

"Exhibit A"

**Sec. 8-108.01 RIGHT OF WAY TREE RESTRICTION.** Any individual desiring to plant trees on city right of way shall:

1. First apply for a permit from the City Clerk's office, which permit fee will be set and determined from time to time as necessary by the Mayor and City Council, by resolution, and said fees shall be appended to the Municipal Code as part of an appendix titled "Permit, License and Application Fees", and shall be on file at the office of the Municipal Clerk and available for public inspection during regular office hours of the said Municipal Clerk.
2. Sign a recordable agreement, which shall be recorded against the real property adjoining the right of way and owned by the individual(s) owning the property and requesting the permit stating they and/or their assigns shall be responsible for the perpetual care, maintenance and removal of said tree(s).
- ~~3. Agree not to plant any tree(s) closer than ten (10) feet to a curb or fifteen (15) feet from the shoulder of the road if there is no curb.~~
- ~~4. Agree not to plant any tree(s) closer than six (6) feet of any sidewalk.~~
35. Plant any tree(s) in conformance with Section 6-319.

(Added by Ordinance 2139 04/08/2008)

**NOTE:** See Resolution No. 2008-13 dated April 8, 2008 for City policy for planting and maintaining trees located on the public right of way within the City of Blair.

**Sec. 6-319.02 MISDEMEANORS; SPACING OF STREET TREES.** It shall be unlawful for any person, firm, corporation, City Department, or any 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 ~~Arborist~~, or special plantings designed by a certified landscape architect or certified arborist. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 1338 12/14/82) (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance XXXX 04/28/26)

**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 in violation of Section 8-108.1~~ The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three tree species size classes of section 6-319, and no trees may be planted closet to any curb or sidewalk than the following: Small trees – 2 feet, medium trees – 3 feet, and large trees – 4 feet (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 1338 12/14/82) (Amended by Ordinance 2139 04/08/2008) (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance XXXX 04/28/26)

**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 curb lines. 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')~~ ten (10) feet from any fire hydrant. No street trees other than those species defined in Section 6-319 of this ordinance as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire. No street tree may be planted within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Ord. No. 1338, 12/14/82) (Amended by Ordinance 2140 06/10/2008)

**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.~~ Any tree with a typical maximum height of twenty (20) feet.
4. Medium trees are defined as ~~Amur Cork Tree, Birch as follows: Monareh 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.~~ Any tree with a typical maximum height of forty (40) Feet.
5. Large trees are defined as ~~Haekberry, Honeylocust (thornless and padles only), Horse Chestnut, Kentueky Coffee Tree, Maple as follows: Black and Sugar; Oak as follows: Black, Red, Searlet, White.~~ Large trees are defined as any tree with a typical maximum growth height that exceeds forty (40) Feet. (Amended by Ordinance 1338 12/14/82) (Amended by Ordinance 2139 04/08/2008) (Amended by Ordinance XXXX 4/28/26).
6. All street trees must be approved for planting based off the recommendations from the Nebraska Statewide Arboretum. The list is kept current at XXXX website.

**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 that is not in accordance with Section 6-319 without prior written permission of the City Arborist, or their designee. No street tree shall be planted in violation of the permit requirements outlined in of Section 8-108.1. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 1338 12/14/1982) (Amended by Ordinance 2139 04/08/2008) (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance XXXX 04/28/26)