

City of Brainerd, Minnesota

Tree Policy

1. Introduction

The City of Brainerd finds that it is in the best interest of the City and its residents to adopt a tree policy setting the roles and responsibilities for basic tree maintenance such as trimming, pruning, and removal of dead or diseased trees. Trees are part of the natural life support system that supports native species, sustains air and water resources, and contributes to health and quality of life. Trees bring natural elements and wildlife habitats into urban surroundings that increase the quality of life for Brainerd residents. Trees also have direct and indirect economic value by lowering home air-conditioning costs, reduced heating costs due to windbreaks, and increased property values. For these reasons, the City finds it necessary to provide guidelines for protecting the City's natural resources.

2. Planting of Trees on Private Property or City Right-of-Way

Property owners have the right and discretion to plant trees upon their private property. Varieties of trees allowed to be planted can be found in Section 1405.09 of the Brainerd City Code. However, species not listed will be considered if the City determines that the planting would enhance the beauty of the area in question or would be appropriate under the circumstances. Planting of trees within City right-of-way is also allowed upon notice by the abutting property owner to the City Engineering Department and Tree Inspector, unless the planting violates one of the following criteria:

1. The planting is in the right-of-way between the curb and the sidewalk and the distance between the curb and the sidewalk is less than six (6) feet.
2. The tree is less than six (6) feet in height above the ground.
3. The spacing between other adjacent trees is less than 30 feet.
4. The street right-of-way is less than 60 feet.

The same varieties as are allowed by City Code pertain to plantings within the right-of-way.

The City reserves the right to remove any improvement of the property owner who has planted any tree within the right-of-way if it interferes with public works improvements or maintenance activities. If trees are planted between the curb and sidewalk, the property owner shall ensure the tree is centered within the space. If a tree is planted where no sidewalk exists, the property owner shall ensure that the tree is planted as so to accommodate any future street or sidewalk improvement, as deemed appropriate by the City Engineering Department.

3. Replacement of Trees after Public Improvement Projects

The City will replace trees within the right-of-way at a ratio of one-to-one (1:1) after the completion of a public works project in which trees were removed as part of the project. Typically, the City requests the property owner to choose between three to four varieties of

trees that are readily available for the Contractor to install. This cost is included as part of the contract to complete the public improvement.

4. **Trimming or Pruning of Trees**

The City Tree Inspector has the authority to require trees within a street right-of-way to be pruned or trimmed so that the branches do not obstruct street lights, traffic signs or devices, street intersection site lines or utility lines. The expense of such work shall be the responsibility of the abutting property owner.

The City of Brainerd has the authority to trim trees within the street right-of-way at its discretion. Generally, trimming practices follow the diagram attached to this policy, except in special circumstances the pruning and trimming may need to be more or less than what is identified in the diagram at the discretion of Street Department staff. Trimming of trees is necessary to provide for protection of public works equipment. Tree trimming and pruning work within the right-of-way will be done at the City's expense.

The City will post notice to the abutting property owners of the trees to be trimmed one (1) day in advance by use of a door hanger. Trimming of trees within the street right-of-way typically occurs in the spring and fall and is dependent on weather conditions.

5. **Disease and Pests**

The City of Brainerd has elected to adopt and enforce an ordinance to control and prevent the spread of plant pests and diseases and may, at its discretion, pass a specific levy to fund the program. The specific ordinance of reference can be found in Section 1400 – Tree Disease Control of the Brainerd City Code. The City Tree Inspector is the person having the necessary qualifications to conduct and enforce the diseased shade tree program on private property and the right-of-way.

6. **Dead Trees**

The City of Brainerd has elected to adopt an ordinance to control and prevent the presence of dead trees. The specific ordinance of reference can be found in Section 1400 – Tree Disease Control and Section 1405 – Trees, Turf Grass, Weeds, Ornamental Grass, Evergreens, Shrubs, Native or Non-Native Plants and Natural Areas in the Right-Of-Way. The City Tree Inspector is the person having the necessary qualifications to conduct and enforce a program to ensure the removal of dead trees from private property and the right-of-way.

7. **Cotton Bearing Trees**

The City of Brainerd has elected to adopt an ordinance to control and prevent the presence of cotton bearing trees within the City. The specific ordinance of reference can be found in Section 1410 – Cotton Bearing Trees. The City Tree Inspector is the person having the necessary qualifications to conduct and enforce a program to ensure the removal of cotton bearing trees from private property and the right-of-way. All provisions of this ordinance shall apply except, upon the date of the adoption of this policy, cotton bearing trees equal to or greater than 12-inch dbh (diameter at breast height) are exempt from this ordinance. For purposes of this policy, dbh shall be considered 4 ½ feet above the ground surface.

8. **Diseased/Dead/Cotton Bearing Trees – Responsibility of the Tree Inspector**

The City Tree Inspector has the responsibility to enforce the ordinances and this policy by entering onto the premises, investigating and inspecting, diagnosing, and ordering abatement of the diseased, dead, or nuisance trees.

When the City Tree Inspector finds it necessary to order removal of a tree because of disease, death, or nuisance, on private property or within the right-of-way, a written order to correct the dangerous condition will be served upon the owner, occupant, or other person responsible for its existence. The order served will be in one of the following ways:

1. Making a personal delivery of the order to the person responsible, or;
2. Sending certified mail the order to the property owner subject to a 20 day time limit for the removal from the date of the letter, or;
3. By leaving the order with some person of suitable age and discretion upon the premise, or;
4. By affixing a copy of the order to the door at the entrance of the premises in violation, or;
5. By publishing a copy of the order in a local newspaper once a week for two successive weeks.

Upon receiving of the order, the person responsible for the nuisance will have a 20-day time limit to remove the diseased, dead, or nuisance tree from the date of the original order. However, discretion by the Tree Inspector will be used if time limit extensions are requested or required by the responsible person.

9. **Diseased/Dead/Cotton Bearing Trees – Responsibility of the Property Owner**

Upon order to remove a diseased, dead, or cotton bearing tree by the Tree Inspector, the responsible party has 20 days to remove the nuisance tree from private property or the public right-of-way. Discretion of the Tree Inspector will be used in cases where the property owner has requested a time extension for removal and the tree does not pose a threat to human life, health, or safety.

Upon expiration of the 20-day time, the City may abate the nuisance tree if it lies within the right-of-way, with the costs of such removal being assessed to the abutting property owner. If the nuisance tree lies upon private property and the 20-day time limit expires, the City will ask for permission to enter upon the private property to abate the nuisance tree. If permission is not granted, the City will seek an administrative warrant to enter upon the property to abate the nuisance tree, with the costs of such removal being assessed to the property owner.

10. **Life, Health, and Safety Issues on Private Property or within the Public Right-of-Way**

If a tree or its limbs are a danger to the life, health, and safety of the public, the Tree Inspector order the tree be pruned, trimmed, or removed immediately. If the public safety

issue is not abated immediately, the City will act to abate the nuisance condition, with the costs of such being assessed to the abutting property owner.

If a danger to the life, health, and safety of the public exists on private property, as deemed by the Tree Inspector, the Tree Inspector will serve notice upon responsible party to abate the hazardous condition within the 20-day time limit. If such condition is not abated, the City will ask for permission to enter upon the private property to abate the nuisance tree. If permission is not granted, the City will seek an administrative warrant to enter upon the property to abate the hazardous condition, with the costs of such removal being assessed to the property owner.

11. Storm and Natural Disaster Clean-Up

The City finds it necessary to provide for clean-up of debris, limbs, and trees after storm events, and thus has adopted this policy as it relates to clean-up of debris after a naturally occurring storm or disaster.

Upon the conclusion of the storm event, City forces will be deployed to remove any debris from the streets within the City. This work consists of the cutting of the tree off at the curb line, removal of branches and debris from the street, and street sweeping of any miscellaneous debris. The City is responsible for removal of all trees and debris from the street surface, and the adjoining property owner is responsible for the remainder of the tree lying within the street boulevard. This policy is adopted to ensure that all streets are opened and clear of debris in the shortest time frame possible to ensure emergency vehicles can access all areas of the City effectively.

CLEARANCE OVER STREETS, SIDEWALKS, & ALLEYS

Clearance of tree branches, shrubs, and bushes need to be maintained to a minimum height of 14 feet over streets and alleys. Clearances should be maintained so as not to obstruct the light from street lamps, traffic signs and devices, interfere with utility lines or block visibility at intersections.

Clearances over streets and alleys are also to be maintained for the safety and operation of City plows, fire trucks, and other equipment.

Clearance over sidewalks is to be maintained at a minimum of 10 feet over the sidewalk.

The City of Brainerd shall have the authority to direct you to trim such trees and may cause the same to be trimmed by employees of the City when deemed necessary.

If you have any questions, please call Parks Department at 218-828-2320, or the City Engineer's office at 218-828-2309.



Alleys, 14 feet



Sidewalks, 10 feet



Streets, 14 feet