

# City of Minden

P.O. Box 239, 325 N. Colorado  
Minden, Nebraska 68959

phone 308.832.1820  
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www.MindenNebraska.org



## ORDINANCE NO. 1196

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR TREES FOR THE CITY OF MINDEN, NEBRASKA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA:

Section 1. That Section 90-27 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-27. Trimming.** It is the duty of the owner of any lot within the city to keep such trees trimmed as directed, provided he is a resident of the city. In case the owner is not a resident of the city, then the duty of keeping the trees trimmed as directed shall devolve upon the person who occupies the lot. In case the owner or occupant shall refuse or neglect to trim such trees in accordance with this section within thirty (30) days after being notified so to do by the city administrator, then and in that case the city administrator may proceed to perform the work at such time and in such manner as he may deem advisable. The person whose duty it is to remove such obstruction shall be liable to the penalty provided for section 1-8 of this Code.

(Code 1982, § 9-502)

Section 2. That Section 90-28 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-28. Arborist or tree trimming license.** It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing any trees within the municipality without first applying for and procuring a license. The license fee shall be \$35.00 annually and shall expire on December 31<sup>st</sup> of each year regardless of the date during that year when it was issued. All licenses' shall be renewed on or before January 1<sup>st</sup> of each year thereafter. Provided however, that no license shall be required of any public service company or municipal employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued each applicant shall first file evidence of possession of liability insurance, indemnifying the municipality or any person injured or damage resulting from the pursuit of such endeavors as described in this section, in the minimum amounts of:

- \$1,000,000.00 for General Liability
- \$500,000.00 Each Accident / \$500,000.00 Disease per Policy / \$500,000.00 Disease per Employee Accident/Disease/for Worker's Compensation Limits
- \$1,000,000.00 Combined Single Limit (CSL) for Auto
- If above limits do not meet or exceed the requested policy requirements, then provide umbrella policy to show adequate coverage.

(Ord. No. 1192, 02/03/2014).

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Section 3. That Section 90-43 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-43. Species to be planted.**

(a) The following species of trees, listed by common name, constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the municipal tree board.

Small trees	Medium trees	Large trees
Hawthorne	Ginkgo	Elm (Dutch Elm Resistant)
Golden raintree	Linden, Littleleaf	Coffeetree, Kentucky
Corktree, Amur	Linden, Redmond	Hackberry
Maple, Amur	Mountainash, European	Maple, Norway
Pear (no Bradford Pears)	Ohio buckeye	Oak, Bur
Plum, Purple Leaf	Horse chestnut	Oak, Northern Red
Redbud, Eastern		Honeylocust (seedless/thornless)
Crabapples, Flowering (scab resistant) Saucer Magnolia		Sycamore, American Linden, American Cottonwood (seedless)

(b) The municipal tree board shall review and approve all tree planting plans for park trees. (Code 1982, § 8-703)

Section 4. That Section 90-44 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-44. Spacing.** The spacing of street trees will be in accordance with the three species size classes listed in this division, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees and large trees, 40 feet; except in special plantings approved by the municipal tree board. (Code 1982, § 8-704)

Section 5. That Section 90-46 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-46. Distance planted from street intersections, driveways and alleys.** No street tree, shrub, hedge, or park tree shall be planted within 25 feet of any street intersection or alley intersection, measured from the point nearest intersecting curbs or curblines. (Code 1982, § 8-706; Ord. No. 1138, § 1, 11-5-07)

Section 6. That Section 90-59 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

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**Section 90-59. Same-Created; composition.** There is hereby created and established a tree board which shall consist of five members who are residents of the city, to be appointed by the mayor with the consent of a majority of the members of the council. The Mayor shall also designate a City Forester with proper qualifications. (Ord. No. 1036, § 1, 10-20-97)

Section 7. That Section 90-62 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-62. Same-Meetings of board; quorum.** The tree board shall hold a regular meeting at least quarterly at a time and place to be fixed by the board. Special meetings may be called by the chairperson of the board at any time. Three members of the board shall constitute quorum. (Ord. No. 1036, § 4, 10-20-97)

Section 8. That Section 90-73 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-73. Trees with disease classified a nuisance.**

- (a) Trees of all species and varieties of elm, zelkova and planera infected with the fungus *Ceratostomella ulmi*, as determined by laboratory analysis, are declared to be a public nuisance and shall be removed and burned within 10 days of notification.
  - (b) Trees, or parts thereof, of elm, zelkova or planera in a dead or dying condition that may serve as breeding places for the European elm bark beetle *Scolytus multistriatus* are declared to be a public nuisance and shall be removed and burned within 10 days of notification.
- (Code 1982, § 9-503.02)

Section 9. That Section 90-74 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

**Section 90-74. Notice for removal and burning on private property.** If trees on private property are found to be infected or in a dying condition, the city forester shall give to the owner of the premises where the trees are situated written notice of the existence of such disease or of the dead or dying condition of such trees or parts thereof and require the removal and burning of the trees under the direction and supervision of the city forester. Such notice shall also notify the owners of the premises that if such a tree is not removed and burned after ten days' notice by publication or personal service, the city will proceed with the removal and burning of the tree and assess the cost thereof against the property in accordance with the provisions of this division.

Trees dead or dying from Emerald Ash Bore (EAB) shall be removed and burned, chipped, or debarked within 30 days of notification.  
(Code 1982, § 9-503.04)

Section 10. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

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Section 11. This ordinance shall be known as Ordinance No. 1196 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 7th day of July, 2014.

/s/ Roger Jones  
Roger Jones, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)