and it is specifically prohibited for any person, firm, or city department to top any tree on public property.

d) ***TOPPING*** is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Sec. 22-505 – Reporting Discovery of Shade Tree Pest.

a) Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined in this chapter shall report the same to the city.

b) ***SHADE TREE PEST*** is defined as any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the commissioner to be harmful, injurious, or destructive to shade trees or community forests as defined by Minn. Stat. §89.001, Subd. 16.

Sec. 22-506 – Penalties

a) Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor

b) Upon conviction of a misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

c) The failure of any officer or employee of the city to perform any official duty imposed by this section shall not subject the officer or employee to the penalty imposed for a violation.

d) In addition to any penalties provided for in this section, if any person, firm, or corporation fails to comply with any provision of this section, the City Council or any official designated by it may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor Murray, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Rasmussen, Jr.

And, the following voted against the same: None

Introduced the first time on the 11th day of February, 2019

Introduced the second time on the 25th day of February, 2019

Mayor Vern Rasmussen, Jr.

Filed and attested to on the 26th day of February, 2019

Secretary of the Council