

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING ARTICLE VIX TO CHAPTER 10 OF THE CODE OF THE CITY OF NORMAN TITLED UTILITY VEGETATION MANAGEMENT AND SETTING FORTH NOTICE REQUIREMENTS AND BEST MANAGEMENT PRACTICES FOR VEGETATION MANAGEMENT AND MAINTENANCE ACTIVITIES BY UTILITY COMPANIES OPERATING IN THE PUBLIC RIGHTS OF WAY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF NORMAN, OKLAHOMA:

- § 1. That Article VIX shall be added to Chapter 10 of the Code of the City of Norman and titled as follows:

ARTICLE VIV. UTILITY VEGETATION MANAGEMENT

- § 2. That Section 10-901 be added to Chapter 10 of the Code of the City of Norman and read as follows:

Sec. 10-901 Purpose.

As technology advances, the number of service providers utilizing the public rights-of-way increases. Utility companies provide critical infrastructure for the City and its residents, including electrical, gas, water and sewer infrastructure. The ability of the infrastructure to provide reliable, abundant, accessible and affordable services is important to the City's economy and security. To enable easy access to the infrastructure in the public rights-of-way, the rights-of-way must be maintained. This includes vegetation management. Effective vegetation management can prevent electricity outages, erosion, and water quality issues. Vegetation management can negatively impact adjacent property owners if chemicals are overused, trees are trimmed inappropriately, and communication with impacted property owners is insufficient. The purpose of this ordinance is to provide a framework for the use of appropriate, environmentally sound, and cost-effective vegetation control methods, while also providing for better communication between providers and property owners and community education.

- § 3. That Section 10-902 be added to Chapter 10 of the Code of the City of Norman and read as follows:

Sec. 10-902 Planned Maintenance.

- A. The City recognizes that each utility company plans their work based on operating within a specific regulatory framework, system conditions, and budget availability. The implementation and execution of a maintenance plan

can be affected by factors beyond the utility's control, such as unexpected changes in conditions or severe weather events. Each utility company shall work with the City to identify in advance any planned maintenance that is scheduled to occur within the city limits. Information provided by the utility company shall include:

- 1) General areas (e.g., substation or circuit for electric utilities) involved scheduled for maintenance;
- 2) Identification of a certified arborist to serve as a contact person for any questions about vegetation management activities.
- 3) Identification of any company the utility company intends to use for planned vegetation maintenance work.

B. If a utility's vegetation management plan changes for any of the areas identified within the City, the utility will communicate those changes to the appropriate City representative in a timely manner. The City may communicate planned maintenance information provided by a utility to the community in a format the City determines to be appropriate.

§ 4. That Section 10-903 be added to Chapter 10 of the Code of the City of Norman and read as follows:

Sec. 10-903 Stakeholder Communication.

- A. Notification to Owners or Residents of Occupied Property. Prior to the performance of planned vegetation maintenance by a utility on occupied property, the utility shall make reasonable efforts to provide prior notification of such activities to the owner or resident of such property. Such prior notification may include, but is not limited to, any of the following methods: door hangers, mailed letters, posted signs on the occupied property.
- B. Meetings with Owners or Residents of Occupied Property. If an owner or resident of an occupied property requests a meeting with a utility regarding vegetation maintenance that is to occur on said property, then the utility shall make reasonable efforts to meet with the owner or resident of said property to explain the objectives and methods used to achieve them, and to identify expected impacts to any trees.
- C. Notifications and Communications for Emergency Vegetation Maintenance or Management. In the case of emergency reactive work, the notification provisions of this section shall be waived. The utility company shall give as much notice as is reasonable and possible under the circumstances to the owners or residents of occupied property.
- D. Dangerous Trees. In the case of a tree, large shrub or part thereof, living or dead, which is in such condition and is located in such a place as to constitute

a danger to persons or property in the vicinity of the tree, the utility company shall not be required to notify the City in advance of any maintenance of the tree. Reasonable notification to the owner or resident of occupied property on which the tree is located is still required.

- § 5. That Section 10-904 be added to Chapter 10 of the Code of the City of Norman and read as follows:

Sec. 10-904 Best Management Practices.

All tree work conducted by utility companies shall be governed by the applicable ANSI A300 standards and accompanying best management practices, and subsequent revisions.

A. Pruning. The following subsections are general guidelines only, and it is important to recognize that site conditions, system hardware, tree species, tree size, approximate tree age, and maintenance history are all factors that influence the best approach to maintaining a tree that could impact a utility system:

- 1) Proper pruning cuts are critical to a tree's ability to compartmentalize disease;
- 2) Smaller pruning cuts compartmentalize better, heal faster, and place less stress on the tree;
- 3) Pruning large branches requires a 3-cut method to prevent bark from tearing;
- 4) Topping and Roundover methods are generally prohibited unless deemed appropriate for a specific tree by a certified arborist or in consultation with the property owner;
- 5) Acceptable pruning systems include: Natural, Pollarding, and Topiary;
- 6) Structural, Directional, and Emergency pruning objectives can be met using:
 - a. Branch removal cuts
 - b. Heading cuts
 - c. Reduction cuts

- 7) When appropriate to achieve the desired pruning objectives, pruning cuts should be made to lateral or parent branches that are no less than 1/3 the diameter of the limb being removed;
- 8) In rural areas and where access is limited by site conditions, mechanical pruning equipment may be used to achieve necessary clearance distances;
- 9) Any obvious 'hangers' shall be removed while performing tree maintenance.

B. Chemical Control Methods. The use of herbicides shall be governed by the product label and the approved application standards, as well as the regulations outlined in Title 2 of the Oklahoma Statutes and under applicable Federal law. The applicator shall consider conditions, such as temperature, winds, sensitive vegetation in the immediate area and intertwining root systems when making any herbicide application and do their utmost to avoid off target damage.

C. Supervision and Oversight of Contractors. Any utility company desiring to engage in vegetation maintenance operations on public streets or rights-of-way, City-owned or controlled property, and private property within the City limits shall be responsible for oversight of its contractors in the performance of all work and will ensure that contractors adhere to ordinance provisions and proper vegetation maintenance practices.

D. Identification. Any employee of a utility, or a contractor working on behalf of a utility, shall be required display identification on his or her person during any planned maintenance activity. Identification shall include the name of the employee, the contractor they are working for (if applicable) and the utility on whose behalf he or she is working.

E. Vegetation Management Clean-Up.

- 1) All waste (chemicals, chemical containers, etc.) generated in clearance work shall be disposed of in compliance with applicable laws.
- 2) All pruning debris from vegetation maintenance shall be cleaned up each day, unless permission is given by the owner or resident of the impacted property to do otherwise. This includes the following:
 - a. Impacted lawn areas shall be cleaned of debris;
 - b. Impacted streets and sidewalks shall be cleaned of debris;

c. All brush (having a diameter of 6 inches or less), branches and logs shall be chipped and removed from the site. When feasible and agreed to by the owner or resident of the property and the utility company, the brush may be blown into an area within the rights of way or adjacent to the right of way corridor. Larger wood shall be cut into manageable lengths and stacked neatly at the base of the tree, unless otherwise specified by the owner or resident.

- 3) If an owner or resident of impacted property requests information on options for grinding any stumps resulting from vegetation maintenance operations, it shall be the responsibility of the utility to provide owner or resident with such information.
- 4) Chemicals are an important tool used in vegetation management. A property owner may request the utility remove dead, woody vegetation treated on their property within 120 days following the utility's use of chemical control methods. That request shall be made directly to the utility through their customer service department. The utility shall respond within a reasonable time and remove the vegetation. This shall not include the removal of dead vines.

§ 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance, except, that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this ____ day of
_____, 2019.

NOT ADOPTED this ____ day of
_____, 2019.

Lynne Miller, Mayor

Lynne Miller, Mayor

ATTEST:
