



## Legislation Text

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**File #:** O-1819-34, **Version:** 1

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CONSIDERATION OF ORDINANCE O-1819-34 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE X TO CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING REGULATIONS TO PROTECT HEALTHY AND SIGNIFICANT TREES IN THE PUBLIC STREETS AND RIGHTS OF WAY; PROVIDING FOR DEFINITIONS; PROVIDING PROVISIONS FOR APPLICATIONS TO REMOVE TREES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**BACKGROUND:** Due to interest from City Council, the City's Tree Board formed a subcommittee last Spring to research tree ordinances from other cities and prepare a draft tree ordinance for Norman. The draft ordinance was presented to the Community Planning and Transportation Committee (CPTC) by Mr. Will Spain and Mr. Don Menzie, both Tree Board members, on May 24, 2018 and October 25, 2018 and by the full Council on December 11, 2018.

**DISCUSSION:** Section 22-122 in Title 11 of the Oklahoma Statutes provides that a municipal governing body may enact ordinances for the purpose of regulating, planting and maintaining trees in the streets, avenues, or public grounds of the municipality. The proposed ordinance would add Article X to Chapter 10 of the City's ordinances and is primarily focused on protecting street trees and trees in the public rights-of-way. The ordinance empowers the City Forester, a position that has been requested for addition to the current City budget, to enforce the ordinance. Given the current lack of a forester position, the Director of Parks and Recreation is empowered to designate other appropriate personnel to enforce this ordinance as needed.

The ordinance generally requires permission from the Forester prior to the removal or alteration of any street tree growing wholly or in part of the street right-of-way. Several exceptions to this prohibition exist, including the removal of branches less than 4 inches in diameter required to be removed to provide adequate clearance above sidewalks and street; the removal of water sprouts and suckers; removal of street trees in response to other legal requirements; removal of dangerous or diseased or infected trees; and removal of trees on unplatted and undeveloped properties. If permission is not obtained prior to removal of a street tree, the person removing the tree may be subject to administrative fines, which can be offset by planting replacement trees, or a municipal court citation. If permission to remove a tree is denied, the property owner may appeal to the City Manager and then to City Council for relief.

The ordinance also allows property owners to nominate trees on their own private property as "historic trees". Historic trees shall include at least 3 of the following characteristics: trunk diameters equal to or in excess of 36" in diameter at breast height, excellent structure or unique structural character, excellent health, high aesthetic appeal, good longevity, and historic importance. Once a tree is approved for designation as a "historic tree", a deed restriction will be placed by the Owner on the property to inform future property owners of its status. The City will be named as a party to such restriction and shall be empowered to release the restriction if the tree dies, becomes an imminent hazard, is located in the public right of way or an easement, or becomes diseased and infected.

**RECOMMENDATION:** This ordinance comes forward to Council for consideration after considerable work by the Tree Board and review by the CPTC.