

Chapter 11.02

Regulating Planting And Care Of Trees Located Within The Public Right-Of-Way

Section 1. The term “public right-of-way” as used in this ordinance means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-Way for travel purposes and utility easements of the City.

Section 2. All property owners within the City of Howard Lake are prohibited from planting trees within the public right-of-way. The planting of new trees is subject to the requirements contained in Chapter 20 of the Howard Lake Zoning Ordinance.

Section 3. All property owners within the City of Howard Lake shall be responsible for the maintenance and removal of diseased or dead trees located within the public right-of-way adjoining their property. Any person failing to keep said trees located within the public right-of-way properly maintained shall be given thirteen (13) days written notice to do so by the City Administrator and if after said thirteen (13) day period the property owner fails to do so the City of Howard Lake under the direction of the City Administrator shall cause said tree or trees to be maintained or removed if necessary and a record kept of the expenses thereof. The abatement and appeal procedure to be followed shall be the same as contained in Howard Lake Ordinance Chapter 6.01, Sections 3 and 5.

Section 4. The City shall be responsible for the trimming of trees located in or protruding into the public right-of-way that obstruct any of the following, but not limited to, the public right-of-way, street signs, traffic control signs or site lines for vehicles. The Public Works Director shall publish in the official newspaper of the City the dates the public works staff will be trimming said trees. At the discretion of the Public Works Director, trimming of said trees may occur without notice if the obstruction involves a traffic control sign, site lines, or poses a threat to pedestrian or vehicle safety.

Section 5. In any instance where the City of Howard Lake has incurred expenses in the maintenance or removal of said trees for the safety and welfare of the public, a special assessment shall be placed against the property abutting the public right-of-way to cover the cost thereof.

Section 6. Any person who shall willfully or negligently destroy or injure any shade or ornamental tree located upon any public or private property within the City of Howard Lake, upon conviction thereof, shall be punished as for a misdemeanor.

Section 7. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor except as otherwise stated in specific provisions hereof.