
City Code, Chapter 20: FORESTRY REGULATIONS

CHAPTER 20
FORESTRY REGULATIONS

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CHAPTER 20
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ARTICLE I.
TITLE, POLICY, AND PURPOSE

SECTION 20-100. TITLE. This Chapter may be cited as the “Forestry Regulations for the City of Columbus.”

[Section 20-100 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-101. PURPOSE. This Chapter regulates all trees and Forests on public lands as the same are defined herein. This Chapter also regulates all diseases and pests of Shade Trees on public and private lands as the same are defined herein. The purposes of this Chapter are:

- A. To regulate the planting, maintenance and removal of trees on public lands under the jurisdiction of the City;
- B. To preserve the Forests within the City;
- C. To protect property values by preserving the Forests in the City;
- D. To provide regulations for resisting and eradicating diseases and pests of Shade Trees;
- E. To provide development guidelines which seek to reduce loss of or damage to Significant Trees on undeveloped land; and
- F. To provide guidelines which encourage the planting of new trees to replace those trees lost to disease, pests, or development.

[Section 20-101 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-102. FINDINGS. The City Council finds:

- A. That the public and private Forests within the City are significant environmental and aesthetic assets which should be preserved, protected, and replenished.
- B. That the public and private Forests within the City are significant property value assets.
- C. That oak Forests are the predominant hardwood Forests of the City and that preservation of these Woods justifies an annual inspection of the City for oak wilt disease and Shade Tree Pests.
- D. That the science of fighting diseases and pests of Shade Trees has changed somewhat since the City’s first regulations were adopted.
- E. That the numerous provisions regulating trees and Forests in various chapters of the City Code should be coordinated in one chapter of the Code.
- F. That the City Code should be augmented with reasonable regulations which are designed to meet these purposes and to protect these values.

[Section 20-102 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-103. POLICY. The following policy statements are adopted by the City:

- A. Preserve and Protect. The City shall do all things reasonable to preserve and protect existing trees on public lands within the City and to assist private landowners in the preservation and protection of their trees.

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B. Preservation Preferred to Replacement. The preferred method of completing an excavation, a subdivision of land, new construction, or other development work is the method or plan which avoids damage to any Significant Trees.

C. Voluntary Replacement Standards. If an excavation, a subdivision of land, new construction, or other development work cannot be accomplished without removing existing Significant Trees, then the trees removed should be replaced with new trees. Each replacement tree should be not less than one inch caliper.

D. Replacement Species and Diversity. Since oaks and other Shade Trees are susceptible to diseases and pests, the City Forester shall recommend acceptable species for replacement trees to reduce susceptibility to disease and to increase diversity of tree species.

[Section 20-103 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

ARTICLE II. **GENERAL PROVISIONS.**

SECTION 20-200. JURISDICTION. These regulations apply on all private lands in the City of Columbus. These regulations apply on all public lands in the City of Columbus which are under the jurisdiction and control of the City.

[§ 20-200 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-201. SUPERSEDING AFFECT. Where this Chapter is in conflict with any other provision of this City Code, this Chapter shall supersede.

[§ 20-201 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-202. DEFINITIONS. All definitions shall be determined by reference to this City Code, and, otherwise, words and phrases shall have the meaning customarily assigned to them as a matter of general usage.

A. **“D.B.H.”** is an abbreviation for Diameter, Breast Height, and means the diameter of a tree at a distance of 4.5 feet above the ground.

B. **“Drip Line”** is a line formed on the ground directly underneath (as measured with a plumb line) the farthest reaching plumage of a tree (as measured from the trunk of the tree).

“Extended Drip Line” is that area lying within the area created by drawing a line ten (10) feet outside and parallel to the Drip Line of a tree, including the area immediately underneath the tree.

C. **“Easement Area”** is any publicly owned easement for any purpose where the City has also acquired the right to remove trees and other impediments within the easement area.

D. **“Forest,” “Grove,” “Wooded Area,” and “Woods”** are synonymous and interchangeable terms which, for the purposes of the City Code, mean: any area where, in the opinion of the City Forester, the predominant *flora* are Significant Trees.

E. **“Significant Tree”** is any tree with at least a 6 inch D.B.H.

F. **“Park Land”** is any land designated for public park purposes by the City.

G. **“Public Lands” and “Publicly Owned Property”** are synonymous terms referring to all lands which are owned in whole or in part by the City of Columbus, including, without limiting the generality of the foregoing, fee title holdings (such as the City Hall property, City

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parcs, and properties being held for future park) and easement holdings (such as City roads and rights-of-way, drainage and utility easements acquired through development dedication, dedicated conservation areas, dedicated wetlands areas, and dedicated open spaces) where the City has also acquired the right to remove trees and other impediments within the easement area.

H. **“Shade Tree”** is a woody perennial grown primarily for aesthetic or environmental purposes.

I. **“Shade Tree Pest”** is an organism, condition, or plan causing or threatening damage to a Shade Tree.

[Section 20-202 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-210. CITY TREE BOARD. The City Council shall appoint a Tree Board consisting of not less than five (5) and no more than nine (9) adults. Each member shall be a resident of the City of Columbus. Each member shall be a fee owner or a contract-for-deed purchaser of a homestead within the City of Columbus.

A. **TERMS.** Members shall be appointed for staggered terms. Depending upon the actual number of members, the City Council should appoint approximately one-third of the members for a term of one (1) year, one-third for a term of two (2) years, and one-third for a term of three (3) years. Thereafter, the term of each member shall be three (3) years and until a successor is appointed and qualified. If the office of any Tree Board Member becomes vacant, the vacancy shall be filled by appointment of the City Council. All members shall serve without compensation, but shall be granted reimbursement for expenses incurred in performance of official duties.

B. **EX OFFICIO MEMBERS.** One member of the City Council, the Town Manager, and the City Forester shall serve as *ex officio* members of the Tree Board.

C. **PURPOSE AND FUNCTION.**

1. The Tree Board shall serve as an advisor to the City Council, the City Planning Commission, and to the City Forester as to the proper content and administration of these regulations.

2. The Tree Board shall ensure that the City does everything necessary to establish and maintain its designation as “Tree City - USA” under the rules and regulations of the National Arbor Day Foundation of Nebraska City, Nebraska, including preparing and conducting an Arbor Day observance by the City.

3. The Tree Board shall research, prepare, and recommend a program of tree planting to the City Council for adoption by resolution. This may include recommendations jointly prepared with the Park Board for plantings or arboretums in City parks.

4. The Tree Board shall research, prepare, and recommend a City forestry budget to the City Council for inclusion in the annual budget. Funds for the Shade Tree disease control program shall be included in the budget request.

5. The Tree Board shall research and prepare permit standards, maintenance standards, and design standards to guide the City Forester in his administration of Article IV of this Chapter. These standards shall be submitted to City Council for approval and adoption, and may be revised from time to time by resolution of City Council.

6. The Tree Board shall research and prepare such additional standards and drawings necessary to aid the Zoning Administrator and City Forester in their

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administration of Article VI, especially with respect to the details necessary for a complete tree maintenance plan under § 20-603. These standards shall be submitted to City Council for approval and adoption, and may be revised from time to time by resolution of City Council.

[Section 20-210 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007, amended by Ord. No 09-04, effective March 19, 2009, amended by Ord. No. 13-01, effective January 31, 2013.]

ARTICLE III. **CITY FORESTER**

SECTION 20-300. APPOINTMENT OF THE FORESTER. The City Council shall designate and appoint a Forester for the City. The City Council may assign the duties of the City Tree Inspector to the Forester who shall then also act as and have the authority of City Tree Inspector. (See § 20-503 below.)

[§ 20-300 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-301. AUTHORITY OF THE FORESTER. The Forester shall have the authority granted by this City Code. The Forester shall have the authority to enforce the regulations for the planting, maintenance, removal of trees on public easements, roads and streets and other publicly owned property to ensure safety or preserve the aesthetics of such public sites. The Forester shall have the authority and it shall be his or her duty to supervise or inspect all work done under a permit issued in accordance with the terms of this Chapter. The Forester shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of these regulations and in accordance with generally accepted standards of arboricultural practice. In the absence of the City Forester or in the event the City Forester is unavailable to administer this Chapter, either the Zoning Administrator or the Town Manager may act in place of the City Forester.

[§ 20-301 amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE IV. **FORESTS AND TREES ON PUBLIC LANDS**

SECTION 20-400. PLANTING, MAINTENANCE OR REMOVAL. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any road, street or publicly owned property or publicly-held easement without first filing an application and procuring a permit from the Forester or from the Town Manager. The person receiving the permit shall abide by the current Arboricultural Specifications and Standards of Practice of the University of Minnesota Agricultural Extension Service, as adopted and modified by the City.

[§ 20-400 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-401. PLANTING APPLICATION DATA. The application required herein shall state the number of trees to be set out, the location, grade, species, cultivar or variety of each tree, the method of planting, and such other information as the Forester shall find reasonably necessary to a fair determination of whether a permit should be issued.

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SECTION 20-402. MAINTENANCE APPLICATION DATA. The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned, protected, or otherwise preserved, the kind of treatment to be administered, the composition of the material to be applied, and such other information as the Forester shall find reasonably necessary to a fair determination of whether a permit should be issued.

SECTION 20-403. REMOVAL OF TREE. No person or property owner shall remove a tree from any publicly owned land or easement area for the purpose of construction, or for any other reason, without first filing an application and procuring a permit from the Forester, and without replacing the removed tree or trees in accordance with the adopted Arboricultural Specifications. Such replacement shall meet the standards of size, species, and placement as provided for in a permit issued by the Forester. The person or property owner shall bear the cost of removal and replacement of all trees removed.

SECTION 20-404. PUBLIC TREE CARE.

A. The Forester may plant, prune, maintain, remove, or perform any other arboricultural practices as necessary within the lines of all street, 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. Planting and reforestation shall be done at the direction of the City Council based upon the advice and recommendations of the Tree Board.

B. The Forester may order the removal of 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 infected by injurious fungus, insects or other pests. The Forester shall notify affected property owners of removal or trimming to be done and give the property owner the option to complete the work by contract with a City approved tree contractor. Under certain conditions, e.g., emergency situations, the City may complete the work without prior notification to the property owner.

C. Every tree overhanging any street or right-of-way within the City may be pruned so that the 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. Dead, diseased or dangerous trees, broken or decayed limbs which constitute a menace to the safety of the public may be removed. The Forester may 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. The minimum clearance of any overhanging portion is 12 feet over all streets, except truck thoroughfares which shall have a clearance of 16 feet.

[§ 20-404 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No 09-04, effective March 19, 2009.]

SECTION 20-405. ABUSE OR MUTILATION OF PUBLIC TREES. Unless specifically authorized by the Forester, no person shall intentionally damage, cut, carve, transplant, or remove any tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them, or set fire or allow any fire to burn when such fire or the heat thereof will injure any portion of any tree.

Except for the safe removal of hazardous branches and trees by electrical utilities, it shall be unlawful practice for any person to top any street tree, park tree, or other tree on public property without authorization from the City Forester. Topping is defined as severe cutting back of a branch or a stub.

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[§ 20-405 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-406. PROTECTION OF PUBLIC TREES. All trees on any street or other publicly owned property or easement near any excavation or construction of any building, structure or street work, shall be guarded during such excavation or construction with a good substantial fence, frame, or box not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches D.B.H., whichever is greater, and all building material, dirt, or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels, trenches, or drive any vehicle within a radius of 10 feet from the drip line of any public tree without first obtaining a written permit from the Forester. No person shall deposit, place, store, or maintain upon any public land of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permit of the Forester.

[§ 20-406 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-407. PERMITS REQUIRED. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground or otherwise disturb any tree in any park or on any other publicly owned property without first obtaining a permit from the City Forester. No person shall remove a tree from publicly owned property for construction, or any other reason, without first obtaining a permit from the City Forester and without replacing said tree, meeting standards of size, species, and placement as prescribed by the City Code.

No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of ten feet from the drip line of any public tree without first obtaining a permit from the City Forester.

No persons shall deposit, place, store or maintain upon any public property any stone, brick, sand, concrete or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing thereon, without first obtaining a permit from the City Forester.

[§ 20-407 amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE V.
SHADE TREE DISEASES

SECTION 20-501. DECLARATION OF POLICY. The City Council has determined that the health of the Shade Trees are threatened by pests and the health of the oak trees within the municipal limits are threatened by a fatal disease known as oak wilt disease. It has further been determined that the loss of Shade Trees, including oak trees, growing upon private and public property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the City Council to control and prevent the spread of Shade Tree Pests and oak wilt disease and this Article is enacted for that purpose.

[Section 20-501 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-502. DESIGNATION OF A TREE DISEASE CONTROL AREA. The City Council shall designate Shade Tree Pest control or oak wilt control areas within the City in which these Shade Tree disease regulations and control procedures shall be utilized. These Shade Tree disease regulations apply throughout the City on all publicly and privately owned lands except lands owned by the state or federal governments.

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[Section 20-502 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-503. APPOINTMENT OF A TREE INSPECTOR. The City Council shall designate a Tree Inspector or Tree Inspectors, certified by the Minnesota Commissioner of Agriculture, who shall administer the Shade Tree disease control programs for the City in accordance with this Article and within the designated Shade Tree disease control areas of the City. The Tree Inspector shall have the authority to identify diseased trees and infectious material removed from diseased trees and to determine if a diseased tree or other organism, condition or plant poses a threat of damage to trees or transmission to other trees.

[Section 20-503 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-504. NUISANCES DECLARED.

[Section 20-504 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007, amended by Ord. No 09-04, effective March 19, 2009, Section deleted in its entirety by Ord. No. 11-08; effective October 20, 2011.]

SECTION 20-505. ABATEMENT.

[§ 20-505 amended by Ord. No. 07-02, effective March 1, 2007, deleted in its entirety by Ord. No. 11-08, effective October 20, 2011.]

SECTION 20-506. INSPECTION AND INVESTIGATION.

A. Annual Inspections.

1. The Tree Inspector shall inspect all premises and places within each designated Shade Tree Pest control area of the City as many times as practical or necessary to determine whether any condition described in 20-501.A exists. *[References to Dutch Elm Disease were removed from this paragraph by Ord. No. 93-1, effective February 2, 1996.]*

2. *[References to Dutch Elm Disease were removed from this paragraph by Ord. No. 93-1, effective February 2, 1996.]*

3. Oak wilt disease. The Tree Inspector shall inspect all premises and places within each designated oak wilt control area of the City as many times as practical or necessary to *determine* whether any condition described in 20-504.B exists.

B. Entry on Private Property. The Tree Inspector so designated by the City Council may enter upon private property at any reasonable time for the purpose of carrying out the duties assigned to him or her under this Article. Before making any inspection on private property, notification shall be made to all affected residents and property owners either through an individual oral or written notice.

C. Diagnosis.

1. The Tree Inspector shall, upon finding indications of oak wilt disease, take such steps for diagnosis as may be appropriate, including analysis of twig samples from actively wilting branches by the Department of Agriculture's disease diagnosis laboratory, or other laboratories capable of performing such services approved by the Minnesota Commissioner of Agriculture. Whenever possible, diagnosis shall be based upon accepted field symptoms.

2. The Tree Inspector shall, upon finding indications of any organism, condition, or plant determined to be causing or threatening to cause damage to Shade Trees shall take such steps for diagnosis as may be appropriate. Whenever possible, diagnosis shall be based upon accepted field symptoms.

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D. Reports. The Tree Inspector shall prepare the City's reports to the Department. of Agriculture and any other state agency reports as may be required by statute or by the Shade Tree Disease Control provisions of Chapter 1505 of Minnesota Rules.

[Section 20-506 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007, amended by Ord. No. 11-08, effective October 20, 2011.]

SECTION 20-507. INTERFERENCE PROHIBITED. It is unlawful for any person to prevent, delay or interfere with the City Tree Inspector or his or her agents while they are engaged in the performance of duties imposed by this Article.

SECTION 20-508. PROCEDURE FOR NOTICE OF INFESTATION.

A. Procedures. Whenever it is found with reasonable certainty that a tree or any part thereof has oak wilt disease or is or may be affected by any Shade Tree Pests, the Tree Inspector shall proceed as follows: If the Tree Inspector finds that there is potential for infection or degradation of other Shade Trees, he/she shall notify the owner of the property on which the nuisance is found. If the Tree Inspector finds that the infestation or condition is likely to affect trees on abutting property, he may also give notice to those abutting property owners. The Tree Inspector will provide information to the property owner regarding voluntary abatement methods. If the nuisance is on park land or other public land, the city shall conduct abatement procedures based on the recommendations of the Tree Inspector, including measures to effectively eradicate, control or manage the Shade Tree Pest..

[Section 20-508 amended by Ord. No. 07-02, effective March 1, 2007; Ord. No. 07-04, effective July 26, 2007, amended by Ord. No. 11-08, effective October 20, 2011 including deleting Section 20-508, Subsections B-D in their entirety.]

SECTION 20-509. ROOT GRAFT DISRUPTION (BARRIERS AT PROPERTY BOUNDARIES)

[§ 20-509 deleted in its entirety by Ord. No. 11-08, effective October 20, 2011.]

SECTION 20-510. TRANSPORTING ELM AND OAK WOOD PROHIBITED. It is unlawful for any person to transport within the City any bark intact elm wood, or wood from the red oak group that is determined to be infectious, without having obtained a permit from the City Tree Inspector. The City Tree Inspector shall grant such permits only when such permission does not interfere with the provisions of this Article.

[§ 20-510 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 20-511. ASSESSMENT AND PENALTY.

[Section 5-911 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007, amended by Ord. No. 09-02, effective March 9, 2009, deleted in its entirety by Ord. No. 11-08, effective 20, 2011.]

SECTION 20-512. SEPARATION OF PROVISIONS. Each provision of this Article shall be separable from every other part or provision held invalid by any court of competent jurisdiction; such invalidity shall not affect the validity of any other part or provision hereof.

[CHAPTER 5, ARTICLE IX, § 5-901 through § 5-912, adopted by Ord. No. 88-4, effective December 30, 1988.]

[CHAPTER 20, ARTICLE V, was formerly "CHAPTER 5, ARTICLE IX," and all sections of the former ARTICLE V have been renumbered by the adoption of Ord. No. 93-1, effective February 2, 1996, incorporating CHAPTER 20 into the Town Code.]

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**ARTICLE VI.
DEVELOPMENT GUIDELINES****PREAMBLE TO ARTICLE VI:**

The findings stated in Section 20-102 above are reasserted here. Trees and Forests on private property are significant environmental values which should be protected, managed, and nurtured. Unlike wetlands for which there are protective statutory regulations, Forest and trees on private land have not yet been given public protection by the Minnesota legislature. Until the legislature acts, the City of Columbus is limited to offering voluntary guidelines for the protection of Forest and trees on private land. Landowners are encouraged to act responsibly when considering the removal of trees and Forests. Except for the mandatory inspection for oak wilt under § 20-604 below and except for the required tree maintenance plan, this Article VI is offered to landowners as a voluntary guide: no provision of this Article shall be interpreted or construed to prevent a landowner from removing any particular tree from privately owned land.

[Preamble amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 13-01, effective January 31, 2013.]

SECTION 20-600. BUILDING PERMIT AND ZONING PERMIT GUIDELINES. All applicants for Building Permits and Zoning Permits under Chapter 7A of this City Code shall submit a tree maintenance plan in accordance with the requirements for tree care under Section 20-603 of this Chapter.

[§ 20-600 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 13-01, effective January 31, 2013.]

SECTION 20-601. SUBDIVISION DESIGN GUIDELINES. All applicants for subdivisions under Chapter 8 of this City Code shall submit a tree maintenance plan in accordance with the requirements for tree care under Section 20-603 of this Chapter.

[§ 20-601 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 13-01, effective January 31, 2013.]

SECTION 20-602. EXCAVATION PERMIT GUIDELINES. All applicants for excavation permits under Chapter 9 of this City Code shall submit a tree maintenance plan in accordance with the requirements for tree care under Section 20-603 of this Chapter.

[§ 20-602 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 13-01, effective January 31, 2013.]

SECTION 20-603. TREE MAINTENANCE PLAN.

A. Generally. When a tree maintenance plan is required under the guidelines of this Chapter to protect Significant Trees, the plan shall be reviewed by the Zoning Administrator as part of the proposed site plan. The tree maintenance plan also must be reviewed by the City Forester in accordance with the standards and specifications for tree care section of this Chapter and physical barriers installed before any earth-moving, excavation, or construction of improvements begins. The tree maintenance plan shall cover all areas of preventing construction damage including the designation of utility alleys, cut and fill areas, tree felling, tree wounding, tree protection zones, the location of improvements to be constructed, the location of individual on-site sewage treatment systems, the location of wells, the location of driveways, the proposed location of replacement plantings, and disease control measures, and any other areas thought to be advisable by the Forester.

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B. Coordinated with Other Regulations. The tree maintenance plan shall be coordinated with each of the following:

1. The consideration of a preliminary survey for a minor subdivision;
2. The consideration of a preliminary plat for a major subdivision (plat);
3. The site plan for an excavation regulated under Chapter 9 of this City Code;
4. The site plan for new construction under the application for a Building Permit and Zoning Permit under Chapter 7A of this City Code; and,
5. Any other activity or development which could foreseeably damage existing Significant Trees.

C. State Law and County Ordinances. The tree maintenance plan shall also be reviewed with consideration of state regulations which may require an environmental impact statement. *{See, for example, Minn. Rules § 4410.4300, Subpart 28, and § 4410.4600, Subpart 18, which strictly regulates clear cutting of Forest and requires an environmental impact statement. Parcels under 20 acres are exempt from the E.I.S. requirement.}* The tree maintenance plan shall also be reviewed with consideration of Columbus' Shoreland Management Ordinance and Floodplain Management Ordinance. *{Minn. Rules § 6120.3300, Subpart 8, requires that conversion of forested areas on lands subject to Shoreland Management or Flood Plain Management Ordinances to a non-forested use, e.g., housing development, requires a Conditional Use Permit which prohibits clear cutting of shore areas and requires a detailed erosion and sediment control plan. Additionally, these plans must be approved by the Anoka County Soil and Water Conservation Service before issuance of the Conditional Use Permit.}*

[Section 20-603 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007, amended by Ord. No. 13-01, effective January 31, 2013.]

SECTION 20-604. INSPECTION FOR OAK WILT AND SHADE TREE PESTS. It shall be the responsibility of any builder or developer within The City of Columbus to have the property he is developing or building on to be inspected for the presence of oak wilt disease, and to have all necessary Shade Tree Pest and oak wilt control measures completed for the control of the disease prior to the earlier of the following two events:

- a. Any soil disturbing activities or vehicular operations in the area of the diseased trees; or,
- b. The closing on the sale of the property to a new owner.

[Section 20-604 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 07-04, effective July 26, 2007.]

SECTION 20-605. TREE INSPECTION REGULATIONS. Determination of the specific control measures required and inspection and acceptance of those control measures shall be made by the City Tree Inspector in accordance with this chapter.

[§ 20-605 amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE VII. **PENALTIES AND CITY REMEDIES**

SECTION 20-701. PENALTY. Any person who violates any provision of this Chapter, except for the voluntary provisions of Articles V and VI, shall be guilty of a misdemeanor, and upon conviction

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thereof, shall be punished by a fine or by imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

[§ 20-701 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 11-08, effective October 20, 2011.]

SECTION 20-702. RESERVED FOR FUTURE USE.

[§ 20-702 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-02, effective March 5, 2009, deleted in its entirety by Ord. No. 11-08, effective October 20, 2011.]

SECTION 20-703. SEPARATION OF PROVISIONS. Each provision of this Chapter shall be separable from every other part or provision held invalid by any court of competent jurisdiction; such invalidity shall not affect the validity of any other part or provision hereof.



Chapter 20 was adopted by Ord. No. 93-1, effective February 2, 1996. Article V, formerly "CHAPTER 5, ARTICLE IX," and all sections of the former ARTICLE V have been renumbered by the adoption of Ord. No. 93-1.

History of ordinances affecting the text of Chapter 20 since its adoption

Ord. No. 07-02, effective March 1, 2007.

Ord. No. 07-04, effective July 26, 2007.

Ord. No. 09-02, effective March 5, 2009.

Ord. No. 09-04, effective March 19, 2009.

Ord. No. 11-08, effective October 20, 2011.

Ord. No. 13-01, effective January 31, 2013.

This Chapter has been updated through the date of the latest ordinance listed above.
