

City of Blair Tree List Ordinance 1338

Small Trees

Crab Apple – Flowering
(small or no fruit)

Golden Rain

Hawthorn
(Permission Only)

Hop Hornbean

Japanese Tree Lilac

Amur Maple

Hedge Maple
(slow growing)

Tartarian Maple

Callery Pear
(in variety)

Redbud

Medium Trees

Amur Cork

Marshalls Seedless Ash

Mountain Ash

*Monarch Birch

*Canoe Birch

*River Birch

Ohio Buckeye

Yellow Buckeye

Ginkgo

Littleleaf Linden

Redmond Linden

Bur Oak

English Oak

Sawtooth Oak

Shingle Oak

Swamp White Oak

Pagoda Tree

Yellow Wood

Emerald Ash

Large Trees

Hackberry

Honeylocust
(Thornless & Podless Only)

Kentucky Coffee Tree

Black Maple

Sugar Maple

Black Oak

Red Oak

Scarlett Oak

White Oak

* Birches – Single stem ONLY to be planted on streets.

** Trees other than those listed above may be planted ONLY after written permission has been obtained from the Director of Public Works.

Sec. 6-319.01 MISDEMEANOR; PLANTING OF TREES. It shall be unlawful for any person, firm, City Department, or other entity to plant any species of street trees other than those defined hereinabove as small trees, medium trees and large trees without prior written permission of the City Forester. (Ord. No. 1338, 12/14/82)

Sec. 6-319.02 MISDEMEANORS; SPACING OF STREET TREES. It shall be unlawful for any person, firm, corporation, City Department, or other entity to plant street trees with a minimum distance between small trees less than thirty (30') feet, a minimum distance between medium trees less than forty (40') feet; and a minimum distance between large trees of fifty (50') feet unless otherwise approved prior to the planting by written permission of the City Forester. (Ord. No. 1338, 12/14/82)

Sec. 6-319.03 MISDEMEANORS; PLANTING DISTANCE FROM CURB AND SIDEWALK OF PARK AND STREET TREES. It shall be unlawful for any person, firm, corporation, City Department, or any other entity to plant street trees or park trees less than minimum of three (3) feet from curbs, curblines, or sidewalks in the case of small trees, less than four (4) feet in the case of medium trees, and less than five (5) feet in the case of large trees. (Ord. No. 1338, 12/14/82)

Sec. 6-319.04 MISDEMEANORS; PLANTING DISTANCE FROM STREET CORNERS AND FIRE PLUGS OF STREET AND PARK TREES. It shall be unlawful for any person, firm, corporation, City Department, or other entity to plant any street or park tree less than thirty-five (35') feet from any street corner, measured from the point of the nearest intersecting curbs or curblines. It shall further be unlawful for any person, firm, corporation, City Department, or other entity to plant any street or park tree less than fifteen (15') feet from any fire hydrant. (Ord. No. 1338, 12/14/82)

Sec. 6-319.05 MISDEMEANORS; TREE TOPPING. It shall be unlawful for any person, firm, corporation, City Department, or other entity to top any street tree, park tree, or any other tree on public property. Topping is hereby defined as the severe cutting back of limbs to stubs larger than three (3") inches in diameter within the tree's crown. Trees severely damaged by storms or other causes, or 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 City Forester subject to the rules and regulations of the Department of Utilities governing the pruning and trimming of trees interfering with utility lines. (Ord. No. 1338, 12/14/82)

Sec. 6-319.06 MISDEMEANORS; PRUNING AND CORNER CLEARANCE OF TREES. It shall be the obligation and responsibility, and every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8') feet above the surface of the street or sidewalk. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light from a street light along the street or interferes with the visibility of any traffic control device or sign. (Ord. No. 1338, 12/14/82)

Sec. 6-312 MISDEMEANORS; DISEASED OR DYING TREES. All trees of the species and varieties of elm, zelkova, and planera that are in a diseased, dying, or dead condition or that may serve as a breeding place for the European Elm Bark Beetle, Scolytus Multistriatus, or other disease carrying insects are hereby declared to be a public nuisance and shall be removed from the private property on which they are located upon notice by the Municipal Police. For the purpose of carrying out the provisions of this Section, the Municipal Police shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service and such notice shall allow the said owner ten (10) days to remove and burn the said tree ortrees. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by mail if the name and address is known. The person charged with the removal and burning may enter into an agreement with the Municipality that such work be accomplished by the Municipality and the expense and interest shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects, or refuses to enter into such an agreement, or to remove the trees, the Municipal police may enter upon the property and proceed to direct the removal and burning of the trees and the cost thereof shall be assessed against the property and certified by the Municipal Clerk to the County Treasurer to be collected in the manner prescribed by law. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. Failure to remove and burn the said trees shall be deemed to be a Class III misdemeanor. (Ref. 16-230, 18-1720, 28-1321 RS Neb.)

Sec. 6-319 MISDEMEANORS; DEFINITION OF TERMS AS APPLIED TO PROVISIONS CONCERNING TREES. For the purposes of Sections 6-319.01 through 6-319.09 inclusive the following definitions apply:

1. Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on Municipal right-of-ways, on all streets, avenues, boulevards, alleys, or other transportation ways within the Municipality.
2. Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all other public lands owned by the Municipality.
3. Small trees are defined as Crab Apple (small or no fruit only), Golden Rain Tree, Hawthorne (by special permission only), Hop Hornbean, Japanese Tree Lilac, Maple as follows: Amur Maple, Compectre or Hedge Maple, Tartarian Maple, Callery Pear in variety, and Redbud.
4. Medium trees are defined as Amur Cork Tree, Ash as follows: Marshalls Seedless, Emerald, Mountain Ash; Birch as follows: Monarch Birch, Canoe birch, River Birch; Buckeye as follows: Ohio or Yellow; Ginkgo, Linden as follows: Littleleaf and Edmond; Oak as follows: Bur, English, Sawtooth, Shingle, Swamp White, Pagoda Tree, Yellow Wood.
5. Large trees are defined as Hackberry, Honeylocust (thornless and padles only), Horse Chestnut, Kentucky Coffee Tree, Maple as follows: Black and Sugar; Oak as follows: Black, Red, Scarlet, White. (Amended by Ord. No. 1338, 12/14/82)