

City of South St. Paul

Dakota County, Minnesota

Ordinance No. 1407

**AN ORDINANCE REPEALING AND REPLACING CITY CODE SECTIONS 66-19
THROUGH 66-48 REGARDING TREES**

The City Council of the City of South St. Paul does ordain:

SECTION 1. REPEAL AND REPLACE. South St. Paul City Code Sections 66-19 through 66-30 are hereby repealed and replaced as follows:

ARTICLE II. - TREES

Section 66-19. Boulevard Trees.

(a) *Purpose.* It is the purpose of this subchapter to protect and promote the environment, public health, safety, and general welfare by allowing property owners to plant and maintain the boulevard areas adjoining their property in a manner that enhances and improves the aesthetic appearance of city streets, avenues and alleys, as well as prevent and abate hazardous and nuisance conditions within the city.

(b) *Definitions.* For purposes of this subchapter, the terms defined have the following meanings.

BOULEVARD. The public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway.

LANDSCAPED AREA. The area within which plantings and landscaping materials are placed.

LANDSCAPING MATERIALS. Dirt, rock, pavers, stepping-stones, wood or similar materials.

NOXIOUS WEEDS. The annual, biennial and perennial plants that are deemed by the Minnesota Commissioner of Agriculture to be injurious to public health, environment, public roads, crops, livestock and other property.

PLANTINGS. Trees, shrubs, flowers, grass and other plants.

(c) *Permit required for private planting, pruning, treatment, and removal.* Any person desiring to plant, prune, treat or remove trees in the boulevard portion of a public right-of-way may do so only after obtaining a boulevard tree work permit from the City Engineer. Tree pruning, treatment or removal must be completed by an ISA-certified arborist.

(d) *Permitted trees.* A list of approved trees that may be planted on the boulevard portion of a public right-of-way is on file in the office of the Public Works Director.

(e) *Size and location of permitted trees.* All trees planted must be at least 1" inch in diameter at 1 foot above the ground. Trees must be cultivated nursery stock with straight trunks not less than 7 feet high. No trees shall be placed so as to cause a traffic hazard. Specific measurement regulations are as follows.

1. Required spacing guidelines will be provided by the Public Works Director on the approved City of South St. Paul Tree List.
2. Trees must not be planted closer than 30 feet from future or existing curb returns at intersections.
3. Trees must be planted at least 5 feet from driveways.
4. Trees must be planted at least 10 feet away from any public utility.
5. Except where a special permit is obtained from the City Engineer, no tree may be planted on any boulevard where the distance between the nearest edge of the sidewalk and curb is less than 5 feet.
6. Where sidewalks/trails exist within the boulevard, trees must be planted equally distant from the nearest edge of the proposed or existing sidewalk/trail and curb, except when the Public Works Director or designee may direct otherwise.

(f) *Additional permitted plantings and landscaping.* In addition to planting boulevard trees as permitted in this section, property owners are permitted to plant, care for, and maintain plantings and landscaping on the boulevards adjacent to their property, subject to the restrictions:

1. Plantings and landscaping materials in the boulevard may not exceed 36 inches in height. However, plantings and landscaping materials in the boulevard may not exceed 18 inches in height when located:
 - i. Within 30 feet of any intersection as measured from the property line; or
 - ii. Within 5 feet of any alley or driveway; or
 - iii. Within 5 feet of any public utility fixture.
2. Plantings and landscaping materials are a private improvement of the public right-of-way and must be maintained in such a way that there is no overhang or encroachment onto the sidewalk, curb, street, or alley. They must be contained within the landscaped area.
3. No noxious weeds may be planted, maintained or allowed to proliferate within the landscaped area.
4. No fences, berms, boulders, or retaining walls may be constructed within the landscaped area.
5. Property owners may not alter the grade of the boulevards within the landscaped area.
6. The landscaped area must not be maintained as dirt exclusively. At a minimum, the landscaped area must be seeded for and maintained as grass.

(g) Removal of boulevard trees.

1. The City can remove trees that are determined by the Public Works Director to be diseased, dead, dangerous or a public nuisance according to the following rules:
 - i. Removal of trees will not leave the stump above boulevard level.
 - ii. Removal of any tree is to be approved by the Public Works Director or their designated alternative before removal.
 - iii. When the City removes trees in connection with public improvements, new trees may be planted if the city determines it is practical.
2. The owner of property abutting a boulevard may request the removal of a dead or diseased boulevard tree from in front of the owner's property. If deemed necessary by the Public Works Director, the tree will be removed by the City at no cost to the property owner. Boulevard trees may not be removed by the owner of a property without a boulevard tree work permit.

Section 66-20. Public Works and Utilities.

- (a)* Notwithstanding the foregoing, all such boulevards remain public property and subject to the right of the City to perform necessary work, to plant, prune and otherwise maintain trees, to access, maintain, install and repair utilities and to store excess snow.
- (b)* In the event the City interferes with or damages any privately installed boulevard plantings or landscaping materials in the course of such work, the City is responsible only to restore the boulevard to the original grassy state by use of black dirt and grass seed.
- (c)* The City shall not be liable for any damage to, disruption of or removal of plantings or landscaping materials, either direct or indirect, as a result of the City, its employees, agents or contractors performing any snow plowing, street sweeping, or installation, maintenance or repairs within the boulevard.
- (d)* The City has the right to remove or restrict any plantings or landscaping that are deemed to interfere with the safety of pedestrians or motorists.
- (e)* The property owner shall be liable for and shall indemnify the City for the costs of any damage to City property caused by the plantings or landscaping materials during the course of performing any snow plowing, street sweeping, or installation, maintenance or repairs in the boulevard, unless such damage was caused by the City's negligence.

Section 66-21. Tree Pest and Disease Control.

- (a) Declaration of policy.* Trees provide numerous social, environmental, and economic benefits to the public. The health of the trees in the City is threatened by shade tree pests, and the loss or ill health of trees growing upon public and private property substantially depreciates the

value of property within the city and impairs the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minn. Stat. Chapter 89 regarding shade tree pest control, the provisions of this section are adopted to attempt to control and prevent the spread of these shade tree pests and diseases.

- (b) *Jurisdiction.* The City shall have control of all street trees, shrubs and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the City limits, and shall have the power to plant, care for, maintain, remove and replace such trees, shrubs and other plantings.
- (c) *Declaration of a shade tree pest or disease.* The City may declare any vertebrate or invertebrate animal, plant pathogen, or plant threatening to cause significant damage to a shade tree or community forest in the community to be a shade tree pest and may prescribe control measures to effectively eradicate, control or manage the shade tree pest including necessary timelines for action.
- (d) *Tree Inspector.* The Public Works Director may appoint a Tree Inspector. The Tree Inspector will recommend to the Council the details of any program for the declaration, control and prevention of shade tree pests. The Tree Inspector is authorized to enforce or cause to be enforced the duties incident to such a program adopted by the Council.

1. *Duties.*

- i. *Inspection.* The Tree Inspector will inspect public property within the City as often as practicable to determine whether any shade tree pest or disease exists thereon.
- (e) *Declaration of certain diseased trees as a public nuisance.* The Public Works Director or Tree Inspector may declare a tree infected by a shade tree pest or disease that is on private property to be a public nuisance if it is hazardous and threatens a public space such as a public sidewalk, street right-of-way, public park, or public trail.

Section 66-22. Abatement.

- (a) *Policy.* The Tree Inspector or Public Works Director may abate a public nuisance under this Article in accordance with the City's general nuisance code, Chapter 34, Article 2.

Section 66-23. Removal of dead or unsafe trees.

- (a) *Policy.* The Council has determined the removal of dead, diseased and/or unsafe trees and stumps from public property would appreciate the value of the property within the city and be of benefit to the safety, good order, general welfare and convenience of the general public.
- (b) *Removal of Trees.* The City can remove trees that are determined by the Public Works Director or the Tree Inspector to be diseased, dead, or dangerous according to the following rules:

- i. Removal of trees will not leave the stump above ground level.
- ii. Removal of any tree is to be approved by the Public Works Director or Tree Inspector before removal.
- iii. When the City removes trees in connection with public improvements, new trees may be planted if the City determines it is practical.

Secs. 66-24—66-48. Reserved.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance repeals and replaces the City's policies regarding boulevard trees and diseased trees.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: May 1, 2023

Published: May 3, 2023

Deanna Werner, City Clerk

South St. Paul Tree List

Common Name	Scientific (Latin) Name	'Cultivar'	Mature Height	Mature Spread	Canopy Form	Minimum Boulevard Width	Distance to Curb and Sidewalk within a Boulevard (center between two if possible)	Minimum Planting Distance to Curb (no sidewalk)	Distribution Powerline Compatible*	Native to Minnesota	Exposure	Salt (spray/soil)	Pest and Disease Issues	Fall Color	Notes
Small/Ornamental															
Short stature (oval/round) trees are best for plaza settings, or those that only require sidewalk clearance for pedestrians. In boulevards without sidewalks, short-wide trees need to be planted off the curb roughly half of their mature spread (width) to avoid conflicts with vehicles. Due to their low mature height, they cannot be trained to attain the 15'-18' clearance from the road surface that most vehicles need along city streets. In order to maximize their canopy value, space 15-20' apart so canopies touch at maturity. *Small trees are compatible with distribution and pole-house connections but never plant under transmission lines. Check with local utility if you are unsure.															
Shadblow Serviceberry	<i>Amelanchier canadensis</i>		10-20 ft	10-20 ft	Oval/Round	10 ft	5 ft	8-10 ft	Yes	Yes	Full sun to partial shade	Moderately Tolerant	No serious issues	Yellow,gold, orange	Clump forms only suited for wide boulevard or plaza setting with lower clearance requirements
Allegheny Serviceberry	<i>Amelanchier laevis</i>		15-25 ft	15-25 ft	Oval/Round	10 ft	5 ft	8-10 ft	Yes	Yes	Full sun to partial shade	Intolerant	No serious issues	Yellow, gold	Clump forms only suited for wide boulevard or plaza setting with lower clearance requirements
Apple Serviceberry	<i>Amelanchier x grandiflora</i>	Autumn Brilliance	25 ft	20 ft	Oval	10 ft	5 ft	8-10 ft	Yes	Yes	Full sun to partial shade	Moderately Tolerant	No serious issues	Orange, red	Single Stem best for boulevard
Eastern Redbud	<i>Cercis canadensis</i>	MN Strain	20-30 ft	25-35 ft	Round	10 ft	5 ft	8-10 ft	Yes	No	Full sun to partial shade	Intolerant	Borers	Yellow	Single Stem best for boulevard, pink flowers before leaves emerge, best for a protected site sheltered from direct S/W sun which can "trick" it out of winter dormancy and cause dieback
Hawthorn	<i>Crataegus spp.</i>	Thornless	20-30 ft	20-35 ft	Round	10 ft	5 ft	8-10 ft	Yes	Yes	Full sun	Moderately Tolerant	Fireblight	Orange, red	White flowers in spring
Amur Maackia	<i>Maackia amurensis</i>		20-30 ft	20-35 ft	Round	10 ft	5 ft	8-10 ft	Yes	No	Full sun	Intolerant	No serious issues	Unremarkable	White flowers in summer
Crabapple spp.	<i>Malus spp.</i>	Adams, Adirondack, Donald Wyman, Prairifire, Red Jewel, Royal Raindrops, Select A (Firebird), Jamin (Marilee), Sutyzam (Sugar Tyme)	10-30 ft	5-30 feet	Round	5-10 ft	2.5 to 5 ft depending on cultivar	8-10 ft	Yes	No	Full sun	Moderately Tolerant	Apple scab and fireblight	Yellow, orange	Cultivars listed have good or excellent insect and disease resistance, all have persistent to no fruit
Japanese Tree Lilac	<i>Syringa reticulata</i>	Ivory Silk, Bailnce (Snowdance), Golden Eclipse, Ivory Pillar	20-30 ft	15-25 ft	Oval	5-10 ft	2.5 to 5 ft depending on cultivar	8-10 ft	Yes	No	Full sun	Moderately Tolerant	Bacterial leaf blight	Unremarkable	Do not plant close to native woodlands, seeds are borderline invasive
Medium															
Manchurian Alder	<i>Alnus hirsuta</i>	Prairie Horizon	25-40 ft	20-30 ft	Pyramidal	5 to 8 ft	2.5 to 4 ft	5 ft	No	No	Full sun to full shade	Intolerant	No serious issues	Gold	Can withstand tough sites, improves soil by fixxing Nitrogen
Northern Catalpa	<i>Catalpa speciosa</i>		30-40 ft	30-40 ft	Upright/Oval	5 to 8 ft	2.5 to 4 ft	5 ft	No	No	Full sun	Moderately Tolerant	No serious issues	Yellow	Showy flowers, produces large seed pods that are viewed as "messy" but can be shredded with a mulching mower
Turkish Filbert (Hazelnut)	<i>Corylus colurna</i>		40-50 ft	15-35 ft	Pyramidal	5 to 8 ft	2.5 to 4 ft	5 ft	No	No	Full sun to partial shade	Intolerant	No serious issues	Yellow	Small, edible nut
River Birch	<i>Betula nigra</i>		30-40 ft	20-30 ft	Oval	5 to 8 ft	2.5 to 4 ft	5 ft	No	Yes	Full sun	Moderately Tolerant	No serious issues	Yellow	Can withstand urban sites much better than paper birch, bark is copper colored
Blue Beech	<i>Carpinus caroliniana</i>		25-40 ft	15-40 ft	Oval	5 to 8 ft	2.5 to 4 ft	5 ft	No	Yes	Full sun to shade	Moderately Tolerant	No serious issues	Orange, red	Also called American Hornbeam, slower growing
Yellowwood	<i>Cladrastis kentukea</i>		30-50 ft	40-55 ft	Round	5 to 8 ft	2.5 to 4 ft	5 ft	No	No	Full sun	Moderately Tolerant	Verticillium wilt and borers	Yellow	Showy white flowers in spring, branches susceptible to ice storm damage, best in a wide median or park
Ironwood	<i>Ostrya virginiana</i>		25-40 ft	15-40 ft	Pyramidal	5 to 8 ft	2.5 to 4 ft	10 ft	No	Yes	Full sun to shade	Moderately Tolerant (spray) Intolerant (soil)	No serious issues	Yellow, brown	Slower growing, durable wood, may do best in a park setting or in a boulevard along a road without sidewalk that is less than 25 mph

Large															
Large stature trees will need the largest rooting area to attain maturity. Aim for 1,000 cubic feet of soil volume when possible. Avoid cottonwoods, elms, hackberry, basswood/linden, maples, oaks, and hackberry in narrow boulevards - they are most likley to heave sidewalks and damage curbs.															
Horse Chestnut	<i>Aesculus hippocastanum</i>	Baumann Double	50-75 ft	40-65 ft	Oval	5 to 8 ft	2.5 to 4 ft	5 ft	No	No	Full sun to partial shade	Tolerant	Leaf scorch	Red	Baumann Double does not produce a nut, others have a large nut in a prickly husk
Bitternut Hickory	<i>Carya cordiformis</i>		50-70 ft	40-50 ft	Oval	20 ft	10 ft	5 ft	No	Yes	Full sun to full shade	Tolerant (spray)	No serious issues	Yellow	Best in a wide median or park due to fruit (nut) drop
Shagbark Hickory	<i>Carya ovata</i>		60-80 ft	30-50 ft	Round	20 ft	10 ft	5 ft	No	Yes	Full sun to partial shade	Intolerant	No serious issues	Yellow	Best in a wide median or park due to fruit (nut) drop
Hackberry	<i>Celtis occidentalis</i>		40-60 ft	40-50 ft	Oval	8+ ft	4 ft	5 ft	No	Yes	Full sun to partial shade	Moderately Tolerant	No serious issues	Yellow	
Ginkgo	<i>Ginkgo biloba</i>	Autumn Gold, Princeton Sentry, Magyar, Presidential Gold	50-80 ft	40-50 ft	Pyramidal	5 to 8 ft	2.5 to 4 ft	5 ft	No	No	Full sun	Tolerant	No serious issues	Yellow	Listed cultivars are male only (no fruit), slow growing in early years, can do well in tough urban conditions
Honeylocust	<i>Gleditsia triacanthos</i>	Skyline, Street Keeper, Imperial	30-70 ft	30-70 ft	Rounded	5 to 8 ft	2.5 to 4 ft	5 ft	No	Yes	Full sun	Tolerant	No serious issues	Yellow	Does well in tough urban conditions
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	Espresso, True North, McKBranched (Decaf)	60-75 ft	40-50 ft	Oval	5 to 8 ft	2.5 to 4 ft	5 ft	No	Yes	Full sun	Tolerant	No serious issues	Yellow	Listed cultivars are seedless, others may produce a pod if female, does well in tough urban conditions
American Sycamore	<i>Platanus occidentalis</i>		75-100 ft	50-70 ft	Oval	8+ ft	4 ft	5 ft	No	No	Full sun to partial shade	Tolerant	Anthrachnose and borers	Yellow, gold	Best in a wide median or park, this is a large tree that needs adequate space.
London Planetree	<i>Platanus x acerifolia</i>		70-100 ft	65-80 ft	Pyramidal/Oval	8+ ft	4 ft	5 ft	No	No	Full sun to partial shade	Moderately Tolerant (spray)	Canker stain and borers	Yellow, brown	