

CHAPTER 12: TREES / WOOD STORAGE

Section 1: Definitions

As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

Boulevard: The area between the curb and sidewalk, or the area extending five feet from the edge of the street where no sidewalk exists.

Diseased Tree: Any tree infected with a condition, such as dutch elm disease or emerald ash borer, that poses a threat to other trees.

Public Right-of-Way: Land reserved for public infrastructure, including boulevards and utility easements, and public sidewalks.

Hazardous Tree: A tree that, due to its condition, poses a risk to public safety or property.

Section 2: Boulevard Tree Regulations

- A. **Prohibition on Planting:** No person shall plant trees or large shrubs in the boulevard or public right of way and must remain 3 feet off property lines.
- B. **Removal Policy:**
 - 1. **City Responsibility:** The city will remove trees in the boulevard at its own expense if they are deemed hazardous or diseased.
 - 2. **Homeowner Requests:** If a homeowner requests the removal of a boulevard tree that does not pose a safety concern, the removal will be at the homeowner's expense.

Section 3: Diseased or Hazardous Trees

- A. **Inspection and Identification:** The City will inspect trees on both public and private property suspected of being diseased or hazardous.
- B. **Notification:** If a tree on private property is deemed hazardous or diseased, the homeowner will receive a written notice requiring removal within 30 days.
- C. **Failure to Comply:** If the homeowner fails to remove the tree within the specified period, the City may remove it and assess the cost to the homeowner's property taxes.

Section 4: Homeowner Responsibilities

- A. **Tree Maintenance:** Homeowners are responsible for the maintenance, care, and removal of trees on their property, including those that may become diseased or hazardous.
- B. **Overhanging Branches:** Homeowners must ensure that branches from trees on their property do not obstruct sidewalks, streets, or public infrastructure.
- C. **Sidewalks:** Homeowners are responsible for the repair or replacement of sidewalks affected by tree roots from trees located on their private property. Any necessary repairs must ensure the sidewalk remains safe for public use.

Section 5: Wood Storage

- A. **Permitted Storage:** Homeowners may store wood outdoors for personal use, such as wood-burning stoves or fire pits, provided it adheres to the following conditions:
 - 1. Location: Wood must be stored in the rear or side yard, at least three (3) feet from any property line, and not in the boulevard or front yard.
 - 2. Stacking Requirements: Wood piles must be neatly stacked and not exceed six (6) feet in height.
 - 3. Ground Clearance: Stored wood must be elevated at least six (6) inches off the ground to prevent pest infestation and decay.
- B. **Prohibited Storage:**
 - 1. Debris and Waste: Brush, tree limbs, and yard waste may not be stored as firewood.
- C. **Public Health and Safety:**
 - 1. Inspection Rights: The City reserves the right to inspect outdoor wood storage for compliance with this ordinance.
 - 2. Corrective Action: Homeowners will be notified of violations and must correct them within 14 days. Failure to comply may result in fines or removal of the wood at the homeowner's expense.

Section 6: Tree Varieties

The City of Lambertton encourages homeowners to plant a diverse variety of trees. This helps protect the community's tree canopy by reducing the risk of widespread tree loss during disease outbreaks or infestations.

Section 7: Enforcement and Penalties

- A. **Enforcement Authority:** Employees or law enforcement of the City of Lambertton will be the enforcement authority.
- B. **Penalties:** Violation of this ordinance may result in fines, liens, or other penalties as determined by the City Council.

Section 8: Repealed Tree Ordinances

That Ordinance No. 118 is hereby repealed in its entirety.

Any prior ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9: Tree Ordinance History Adoption & Updates

This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lambertton City Council on this _____ day of _____, 2024

Lydell Sik, Mayor

Valerie Halter, Clerk