

**CITY OF EMPIRE  
COUNTY OF DAKOTA  
STATE OF MINNESOTA**

**ORDINANCE NO. 370**

**AN ORDINANCE REGULATING TREES IN THE CITY OF EMPIRE**

The City Council of the City of Empire ordains as follows:

**SECTION 1. PURPOSE**

The purpose of this Ordinance is to establish regulations for trees in the City of Empire, specifically on public property.

**SECTION 2. DEFINITIONS**

As used in this Ordinance, unless the context otherwise indicates, the following words shall be defined to mean:

A. Right-of-way: City, County or State owned or controlled property designated to be used for streets, sidewalks, alleys, and boulevards.

B. Boulevard: The portion of a right-of-way that is located between the concrete curb and property line of adjacent private property (approximately fifteen feet), including the sidewalk or area reserved for sidewalks.

C. Tree: Any tree, shrub, hedge or woody vegetation.

D. Topping: The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Sometimes referred to as "top".

E. Hazardous Tree: Any public or private tree or part thereof which:

- 1) is dead, dying, broken, or decayed;
- 2) obstructs street lights, traffic signs, or the view of any street
- 3) obstructs the free passage of pedestrians or vehicles;
- 4) is causing the surface of a public street, curb, or sidewalk to be up-heaved or otherwise disturbed;
- 5) injures or poses an imminent threat of injury to the sewer system, electric power lines, gas lines, water lines or other public improvement; or
- 6) constitutes an imminent danger to the health, safety or well-being of the general public.

### **SECTION 3. APPLICABILITY**

- 3.01 This ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks, along trails, and in other public places of the City.

### **SECTION 4. TREE MAINTENANCE AND REMOVAL ON PUBLIC PROPERTY**

4.01 No Trees in Boulevard

No tree or shrub may be planted in any boulevard, right-of-way, or public property without written approval from the City.

4.02 Trimming and Maintenance

Property owners shall be responsible for maintaining and trimming trees and shrubs located in the boulevard and public right-of-way adjacent to their property. It is the responsibility of the adjoining property owners to properly maintain boulevard grass and trees, to keep the area free of weeds and debris, and to remove any substance or material that may be hazardous to pedestrians.

4.03 City Maintenance

The city may, at its discretion, trim or remove trees located within the city's boulevard, right-of-way, public property, or any trees located between the line of the private property nearest to the street and the street as necessary in order to abate any nuisance or hazard as the result of a hazardous tree.

4.04 Removal of Hazardous or Fallen Trees

All hazardous trees that are planted in the boulevard or public right-of-way are the responsibility of the city. Property owners may apply to have hazardous trees that are in the boulevard, adjacent to their property, and were planted as a requirement of Empire Township/City of Empire, removed by the city during years that the city has budgeted for boulevard tree removal. Fallen or broken trees, branches, or other vegetation that falls onto the boulevard or right-of-way from private property must be removed by the property owner within 72 hours to ensure proper access to the public right-of-way, alleyway, or street. If not removed within 72 hours, the city has the right to remove the fallen or broken debris with its own equipment or hire a service to do so. Total costs will be billed to the property owner and if not paid, will be assessed to the property's taxes.

4.05 Abuse or Mutilation of Trees

No person shall intentionally damage, cut, top, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertising poster, or other contrivances to any public tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come into contact with them; or set any fire or permit any fire to burn when such fire or the heat thereof will injure any portion of the tree; or to direct or authorize such activity or circumstance.

## **SECTION 5. LANDSCAPING**

5.01 All regulations for the placement of trees in new subdivisions or developments are hereby referenced in the City of Empire's Zoning Ordinance.

## **SECTION 6. PENALTY**

### 6.01 Petty Misdemeanor

Unless otherwise provided, violation of this Ordinance shall constitute a petty misdemeanor, and upon conviction thereof, punishable as provided by law.

### 6.02 Separate Offenses

Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

## **SECTION 7. EFFECTIVE DATE**

This Ordinance is effective upon its passage and publication according to law.  
Ordinance No. 370 was adopted by the Empire City Council this 9th day of July 2024.

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Trent Larson, Mayor

ATTEST:

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Charles Seipel- Teng, Clerk-Administrator

Summary Published in the Dakota County Tribune on July 19, 2024.