

ORDINANCE NO. 26-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING COLUMBUS CITY CODE (ORDINANCE NO. 24-01) SECTIONS 96.01 TO 96.09 AND 96.11 TO 96.13 OF CHAPTER 96 OF TITLE IX REGARDING REGULATIONS ON TREES; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 96.01 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMUNITY ARBORIST: International Society of Arboriculture Certified Arborist designated by the City's Parks and Recreation Department.

ISA: International Society of Arboriculture.

ISA CERTIFIED ARBORIST: An individual who maintains a current ISA Certified Arborist credential or successor certification recognized by the City.

PUBLIC COMMUNITY FOREST: All street and park trees and other trees owned by the city as a total resource.

PARKS AND RECREATION DEPARTMENT: The official (public employee) City representative and, as such, is responsible for the administration of the community forestry program.

PARK TREES: Trees, shrubs, bushes, and all other woody vegetation in public parks.

RIGHT OF WAY: City-owned land, dedicated easements, and airspace specifically reserved for public infrastructure, transportation and utilities.

STREET TREES: Trees, shrubs, bushes, and all other woody vegetation on land lying between the private property lines on either side of all streets and avenues, as well as island areas within city streets or cul-de-sacs within the city.

Section 2. That Section 96.02 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.02 TREE SPECIES TO BE PLANTED.

(A) Approved Tree Species. The City shall maintain an Approved Tree Species List for trees planted on public property. The list shall include

recommended shade, ornamental, and evergreen tree species selected based on diversity, climate suitability, pest and disease resistance, mature size, and overall urban performance. The list shall be reviewed periodically by the Parks and Recreation Director or designee and may be amended by resolution of the City Council to reflect current urban forestry best practices. The Approved Tree Species List, as amended from time to time, shall be available to the public upon request.

(B) Prohibited Tree Species and Restricted Tree Species. The Parks and Recreation Department, in consultation with the Community Arborist and other qualified forestry professionals as needed, shall maintain a list of prohibited tree species and a list of restricted tree species for planting within public rights-of-way and other public properties. The prohibited and restricted species lists may include species determined to be:

1. Invasive or potentially invasive;
2. Highly susceptible to significant insect or disease threats;
3. Poorly adapted to local soil, climate, or site conditions;
4. Structurally weak or prone to failure;
5. Detrimental to public infrastructure or utility systems; or
6. Inconsistent with the City's urban forestry objectives related to canopy diversity, resilience, and long-term sustainability.

The prohibited and restricted species lists shall be adopted by resolution of the City Council and may be amended and updated periodically in consideration of new research, pest threats, environmental conditions, updated urban forestry best practices, and general public input. Restricted tree species may be approved on a case-by-case basis by the Director of Parks and Recreation (or designee) if appropriate for the planting site and consistent with the City's urban forestry goals. No person shall plant a restricted species within a public right-of-way or on other public property without prior written authorization from the Parks and Recreation Department.

(C) Diversity of Tree Species. The City shall strive to maintain species diversity so that no single species comprises more than 10% of the public tree population and no single genus comprises more than 20% of the public tree population. Tree selection shall be made with these diversity goals in mind.

(D) Trees existing on public or private property prior to enactment and/or amendment of this chapter shall not be subject to removal under the provisions of this section.

Section 3. That Section 96.03 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.03 DISTANCES AND CLEARANCE FOR PLANTING.

(A) Street trees may be planted in the right-of-way where there is eight feet or more between the edge of the sidewalk and the curb or the street. Street trees shall be planted no closer than four feet from a sidewalk,

driveway or street. It is suggested that private trees not be planted any closer than four feet from a private drive or sidewalk. As the tree grows, its roots may push up the sidewalk or drive.

(B) No street tree shall be planted closer than 30 feet from any street corner, measured from the point of the nearest intersection of curbs or curb lines.

(C) No street tree shall be planted closer than 25 feet from another street tree.

(D) No street tree shall be planted closer than ten feet from any fire hydrant.

(E) Written permission must be obtained from the holder of the easement when planting street trees within ten feet of any point on a line on the ground immediately below any overhead utility wire or above any underground cable.

Section 4. That Section 96.04 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.04 Tree Planting Standards and Tree Care

(A) All trees planted within the rights-of-way, public parks, and other public properties shall be installed in accordance with accepted arboricultural practices and current Nebraska Extension, ISA, and ANSI A300 standards.

(B) Root Flare. Trees shall be planted so that the root flare, where the trunk widens and transitions to the root system, remains visible and above finished grade following installation.

(C) Planting Hole. Planting holes shall be dug at least two times the width of the root ball and only deep enough to allow the root flare to remain above surrounding grade. Soil beneath the root ball shall remain firm to prevent settling.

(D) Mulching. Organic mulch shall be placed around newly planted trees in a ring extending beyond the root ball where practical. Mulch shall not exceed four inches in depth and shall be kept away from direct contact with the trunk.

(E) Watering. Newly planted trees shall receive adequate water during the establishment period to maintain healthy growth and survival. Watering schedules shall be adjusted based upon weather conditions, soil moisture, and species requirements.

(F) Staking. Trees may be staked when necessary due to site conditions, tree size, or wind exposure. Stakes and support materials shall be removed within one year of planting unless otherwise recommended by a qualified arborist.

(G) Planting Standards Updates. The Parks and Recreation Department may adopt and periodically update tree planting specifications, planting details, and maintenance standards consistent with current arboricultural best practices.

(H) Tree Care.

1. The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the rights-of-way and any public grounds as may be necessary to ensure the public safety.
2. The City may remove, cause to be removed, or order the removal of any tree or portion thereof located on public property when the tree:
 - a. Is dead, dying, diseased or infested with insects or pests;
 - b. Is determined to present an unreasonable risk to public safety due to structural defects, instability, storm damage, root failure, excessive decay, or other hazardous conditions;
 - c. Interferes with public infrastructure, utilities, or public improvements and cannot be reasonably mitigated through pruning or other management practices; or
 - d. Has been determined by the Community Arborist, Park and Recreation Department, or qualified arboricultural professional to pose an imminent risk of failure or injury to persons or property.
3. The adjoining property owners shall have the right to perform normal tree care on all street trees.
4. Infected or diseased trees, or parts thereof, in a dead or dying condition on public lands shall be removed as warranted by the Community Arborist and disposed of by the Public Works Department within a reasonable amount of time of the discovery that the conditions exist. The cost thereof shall be borne by the city without being assessed to the adjoining property owner.

Section 5. That Section 96.05 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.05 PERMIT REQUIRED TO PLANT, REMOVE A STREET TREE.

(A) No person shall plant or remove a street tree without first obtaining a permit from the Public Works Department and paying the required fee. The owner of the property shall be responsible to obtain the necessary permit required for each occurrence at a specific property. Permits shall be valid for six months from the date of issuance. In case of a house moving, the tree service shall be responsible to obtain a permit to prune street trees along the route on which the house is to be moved. All tree pruning, removal, and maintenance activities shall conform to the most current *ANSI A300 Tree Care Standards and applicable ISA Best Management Practices*.

(B) For the purpose of house moving, the tree service must trim or prune just ahead as the building is being moved. If the work is not satisfactory in the opinion of the city, the city may make necessary corrections and assess the cost to the tree service. The tree service may

then also be suspended from doing work on street trees for any given length of time. The tree service shall also be responsible for obtaining permission from the property owner if a tree on private property needs to be pruned because of the moving.

(C) Tree services are responsible to check with and verify that the owner has the required permits for planting or removal of street trees, whichever may be the case before work begins. Fees required for any permits will be set by resolution.

Section 6. That Section 96.06 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.06 COMPENSATORY PAYMENTS.

No person shall remove any street tree without replacing with a tree in the vicinity of the removed tree, which may include private property, or in another location in the city if no suitable location exists in the vicinity. Replacement tree size must be of one and one-half inch caliper or greater and must be replaced in the following time frame. If a tree is removed after November 15, it must be replaced by May 15 of the following year. If the tree is removed after May 15, it must be replaced by November 15 of the same year. Waivers for tree size or species are obtainable from the Public Works Department. If a person does not wish to plant back or in another location, he or she shall make compensatory payment to the city. The compensatory payments shall be paid to the City Clerk's office and used solely for the purpose of enhancing the community forest. The compensatory payment amount shall be set by resolution. A tree can be planted in a private yard if planting on the city right-of-way or making a compensatory payment is not desired.

Section 7. That Section 96.07 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.07 TREE TOPPING AND TRIMMING.

It shall be unlawful as a normal practice for any person or city department to top any street, park or other tree on public property. **TOPPING, ROUNDING OFF** or **POLLARDING** is defined as the systematic cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Community Arborist.

Section 8. That Section 96.08 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.08 TREE TRIMMING COMPLIANCE.

All trimming or pruning of street trees must be done in accordance with *ANSI A300 Tree Care Standards and ISA Best Management Practices*. If work on street trees is not satisfactory in the opinion of the city, the city may make necessary corrections and assess the cost to the tree service or individual. A suspension from doing work on street trees may also apply for any given length of time.

Section 9. That Section 96.09 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.09 CLEARANCE OVER STREETS, WALKWAYS, AND PERSONAL PROPERTY.

(A) Clearance over walkways and personal property shall be the responsibility of the abutting property owners. A clearance of no less than eight feet shall be maintained over walkways, and a clearance of no less than 14 feet shall be maintained over streets and alleys. Property owners are responsible to maintain the eight-foot height on street and private trees over walkways so that they will not inhibit the passage of pedestrians. This is to ensure safety of persons using the sidewalks. Property owners should report any infractions of street trees that abut their property to the Director of Public Works who will evaluate the situation and take appropriate action at city expense. It shall be the duty of the city to trim any trees to the 13 feet above the streets height so that they will not inhibit the passage of vehicles.

(B) It shall be the duty of the utility company to trim any trees within or in close proximity to utility lines.

(C) If any trees are permitted by the owners of the adjacent premises to grow untrimmed in violation of the provisions of this section, it shall be the duty of the Public Works Department to notify the owner in writing to trim the trees within the time and manner to be specified in the notice. If any person so notified shall neglect or refuse to comply with the notice, the Public Works Department shall forthwith cause the trees to be trimmed at the expense of the city and the costs thereof assessed against the property.

Section 10. That Section 96.11 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.11 REGISTRATION AND INSURANCE REQUIREMENTS.

(A) Persons engaged in the business or occupation of pruning, treating or removing any tree or trees inside the city limits must be registered with the City Clerk's office by April 1 of each year. Registration may be obtained at any time during the year upon meeting application requirements. Each person in the business of tree work must show evidence of minimum liability insurance as set by resolution and the city be named as an

additional insured. A copy of the certificate of liability insurance must be on file with the City Clerk's office and kept current. No registration is required by any public employee(s) doing such work in the pursuit of his, her or their public service endeavors. Whenever an individual plans to fell a tree onto the street or block the street for any tree work, the individual shall make a request to the Parks and Recreation Department and shall notify the Fire, Public Works and Police Departments 24 hours prior to breaking any street and as to how long the street will be blocked and shall notify the Fire and Police Departments as to when the street is open. Traffic cones, which shall be fluorescent in nature regardless of color, or proper visible barricades are required for public safety.

(B) Prior to performing work on public trees within the City of Columbus, tree service companies shall maintain registration with the City Clerk's Office, provide proof of required liability insurance, and ensure that tree work on public trees is performed or directly supervised by an ISA Certified Arborist. Fees for the registrations will be as set by resolution.

Section 11. That Section 96.12 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.12 FAMILY DWELLING TREE REQUIREMENTS.

In construction of new single-family dwellings, it is suggested to plant at least one, one and one-half inch caliper tree per residence. In construction of multiple-family dwellings, it is suggested to plant at least two one and one-half inch caliper Class I or II trees per lot. Trees cannot be planted in public right-of-way of any street type less than eight feet in width as measured from the back of curb to the property line. Trees on public property cannot be planted within four feet of the back of curb, street edge, sidewalk or trail or within any visual clearance zone. Trees on private property shall be planted a distance of not less than four feet from public sidewalks or trails and shall be in compliance with all other provisions of this chapter

Section 12. That Section 96.13 of Chapter 92 of Title IX of the Columbus City Code shall be amended and revised to read as follows:

§ 96.13 ENFORCEMENT OFFICIAL; RIGHTS AND DUTIES.

The Park and Recreation Department is charged with enforcement of this chapter.

Section 13. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by Nebraska Revised Statutes § 16-405 with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER _____

PASSED ND ADOPTED THIS ____ DAY OF _____, 2026.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY