



City of Wahoo

COMMUNITY FOREST ORDINANCE



A Property Owner's Guide

Trees are a valuable part of our community. By caring for our trees today, we are making our community a better place for tomorrow. Our City tree ordinance (Wahoo City Code, Section 98.01 to 98.18) is designed to protect trees and reduce future conflicts between trees and the urban environment. It guides us when we plant, maintain, and remove trees in a public area. This publication describes the City of Wahoo's tree ordinance and how it may affect you.

Tree Ordinance Definitions

The land most often affected by the City's tree ordinance is known as the "sidewalk space". The sidewalk space is the area along the side of the street between the curb line and the property line. "Street trees" consist of trees, shrubs, bushes, and all other woody vegetation within the sidewalk space defined above.

Street Tree Ownership and Maintenance

The property owner shall be the owner of all street trees located in the sidewalk space adjacent to the abutting property. It is the duty of the property owner to maintain all street trees so that they will not be declared a nuisance (see tree nuisance information below).

Tree Nuisances

A nuisance may be declared when property owners permit, allow, or maintain any dead or diseased trees within the sidewalk space or on private property within the City. In addition, property owners must keep the branches or limbs of street trees or trees on private property trimmed to the height of at least eight (8) feet above the surface of the sidewalk.

Tree Planting Permit and Selection

The City of Wahoo requires all property owners that wish to plant a tree or shrubbery in or upon any sidewalk space to first obtain a written permit. Permit applications may be obtained from the City's website or by visiting City Hall or the Civic Center. Completed applications should be returned to the Parks and Recreation Director at the Civic Center who will notify the applicant of their permit status. Trees planted on private property do not require a permit.

In addition to the permit, property owners planting in or upon the sidewalk space must select a tree species from a recommended list provided by the Nebraska Statewide Arboretum. Said publication called "Street Trees for Nebraska" is available at City Hall or the Civic Center.

Planting a Tree

The purpose of the city planting permit is to ensure that the characteristics of the planting site and the species of tree to be planted are a good match, resulting in the tree growing to a healthy, mature size. In doing so, the tree's growth does not become a nuisance. In addition, selecting a tree species from the provided list encourages diversity in the entire community forest. When selecting your planting site and the tree species you wish to plant, give some thought to the growth characteristics of the tree you are considering. Think about the physical limitations of the planting space. Answering the following questions before you plant, will help you determine your species choice.

- Is the tree species on the City's approved list? City Hall or the Civic Center has this list for you.
- What functions will the tree serve? Do you want shade, a windbreak or screen, or fall color?
- Are there utility wires or other obstructions underground or overhead?
- What is the soil like? Is it sandy? Poorly or well drained? Is there an adequate water source?
- Does the site provide enough room for the tree's branches, roots, and trunk to grow?

Planting Distances & Clearances

Street trees should not be planted in the "vision triangle" of an intersection. In Wahoo, the triangle is measured 35 feet from the point of nearest intersecting curbs or curb lines

In addition, trees may not be planted in the sidewalk space where there is less than 6 feet between the edge of the sidewalk and the street curb. Street trees may not be planted closer than 3 feet from a sidewalk, driveway, or street. Street trees may not be planted closer than 10 feet of any fire hydrant.

Attention also needs to be paid to the spacing of trees planted in the sidewalk space. Street trees may not be planted closer together than the following: 15 feet for *small trees and 35 feet for *medium and large trees. (*Note: As defined by the current tree list.)

Tree Topping Prohibited

It shall be unlawful as a normal practice for any property owner to "top" any street tree or other tree on public property. Property owners are strongly encouraged to refrain from topping trees on private property as well. Trees severely damaged by storms or other causes, or certain trees under utility wires may be exempted by the City Tree Board.