

Chapter 8

PUBLIC WAYS AND PROPERTY

Article 5. Trees

[Editor’s Note: Article 5 was adopted in its entirety by Ordinance No. 305, 11/30/95.]

§8-501 TREES; DEFINITIONS.

STREET TREES: “Street trees” are defined as trees, shrubs, bushes and all other woody vegetation on land lying within fifteen feet (15’) of the curb lines. In the absence of existing curb, it shall be fifteen feet (15’) from the back edge of where the curb line would be.

PARK TREES: “Park trees” are defined as trees, shrubs, bushes and all other woody vegetation in public parks.

PUBLIC COMMUNITY FOREST: “Public community forest” is defined as all street and park trees, and other trees owned by the Village as a total resource.

PRIVATE COMMUNITY FOREST: “Private community forest” is defined as all trees within Municipal boundaries but not owned by the Village.

LANDSCAPE DESIGNER: Person or firm engaged in the business of designing landscapes.

§8-502 TREES; STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official street tree species for Bertrand, Nebraska. No species other than these included in this list may be planted as street trees without written permission of the Tree Board.

SMALL TREES: Cherry, Crabapple (flowering), Golden Rain Tree, Hawthorne, Bradford Pear, Roadbed, Soapberry, Japanese Lilac, Flowering Peach, Purpleleaf Plum, Serviceberry.

MEDIUM TREES: Green Ash, Hackberry, Honeylocust (thornless), Linden or Basswood, Red Mulberry (fruitless male), English Oak, Red Oak, Japanese Pagodatree, Pecan, Birch River, Osageorange (male, thornless), Persimmon, Maple, Sassafras.

§8-503 TREES; SPACING. The spacing of street trees will be in accordance with the two (2) species size classes listed in section 8-502 of this Article, and no trees may be planted closer together than the following:

Small Trees	15 feet
Medium Trees	25 feet

except in special plantings designed or approved by a landscape designer.

§8-504 TREES; DISTANCE FROM CURB AND SIDEWALK. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the two (2) species size classes listed in section 8-502 of this Article, and no trees may be planted closer to any curb or sidewalk than four feet (4’).

§8-505 TREES; DISTANCE FROM STREET CORNERS AND FIREPLUGS. No street tree shall be planted closer than thirty-five feet (35') of any street corner, measured from the point of nearest intersection curbs or curb lines. No street tree shall be planted closer than ten feet (10') of any fireplug.

§8-506 TREES; UTILITIES. No street trees other than those species listed as small trees in section 8-502 of this Article may be planted under or within ten lateral feet (10') of any overhead utility wire, or over or within five lateral feet (5') of any underground water line, sewer line, transmission line or other utility.

§8-507 TREES; PUBLIC TREE CARE. The Village shall have the right to plan, 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, construct or maintain public utilities or to preserve or enhance the symmetry and beauty of such public grounds. The 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, other public improvements, or is affected with any injurious fungus insect or other pest.

§8-508 TREES; 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 and two feet (2') back from the surface of the sidewalk and a height of at least twelve feet (12') above the surface of the street. Said owners shall remove all dead, diseased or dangerous trees. Such owners shall also remove 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, interferes with any utility wire or device or interferes with visibility of any traffic control device or sign; providing notice has been given to the property owner.

§8-509 TREES; DEAD OR DISEASED TREES.

(A)(1) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the Municipality or within its one (1)-mile zoning jurisdiction.

(2) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within thirty (30) days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the Municipality may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied or assessed. (*Ref. 17-555 RS Neb.*)

(B) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the Municipality or within its one (1)-

mile zoning jurisdiction. The provisions in division (A)(2) shall apply to such nuisances. For the purpose of carrying out the provisions of the section, the Municipal Police shall have the authority to enter upon private property to inspect the trees thereon. (Ord. No. 342, 3/14/95)(Amended by Ord. No. 657, 12/8/15)

Cross Reference:

Nuisances, see Chapter 4, Article 3

§8-510 TREES; 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.

§8-511 TREES; ACCESS. It shall be unlawful for any person to prevent, delay or interfere with access to private property by the Village or its representative in the legal performance of any section of this Article.

§8-512 TREES; ARBORIST CERTIFICATION AND INSURANCE. Persons or firms engaged in the business or occupation of pruning, treating or removing any park tree shall furnish evidence of liability insurance and workmen's compensation as provided elsewhere in Village policies and procedures. No certification shall be required by any public employee doing such work in the pursuit of their public service endeavors.