

Ordinance No. 07-17

An ordinance pertaining to the preservation of trees in new subdivisions.

Be it ordained by the City Council of the City of Ham Lake, Minnesota:

I.

There is hereby added to Article 10 of the Ham Lake City Code the following Article 10-202(B)(v), to read as follows:

v) A drawing (the "Tree Preservation Plan") identifying the trees to be preserved during lot grading and infrastructure construction. This drawing may be a display of the lots and rights-of-way, with a delineation thereon of the areas that will not be disturbed by construction equipment, and within which trees will not be affected by the severing of root structures outside of the delineated area. No Tree Preservation Plan shall be required for lots identified at this stage as lots to be custom-graded by eventual lot purchasers. After submission of the Tree Preservation Plan, the City may require modification thereof if the City's engineer and/or Park and Tree Commission identify individual trees having the following characteristics:

- 1) Tree Sizes (trunk diameter 4.5 feet above grade) greater than 4 inches; and
- 2) Are varieties of oak, sugar maple, paper birch, basswood, black cherry, yellow birch or butternut; and
- 3) Are not within areas needed for building pads, ISTS areas or driveways; or
- 4) Could be preserved by retaining walls, tree wells, temporary bridging or other techniques.

For lots that are identified by the developer as lots to be custom-graded by eventual lot purchasers, a Tree Preservation Plan shall be submitted by the lot owner or builder at the time of application for building permit. Prior to such time, no tree removal shall be permitted on any such lot, except in connection with grading for roads or drainage features of the overall plat, excluding the perimeter drainage easement required around each lot.

There is hereby added to Article 10 of the Ham Lake City Code the following Article 10-203(B)(6), to read as follows:

- 6) A provision that the Tree Preservation Plan required by Article 10-202(B)(v) and the tree preservation techniques outlined in Article 10-430 (A) shall be observed at all times.

Article 10-430 (A) of the Ham Lake City Code is hereby amended to read as follows:

A. Trees During construction of roads, other infrastructure, and lot grading, Contractor will mark all trees identified in the Tree Preservation Plan that will not be affected by construction activity. Identification shall be done in a manner that will clearly identify each tree, through delineation of gross lot areas or a perimeter around individual trees with visible tape or temporary fencing that extends either outside of the drip line of all trees within the protected area, or that extends for the entire "critical root zone" of each tree within the protected area, whichever distance is greatest. The critical root zone is that area that lies within a radius obtained when the tree diameter at a height 4.5 feet above ground level is measured in inches, and one foot of lineal distance from the trunk is provided for each inch of diameter. No spikes, nails or other objects shall be driven into the bark or trunk of any tree in the process of delineating the protected area. During construction activity involving the pouring of concrete, care shall be taken to avoid spillage of excess concrete or cement that could affect the health of trees.

Article 11-400 of the Ham Lake City Code is hereby amended by adding thereto an Article 11-450, to read as follows:

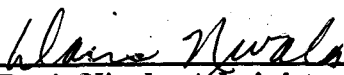
11-450 Compliance With Tree Preservation Plan During the construction of any structure on any lot for which a Tree Preservation Plan is in place, pursuant to Article 10-202(B)(v) of the Ham Lake City Code, the Building Official shall have the right to suspend any building permit, and/or to decline to issue a certificate of occupancy for the structure upon the discovery of any violation of the Tree Preservation Plan during the construction process of the structure, and to continue such sanction in force until the violation is cured either by action or by the posting of adequate cash security and agreement to guarantee cure of the violation, to be established by the Building Official.

At the time that any building permit is requested on any lot for which a Tree Preservation Plan is in effect, or on any lot for which such a plan is required, the Building Official shall provide the applicant with a copy of the Tree Preservation Plan and with educational materials concerning tree preservation as may be recommended from time to time by the City Council, upon recommendation from its Park and Tree Commission.

Presented to the City Council on the 4th day of June, 2007 and adopted by unanimous vote of the Ham Lake City Council this 18th day of June, 2007.



Paul Meunier, Mayor



Doris Nivala, Administrator