

## CITY OF DYERSVILLE

### TREE AND LANDSCAPING ON PUBLIC RIGHT-OF-WAY POLICY

This policy shall regulate the planting, maintenance, and removal of trees and shrubs in public rights-of-way. An approval from the City Administrator or City Council is required before planting any tree or landscape planting.

#### I. DEFINITIONS

For the purpose of this policy the following terms, phrases, words and their derivations shall have the meaning given herein.

1. *City* is the City of Dyersville, Iowa.
2. *Public Works Department* is the designated department of the City under whose jurisdiction trees in public rights-of-way fall.
3. *City Administrator* is the designated official assigned to carry out this policy's enforcement.
4. *Parking* (or *Parkway*) is the area between the street (or back of curb) and sidewalk; or, on unpaved streets, that part lying between the lot line and street.
5. *Street tree* is a tree located in the area designated as parking.
6. *Small trees* are designated as those attaining a height of fifteen (15) to thirty-five (35) feet.
7. *Medium trees* are designated as those attaining a height of thirty-five (35) to forty (40) feet.
8. *Large trees* are designated as those attaining a height of forty (40) to sixty (60) feet.
9. *Undesirable trees* are trees not suitable for use as street trees because of one or more of the following characteristics: thorn production, weak branching habit, messy fruit production, disease susceptibility, et cetera.
10. *Landscaping* is improving the parking or other public right-of-way by planting trees and shrubs for functional and aesthetic purposes.
11. *Immediate danger or threat* is a tree condition that risks public safety and requires the immediate attention of the City Administrator or his designee.
12. *Appeal* means citizen(s) wishing to appeal any of the requirements of this policy, process, or fees must submit the appeal in writing to the City Administrator and it will be forwarded to the City Council for their review and consideration.

#### II. STREET TREE REQUIREMENTS

When tree or landscape planting plans are submitted for approval, the following general requirements must be met.

1. No trees are to be planted in any parkway, which is less than three (3) feet in width.
2. Small trees shall be used where overhead lines or building setback present special problems, no matter what the size of the planting lawn.

3. Trees shall be planted at least fifty (50) feet from the edge of street intersections, traffic control lights and stop signs, and at least ten (10) feet from driveways and fifteen (15) feet for alleys. Exact location will be determined according to the type of tree to be planted.
4. No tree shall be planted closer than ten (10) feet from a street light, utility pole, water shut-off, sewer lateral, or other underground utility.
5. Spacing of trees shall be determined by the Public Works Director or his designee according to local conditions, the species, cultivars, or varieties used, and their mature height, spread, and form. Generally, all large trees shall be planted forty (40) to sixty (60) feet apart; all medium trees shall be planted a minimum of thirty-five (35) feet apart; and all small trees shall be planted a minimum of twenty-five (25) feet apart.

This policy refers to a listing of trees prepared for planting as street trees entitled “Suggested Tree Varieties – City of Dyersville”. Undesirable trees shall not be recommended for planting and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or for landscape effect, they can be used to advantage.

Only desirable, long-lived trees of good appearance, beauty, adaptability, and generally free from injurious insects or disease shall be planted as street trees. Planting specifics are as follows:

1. *Small Species*: Unless otherwise specified by the Public Works Director or his designee, all small deciduous tree species, and their cultivars or varieties, shall be at least five (5) to six (6) feet or more in height, have six (6) or more branches, and shall be at least one (1) inch in diameter six (6) inches above ground level.
2. *Medium/Large Species*: Unless otherwise specified by the Public Works Director or his designee, all medium and large deciduous tree species and their cultivars and varieties shall be at least one and one-fourth (1 1/4) to one and one-half (1 1/2) inches in diameter six inches above ground level, and at least eight (8) to ten (10) feet in height when planted. The crown shall be in good balance with the trunk.
3. *Grade*: Unless otherwise allowed for specific reasons by the Public Works Director or his designee, all trees shall have comparatively straight trunks, well-developed leaders and tops, and roots characteristic of the species, cultivar or variety showing evidence of proper nursery pruning. All trees must be free of insects, disease, mechanical injury, and other objectionable features at the time of planting, and conform to standards set forth in American Standards for Nursery Stock.
4. *Depth*: All trees planted on city right-of-way shall be planted so that the trees’ buttress root flare is at-grade.

### **III. TREE MAINTENANCE AND REMOVAL**

The below policy identifies common tree related problems and the procedures by which resolutions and corrective actions are found.

1. If a property owner or tenant has planted a tree without City approval, the City shall notify the property owner or tenant of this policy and ask that the tree be removed. If the tree is not removed by the date established, the City will remove the tree at the property owner’s expense.

2. Topping or dehorning of established trees shall not be permitted.
3. Established trees shall be pruned over the tree's lifetime to allow free passage of pedestrian and vehicular traffic. A branch height of eight (8) feet over sidewalks and fifteen (15) feet over streets is required unless otherwise approved by the Public Work Director. A tree's age, size, location, condition and natural form are factors, which will determine the extent of pruning.
4. The stumps of removed trees shall be cut to at least eight (8) inches below the ground, and soil shall be replaced and the area leveled.
5. A street tree found to be causing or raising problems with sidewalks will be approved for removal by the city, only when it meets one or more of the following criteria as determined by the Public Works Director or his designee:
  - a. The tree is in a state of decline due to disease or insect pest for which there is no likelihood of a cure.
  - b. The tree poses a safety risk that cannot be corrected or where an unreasonable safety risk would be created by the construction process or root pruning.
  - c. Work improvements required to be made around the tree will likely kill the tree or render it a hazard.
  - d. Tree preservation is not cost effective compared to the tree's monetary value.
  - e. The tree poses an extreme public nuisance because of its species, size, location, fruit & seed drop, limb breakage or other objectionable condition.
  - f. The aesthetic value of the tree is extremely low or where the tree interferes with the growth and development of a more desirable tree.
6. When a street tree's roots or root has been found to be causing or raising problems with the sidewalk and the tree's removal is not an option, the sidewalk repair will be made by the abutting property owner. See Chapter 136 of the Code of Ordinances, sections 136.09 and 136.10.
7. Street trees found to be causing cracking or raising problems for City curbs or streets or causing intersection site problems or non-sidewalk related public safety problems (such as dead or dying trees) shall be removed by the City when it is determined they cannot be saved or branches or roots cannot be pruned properly.
  - a. The adjacent property owner shall be given a five (5) working day notice by regular U.S. mail that the tree is to be removed and the reasons for removal.
  - b. The notice shall include a provision that the adjacent property owner may appeal such removal to the City Council.
  - c. Appeal must be in writing to the City Administrator within the five (5) working day period. This notice and appeal does not apply to a tree posing an immediate danger or threat to public safety, requiring immediate removal.
8. When special conditions or circumstances arise which are not directly covered in this policy, the City Administrator or his designee shall make a decision on the course of action to be taken, based upon an evaluation of the situation.

#### **IV. LANDSCAPING ON PUBLIC RIGHT-OF-WAY SECTION**

Section II of this Policy, *Street Tree Requirements*, does not speak to, permit, or regulate, the planting of groups of trees and shrubs for landscaping purposes on public rights-of-way. This

Section shall govern the planting, maintaining and removal of groups of trees and shrubs on public rights-of-way for landscaping purposes.

1. The Public Works Director or his designee or those contracted or approved by the Public Works Department shall, remove, cut above ground, or otherwise disturb any tree located on a public right-of-way.
2. Landscaping and/or screening required by the City's Zoning Ordinance shall not be placed on City right-of-way.
3. No trees and shrubs shall be planted in the planting lawn or other public right-of-way for landscaping purposes without first obtaining approval of the City Administrator or City Council.
4. The approval of the City Administrator will be in the form of a revocable permit to plant trees and shrubs for landscaping purposes in the public right-of-way. The applicant must agree to plant and maintain the trees and shrubs according to an approved site plan and further agree to be responsible for any and all liability arising from the planting of trees and shrubs on City property.
5. Requests for such approval shall be made to the City Administrator in writing and include a site plan showing the varieties and placement of the trees and shrubs to be planted on City right-of-way and who is to do the work.
6. Effective June 5, 2017, trees and shrubs planted on City right-of-way without City approval will be removed by the property owner or tenant after receiving notification from the City. If the trees and shrubs are not removed by the date established, the City may perform the required action and assess the costs against the abutting property owner.

## **V. STREET CONSTRUCTION SECTION**

The purpose of this section is to prevent or minimize damage to street trees as a result of street construction activities. This section provides for an administrative procedure to follow when street trees are encountered in street, sewer, water, or utility construction projects.

### **Administrative Procedures**

Street and utility construction activities will, in many cases, cause varying degrees of damage to street trees. For this reason, the Public Works Director or his designee shall act to advise the necessary city staff and private contractors when street construction activities will be taking place within ten (10) feet of a street tree.

The outlined procedures will be followed by the City and contractors working within the public right-of-way:

1. The Public Works Director or his designee shall be used as a technical resource in the design and construction specification writing phase of City construction projects to identify issues and potential problems relating to street trees, which could arise from the construction activities.
2. Prior to the construction of a City street or utility construction contract, a project representative will walk the project area with the Public Works Director or his designee

to determine what specific procedures should be followed to protect adjacent street trees. These procedures will be incorporated into the project specifications.

3. The Public Works Director or his designee shall be invited to the project pre-construction meeting with the contractor to emphasize the importance of protecting the trees while the work is progressing.
4. The Public Works Director or his designee may attend public meetings and hearings (as needed) on projects where potential damage to street trees has been identified by prior inspection and review. Trees intended for trimming will be identified in the specifications and the public involvement process.
5. The Public Works Director or his designee shall be available when called to monitor the progress of the contractor and to advise the private contractor if the work is not proceeding according to the adopted specifications relating to tree protection, or if the specifications should be altered during the progress of the work.
6. The Public Works Director or his designee will be available to discuss in greater detail the anticipated effect on the tree, and to answer property owner's questions.
7. For privately contracted work, the contracting authority and the contractor shall be responsible for the protection of street trees pursuant to this policy.

### **Tree Removal**

Street trees found to be growing over existing curbs or located too close to the curb or utility being placed, upgraded or replaced such that reconstruction is not feasible without causing death of the tree, the tree will be removed by the Contractor. In such cases, the adjacent property owner shall be notified prior to start of project.

Trees removed for construction projects may be replaced as part of the City construction contract at no cost to the abutting owner. Replacement of removed trees shall be done during normal planting seasons after the construction work has been completed.

### **Construction Practices**

The construction specifications will outline specific procedures to be followed by the contractor, along with tree damage liabilities, including penalties and costs of damage remediation.

Prior to the commencement of construction, the contractor will prune street trees extending over the roadway, which could be damaged.

Contractors shall notify the City if damage is done beyond the level anticipated, and repairs to trees damaged during construction will be made by the contractor. When trees are damaged or destroyed due to negligence or non-compliance, the contractor shall be required to pay for the necessary cost of repairs, removals, replacements and to reimburse the City for loss of value. Loss of value will be determined by a Certified Arborist, using the most recent edition of The Council of Tree & Landscape Appraisers, Guide for Plant Appraisal.

The following specific suggestions will best protect and preserve our street trees, and reduce the chance of liability in the event of their failure:

1. All heavy equipment (other than hand tools) shall be kept off of the planting lawn particularly under the drip line of any tree.

2. The planting lawn will not, to the extent possible, be cut into or disturbed in any way particularly within the trees' drip line. This includes creating setbacks for new curb and gutter, accommodating slip form pavers, reducing the height of the planting lawn or where an alternative exists, trenching or digging for utilities.
3. Curb and gutter removal will be done in such a way as to minimize any damage to the tree's root system or above ground parts.
4. At no time shall the tracks or tires of the excavator/backhoe or pavement grinder, et cetera, be allowed to ride on the curb or planting lawn within a tree's drip line where it would cause damage to the roots, buttress root flair, trunk or crown of the tree, without protective measures in place to protect the tree and avoid soil compaction.
5. At no time shall construction equipment or materials, including gravel, sand or soil, be stored on the surface of any unpaved area within a protected tree's drip line.
6. At no time shall chemicals or petroleum products be deposited within the drip line of city street trees.
7. Exposed tree roots shall be protected from direct sunlight and air with wet burlap following curb and gutter removal if backfilling isn't completed by the end of the same workday. Prior to backfilling, all lime stone base material shall be removed from behind the newly poured curb and gutter. Backfilling should be completed with hand tools to avoid compaction.
8. Only a friable clay loam soil shall be used as a backfill soil. Backfill soil shall be free of rock and other construction debris.
9. Where possible and specified by the Public Works Director or his designee, orange plastic barrier fencing or snow fence will be erected to protect trees and their root zones. The fencing shall be installed prior to construction and not removed until after final clean up of the construction site.
10. To preserve viable root systems and maintain structural stability of a tree, it is required that all underground utility placement or replacement, to the extent possible, be done by boring or tunneling beneath the root systems of the tree with open cut excavating done only outside of the tree's drip line.
11. Trenching/Tunneling Near Trees by Dr. James R. Fazio shall be used as a guide by qualified utility workers.
12. If a root must be cut and removed or a damaged root pruned, a clean cut shall be made with a sharp cutting tool. The following sequence shall be used:
  - a. Expose the root by hand using hand tools such as shovel, trowel;
  - b. Make a clean cut with a sharp tool such as a hand pruner or hand saw and in the event of larger roots, a chain saw; (root grinding is not an option);
  - c. Remove root;
  - d. Protect exposed root or backfill.
13. Curb and gutter replacement adjacent to street trees can be made with a slip form paver only if the paver can be accommodated without any additional alterations to the existing planting lawn. Where insufficient room does not exist, the area will be poured using hand set steel forms. Expansion joint or masonite may be necessary for forming around the base of trees where conventional forms will not fit. Non-linear paving (bump outs), skip overs and narrower streets are all options to consider for avoiding root injury.
14. Where sidewalk replacement is necessary, care should be taken to avoid injury to the tree's root system. Sidewalk repairs should be made using one of the approved

replacement modifications, which best corrects the sidewalk anomaly while minimizing harm to the tree. Surface roots less than two (2) inches in diameter may be cut when necessary, making clean pruning cuts to a maximum depth just below the finished grade of the new walk. The root system should be cut no further than 5 inches away from the edge of the proposed new walk to accommodate its forms.

15. At no time shall the planting lawn grade be changed by removing soil or through the addition of soil within the tree's drip line.
16. When a situation should arise with the potential to cause harm to the tree, which is clearly not addressed by this policy guideline, the City Administrator and the Public Works Director shall be consulted to determine the best course of action.

### **Soil Quality**

Soil to be used as backfill within the right-of-way shall be a friable topsoil. It shall not contain admixtures of subsoil and shall be free of lumps larger than 2" in diameter, stones, plants or their roots and construction matter or debris.