City of Vermillion

Tree Guide

Tree Ordinance 1313
Non-Allowed Trees for Public Property
Benefits of Trees
New Tree Planting
Annual Tree Pruning Steps
Street Tree Planting Permit Application
Street Tree Removal Permit Application

City of Vermillion
Tree Guide

The Tree Guide information is taken from the City of Vermillion's Code Ordinance 1313. In no way is the following the exact words of code, but a guide to better understand Ordinance 1313. Please review Ordinance 1313 to comply with the code which is found within this guide or can also be found on the City of Vermillion's website. vermillion.us

Listed below:

- Tree Guide
- Benefits of Trees
- New Tree Planting
- Annual Tree Pruning Steps

If you have any questions, please contact the City Tree Specialist.

Definitions

City Tree Specialist. An employee designated by the City Manager that is educated in the care of trees and other woody vegetation. This individual will serve as the primary contact for the public.

The Board. An advisory board consisting of five (5) members who are citizens and residents of Vermillion, shall be responsible for the development of a long term plan that will encourage the growth of a healthy tree canopy throughout the City's boulevard, City's parks and any other areas of the City.

Parking Strip. The area along the public streets and avenues between the curbline and the sidewalk.

Street. Any type of motor vehicle transportation system including, but not limited to, street, avenue, road, drive, circle, court, lane, trail, place or alley.

Street Tree. Trees on boulevards or parkways which are those parking areas lying between the established curb line and any right-of-way line within the City.

Topping. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

NUISANCE TREE DECLARED.

Any tree that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants. Also any dead, diseased, not intentially planted or insect-infested trees or other woody plants identified by the City Tree Specialist shall be declared dangerous and a nuisance.

CONTROL ON PRIVATE PROPERTY.

The City Tree Specialist shall have the authority to regulate and control nuisance trees and other woody plants upon private property only when an action is clearly necessary to maintain City utilities, to prevent the damage of public right-of-ways, or to prevent the spread of disease or insects to public trees and places.

DUTY TO CORRECT.

The occupant, person in charge or owner of any lot or parcel of land in the City shall keep the property free of nuisance trees and other woody plants by treating or removing, as may be appropriate and approved by the City Tree Specialist.

TREES IN PUBLIC PLACES

GENERAL SUPERVISION.

The City Tree Specialist shall have exclusive jurisdiction and supervision over all trees and other woody plants growing in public places.

TREE SPECIALIST AUTHORITY GENERALLY.

The City Tree Specialist shall have authority to regulate and control the planting, trimming, spraying, preservation and removal of trees and other woody plants in public places to ensure safety or preserve the symmetry and beauty of those public places.

PERMIT TO REMOVE; REQUIRED.

(a) No person shall remove trees in public places without first procuring a permit which can be received at City Hall or on the City website.

(b) Any permitted tree removal requires treatment of the residual tree stump by grinding the stump and major roots to a depth of eight (8) inches below grade.

PERMIT TO REMOVE; APPLICATION DATA.

The permit to remove a tree in public places in the City shall state the number and species of trees to be removed; and other information as the City Tree Specialist shall find reasonably necessary to a fair determination of whether a permit should be issued.

STREET TREES PERMITTED.

(a) The City tree board shall maintain a list of approved street trees that will provide a diversity of tree types.

(b) The City Tree Specialist may approve species other than from the approved list when the planting of the species is of equal or greater benefit to the City.

PLANTING IN PUBLIC RIGHT-OF-WAYS.

(a) The board, along with the City Tree Specialist shall establish rules and regulations for the planting of trees in public parking strip including, but not limited to:

(1) Only approved trees may be planted in the parking strip;

(2) No tree shall be planted where the clear space between the curb and the sidewalk is less than seven (7) feet;

(3) Trees shall be planted centered between the curb and sidewalk;

(4) Trees are recommended to be one (1) inch in diameter or larger when measured six (6) inches from the ground.

(5) Trees shall not be planted under power lines unless approved by the City Tree Specialist.

(6) The spacing for all street tree plantings will be in accordance with specifications more particularly set forth in the acceptable species list; provided that, in general, no small trees shall be planted less than twenty (20) feet apart, no medium trees shall be planted less than thirty (30) feet apart, and no large trees shall be planted less than thirty-five (35) feet apart.

a. Small trees measure less than twenty (20) feet at maturity.

b. Medium trees measure twenty (20) to forty (40) feet at maturity.

c. Large trees measure over forty (40) feet at maturity.

(7) Trees shall be placed at least ten (10) feet from a fire hydrant;

(8) Trees shall be placed at least ten (10) feet from a drive way;

(9) Trees shall be placed at least fifteen (15) feet from a streetlight;

(10) Trees on a corner lot shall be planted at least thirty-five (35) feet back from the corner;

(11) The established rules and regulations are available on the City's website.

(b) A tree permit application must be completed and approved by the City Tree Specialist before a tree is planted within a boulevard or other public place.

ABUSE OR MUTILATION OF TREES.

No person shall:

(a) Practice topping of any street tree or other tree on public property;

(b) Use climbing spurs to trim, spray, repair, inspect or preserve street trees; and/or

DUTIES OF PRIVATE OWNERS.

Any person growing a tree within the parking strip or other public place is responsible for the care of the tree(s) for the life of the tree on property abutting on public places supporting trees or woody plants shall and/or trees that have been transplanted onto a property:

(a)Trim trees or woody plants so as not to cause a hazard to public places or interfere with the proper lighting of public streets by the streetlights or interfere with the visibility of any traffic sign. All tree or woody plants shall be trimmed to allow free passage of pedestrians and vehicular traffic and in a manner as to allow ten (10) feet clearance over sidewalks and twelve (12) feet clearance over all streets.
(b) Treat or remove any trees or woody plants that are diseased or insect ridden as to constitute a hazard to public safety or other trees or plants in public places.
(c) Water and fertilize the tree(s) during the growing season.

Benefits of Trees

Most trees and shrubs in cities or communities are planted to provide beauty or shade. These are two excellent reasons for their use. Woody plants also serve many other purposes, and it often is helpful to consider these other functions when selecting a tree or shrub for the landscape. The benefits of trees can be grouped into social, communal, environmental, and economic categories.

Social Benefits

We like trees around us because they make life more pleasant. Most of us respond to the presence of trees beyond simply observing their beauty. We feel serene, peaceful, restful, and tranquil in a grove of trees. We are "at home" there. Hospital patients have been shown to recover from surgery more quickly when their hospital room offered a view of trees. The strong ties between people and trees are most evident in the resistance of community residents to removing trees to widen streets. Note the heroic efforts of individuals and organizations to save particularly large or historic trees in a community.

The stature, strength, and endurance of trees give them a cathedral-like quality. Because of their potential for long life, trees frequently are planted as living memorials. We often become personally attached to trees that we or those we love have planted.

Communal Benefits

Even though trees may be private property, their size often makes them part of the community as well. Because trees occupy considerable space, planning is required if both you and your neighbors are to benefit. With proper selection and maintenance, trees can enhance and function on one property without infringing on the rights and privileges of neighbors.

City trees often serve several architectural and engineering functions. They provide privacy, emphasize views, or screen out objectionable views. They reduce glare and reflection. They direct pedestrian traffic. They provide background to and soften, complement, or enhance architecture.

Environmental Benefits

Trees alter the environment in which we live by moderating climate, improving air quality, conserving water, and harboring wildlife. Climate control is obtained by moderating the effects of sun, wind, and rain. Radiant energy from the sun is absorbed or deflected by leaves on deciduous trees in the summer and is only filtered by branches of

deciduous trees in winter. We are cooler when we stand in the shade of trees and are not exposed to direct sunlight. In winter, we value the sun's radiant energy. Therefore, we should plant only small or deciduous trees on the south side of homes.

Wind speed and direction can be affected by trees. The more compact the foliage on the tree or group of trees, the greater the influence of the windbreak. The downward fall of rain, sleet, and hail is initially absorbed or deflected by trees, which provides some protection for people, pets, and buildings. Trees intercept water, store some of it, and reduce storm runoff and the possibility of flooding.

Dew and frost are less common under trees because less radiant energy is released from the soil in those areas at night.

Temperature in the vicinity of trees is cooler than that away from trees. The larger the tree, the greater the cooling. By using trees in the cities, we are able to moderate the heat-island effect caused by pavement and buildings in commercial areas.

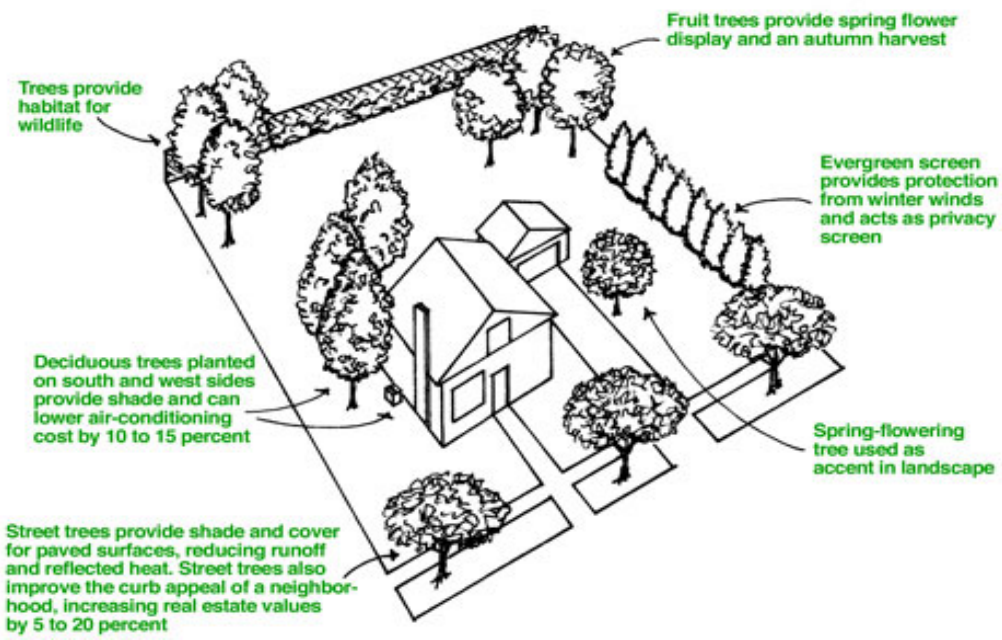
Air quality can be improved through the use of trees, shrubs, and turf. Leaves filter the air we breathe by removing dust and other particulates. Rain then washes the pollutants to the ground. Leaves absorb carbon dioxide from the air to form carbohydrates that are used in the plant's structure and function. In this process, leaves also absorb other air pollutants—such as ozone, carbon monoxide, and sulfur dioxide—and give off oxygen.

By planting trees and shrubs, we return to a more natural, less artificial environment. Birds and other wildlife are attracted to the area. The natural cycles of plant growth, reproduction, and decomposition are again present, both above and below ground. Natural harmony is restored to the urban environment.

Economic Benefits

Individual trees and shrubs have value, but the variability of species, size, condition, and function makes determining their economic value difficult. The economic benefits of trees can be both direct and indirect. direct economic benefits are usually associated with energy costs. Air-conditioning costs are lower in a tree-shaded home. Heating costs are reduced when a home has a windbreak. Trees increase in value from the time they are planted until they mature. Trees are a wise investment of funds because landscaped homes are more valuable than nonlandscaped homes. The savings in energy costs and the increase in property value directly benefit each home owner.

The indirect economic benefits of trees are even greater. These benefits are available to the community or region. Lowered electric City bills are paid by customers when power companies are able to use less water in their cooling towers, build fewer new facilities to meet peak demands, use reduced amounts of fossil fuel in their furnaces, and use fewer measures to control air pollution. Communities also can save money if fewer facilities must be built to control storm water in the region. To the individual, these savings are small, but to the community, reductions in these expenses are often in the thousands of dollars.



Trees Require an Investment

Trees provide numerous aesthetic and economic benefits but also incur some costs. Be aware that an investment is required for your trees to provide the benefits that you desire. The biggest cost of trees and shrubs occurs when they are purchased and planted. Initial care almost always includes some watering. Leaf, branch, and whole tree removal and disposal can be expensive.

To function well in the landscape, trees require maintenance. Much can be done by being an informed home owner. Corrective pruning and mulching gives trees a good start. Shade trees, however, quickly grow to a size that may require the services of a professional arborist. Arborists have the knowledge and equipment needed to prune, spray, fertilize, and otherwise maintain a large tree. Your garden center owner, university extension agent, community forester, or consulting arborist can answer questions about tree maintenance, suggest treatments, or recommend qualified arborists.

Obtained from: http://www.treesaregood.com/treecare/tree_benefits.aspx

New Tree Planting

Think of the tree you just purchased as a lifetime investment. How well your tree, and investment, grows depends on the type of tree and location you select for planting. The care you provide when the tree is planted, and follow-up care the tree receives after planting is important.

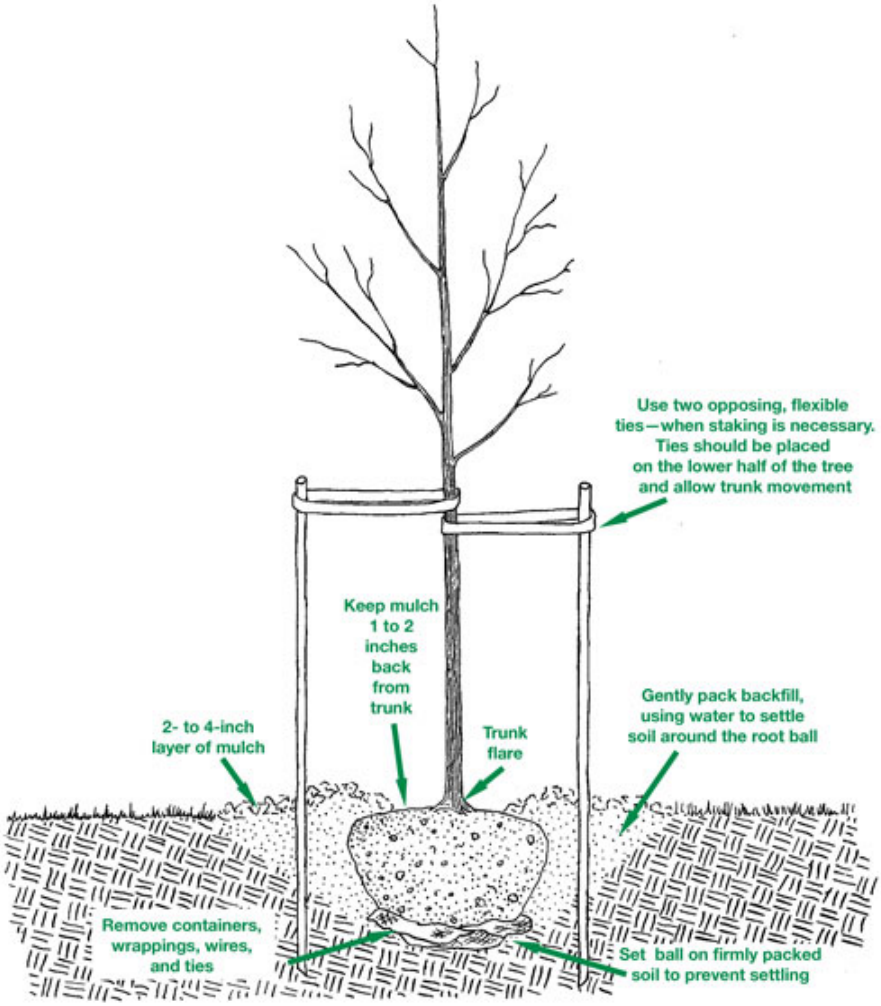
Planting the Tree

The ideal time to plant trees and shrubs is during the dormant season and in the fall after leaf drop or early spring before budbreak. Weather conditions are cool and allow plants to establish roots in the new location before spring rains and summer heat stimulate new top growth. However, trees properly cared for in the nursery or garden center, and given the appropriate care during transport to prevent damage, can be planted throughout the growing season. In tropical and subtropical climates where trees grow year round, any time is a good time to plant a tree, provided that sufficient water is available. In either situation, proper handling during planting is essential to ensure a healthy future for new trees and shrubs. Before you begin planting your tree, be sure you have had all underground utilities located prior to digging.

If the tree you are planting is balled or bare root, it is important to understand that its root system has been reduced by 90 to 95 percent of its original size during transplanting. As a result of the trauma caused by the digging process, trees commonly exhibit what is known as transplant shock. Containerized trees may also experience transplant shock, particularly if they have circling roots that must be cut. Transplant shock is indicated by slow growth and reduced vigor following transplanting. Proper site preparation before and during planting coupled with good follow-up care reduces the amount of time the plant experiences transplant shock and allows the tree to quickly establish in its new location. Carefully follow nine simple steps, and you can significantly reduce the stress placed on the tree at the time of planting.

1. **Dig a shallow, broad planting hole.** Make the hole wide, as much as three times the diameter of the root ball but only as deep as the root ball. It is important to make the hole wide because the roots on the newly establishing tree must push through surrounding soil in order to establish. On most planting sites in new developments, the existing soils have been compacted and are unsuitable for healthy root growth. Breaking up the soil in a large area around the tree provides the newly emerging roots room to expand into loose soil to hasten establishment.
2. **Identify the trunk flare.** The trunk flare is where the roots spread at the base of the tree. This point should be partially visible after the tree has been planted (see diagram). If the trunk flare is not partially visible, you may have to remove some soil from the top of the root ball. Find it, so you can determine how deep the hole needs to be for proper planting.
3. **Remove tree container for containerized trees.** Carefully cutting down the sides of the container may make this easier. Inspect the root ball for circling roots and cut or remove them. Expose the trunk flare, if necessary.
4. **Place the tree at the proper height.** Before placing the tree in the hole, check to see that the hole has been dug to the proper depth and no more. The majority of the roots on the newly planted tree will develop in the top twelve (12) inches of soil. If the tree is planted too deeply, new roots will have difficulty developing because of a lack of oxygen. It is better to plant the tree a little high, 2 to 3 inches above the base of the trunk flare, than to plant it at or below the original growing level. This planting level will allow for some settling (see diagram). To avoid damage when setting the tree in the hole, always lift the tree by the root ball and never by the trunk.
5. **Straighten the tree in the hole.** Before you begin backfilling, have someone view the tree from several directions to confirm that the tree is straight. Once you begin backfilling, it is difficult to reposition the tree.

6. **Fill the hole gently but firmly.** Fill the hole about one-third full and gently but firmly pack the soil around the base of the root ball. Then, if the root ball is wrapped, cut and remove any fabric, plastic, string, and wire from around the trunk and root ball to facilitate growth (see diagram). Be careful not to damage the trunk or roots in the process.



Fill the remainder of the hole, taking care to firmly pack soil to eliminate air pockets that may cause roots to dry out. To avoid this problem, add the soil a few inches at a time and settle with water. Continue this process until the hole is filled and the tree is firmly planted. It is not recommended to apply fertilizer at the time of planting.

7. **Stake the tree, if necessary.** If the tree is grown and dug properly at the nursery, staking for support will not be necessary in most home landscape situations. Studies have shown that trees establish more quickly and develop stronger trunk and root systems if they are not staked at the time of planting. However, protective staking may be required on sites where lawn mower damage, vandalism, or windy conditions are concerns. If staking is necessary for support, there are three methods to choose among: staking, guying, and ball stabilizing. One of the most common methods is staking. With this method, two stakes used in conjunction with a wide, flexible tie material on the lower half of the tree will hold the tree

upright, provide flexibility, and minimize injury to the trunk (see diagram). Remove support staking and ties after the first year of growth.

8. **Mulch the base of the tree.** Mulch is simply organic matter applied to the area at the base of the tree. It acts as a blanket to hold moisture, it moderates soil temperature extremes, and it reduces competition from grass and weeds. Some good choices are leaf litter, pine straw, shredded bark, peat moss, or composted wood chips. A two (2) to four (4) inch layer is ideal. More than four (4) inches may cause a problem with oxygen and moisture levels. When placing mulch, be sure that the actual trunk of the tree is not covered. Doing so may cause decay of the living bark at the base of the tree. A mulch-free area, one (1) to two (2) inches wide at the base of the tree, is sufficient to avoid moist bark conditions and prevent decay.
9. **Provide follow-up care.** Keep the soil moist but not soaked; overwatering causes leaves to turn yellow or fall off. Water trees at least once a week, barring rain, and more frequently during hot weather. When the soil is dry below the surface of the mulch, it is time to water. Continue until mid-fall, tapering off for lower temperatures that require less-frequent watering.

   Other follow-up care may include minor pruning of branches damaged during the planting process. Prune sparingly immediately after planting and wait to begin necessary corrective pruning until after a full season of growth in the new location.

   After you have completed these nine simple steps, further routine care and favorable weather conditions will ensure that your new tree or shrub will grow and thrive. A valuable asset to any landscape, trees provide a long-lasting source of beauty and enjoyment for people of all ages. When questions arise about the care of your tree, be sure to consult your local ISA Certified Arborist or a tree care or garden center professional for assistance.

Obtained from: http://www.treesaregood.com/treecare/tree_planting.aspx

Annual Tree Pruning Steps from Planting to Maturity

Tree pruning, trimming, or cutting is an ongoing process throughout the life of your tree. After selecting the right tree and carefully planting it, early pruning is the most important thing you can do for a young tree.

Proper pruning will save you money and give you a safer more beautiful, healthier, and easier-to-maintain tree. Remember what you do to your tree in its first few years of life will affect its shape, strength, and even its life span.

Tree Pruning Steps at Planting

Leave as much of the entire leaf surface as possible to manufacture food that will build a larger root system. Roots will be larger after one (1) year if left unpruned.

Do prune the following and trim close to the trunk:

- Broken branches.
- Branches competing with the leader.
- Swollen branches from insect eggs or stings.
- Remove tree tags.

Good

Bad

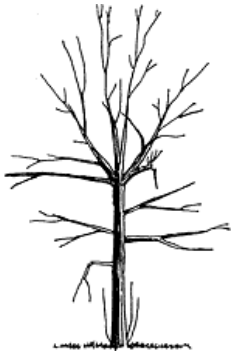
Tree Pruning: After 3 to 4 Years

Root growth should be well on its way to anchoring the transplant and expanding the size necessary to nourish the growing branches.

- Cut off root suckers and sprouts in the crown.
- Thin excessive branches to reduce competition for light, water, and nutrients.
- Remove codominant leader.
- Remove a few of the lowest limbs but others are temporarily left to help the trunk develop more taper and strength.
- Eliminate branches that rub or growing in undesirable direction.

- Remove narrow angled branches.

Good



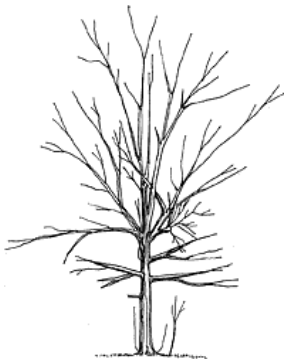
Bad

Tree Pruning: After 5 to 7 Years

Now it is time to make a good tree even better.

- Lower limbs are pruned off to raise the bottom of the crown well out of the way of human heads. The lowest limbs are now permanent limbs. Please note: branches DO NOT move upward as a tree grows taller. The center of a branch at five (5) feet will always be at five (5) feet.
- Cut back a few of the higher up branches so they don't protrude beyond the graceful outline of the crown.
- Inspect tree to see if you need to remove a branch here or there for even spacing.

Good

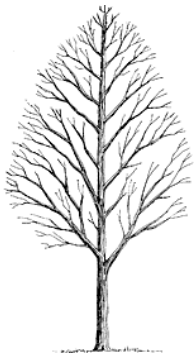


Bad

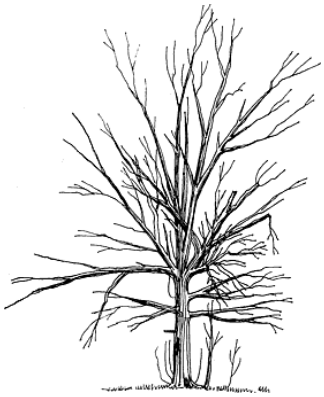
Tree Pruning: 15 Years after Planting

With proper pruning at the beginning of your trees life your tree will have a better chance of surviving extreme conditions such as wind storms, ice, and drought. That is because proper pruning gave strength to the branches.

Early each spring, look for dead or damaged limbs. If you do have dead or damage limbs remove using proper pruning methods.



Good



Bad

Obtained from: http://www.arborday.org/trees/tips/annualPruning.cfm

Tree Permit Applications

- **Street Tree Planting Permit Application**
- **Street Tree Removal Permit Application**

ORDINANCE 1313

AN ORDINANCE AMENDING TITLE IX GENERAL REGULATIONS CHAPTER 90 TREES, PLANTS AND SHRUBS SECTIONS 90.70 – 90.73, 90.77 – 90.83 AND 90.85 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO ADD AND AMEND THE DEFINITIONS, TREE BOARD, PLANTINGS, SPACING, UTILITIES, TREE CARE, CLEARANCE, TREE TOPPING, TREE REMOVAL, REMOVAL OF STUMPS, ABATEMENT AND REVIEW BY CITY COUNCIL AS IT APPLIES TO TREES, PLANTS AND SHRUBS WITHIN THE CITY OF VERMILLION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Title IX, Sections 90.70 (B), (C); 90.71; 92.72 (A), (B), (D), (E); 90.73 (B), (C), (D), (E), (F), (G); 90.74 through 90.80; 90.81 (A),(B); 90.82; 90.83; and 90.85 be added and amended as follows:

§ 90.70 PURPOSE.

(A) The preservation of existing urban trees and the encouragement of the planting of additional trees is an important public purpose.
(B) The City can play an important role in urban forestry through providing advice, expert information and recommendations to the citizens of Vermillion.
(C) It is the intent of the Governing Body that this chapter provides guidelines and assistance to the citizens of the City and to initiate a general policy for the planting of trees on the public property.

§ 90.71 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Vermillion, South Dakota, and collectively, the elected and or designated official, authorized agent, or employees of the City of Vermillion assigned to carry out the enforcement of this subchapter.

CITY TREE SPECIALIST. An employee designated by the City Manager that is educated in the care of trees and other woody plants. This individual will serve as the primary contact for the public.

CITY TREE BOARD. An advisory board consisting of five (5) members who are citizens and residents of Vermillion, who shall be responsible for the development of a long term plan that will encourage the growth of a healthy tree canopy throughout the City's boulevards, City's parks and any other areas of the City.

MAINTAINED TREE. A tree or woody plant that has been properly trimmed to remove any dead or hazardous branches. It has also been watered, fertilized, and treated for disease or insects as needed.

NUISANCE TREE. Any tree that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants.

PARKS. All public parks within the City having individual names.

PERSON. Any person, firm, partnership, association, corporation, company, organization, or political subdivision of any kind.

PESTS. An insect or disease that attacks a tree or woody vegetation.

PLANTS. Any growing "non-woody" vegetation.

PROPERTY OWNER. The person owning the property as shown by the records on file at the office of the Register of Deeds of Clay County, South Dakota.

PUBLIC PLACES. All property and grounds owned by the City lying within the County of Clay, State of South Dakota, or under its control or supervision whether owned, leased or under contract of the City.

TREES.

(1) ***LARGE TREES.*** Trees larger than forty (40) feet tall at maturity.
(2) ***MEDIUM TREES.*** Trees that are twenty (20) to forty (40) feet tall at maturity.
(3) ***SMALL TREES.*** Trees less than twenty (20) feet tall at maturity.
(4) ***PARK TREES.*** Trees, shrubs, and all other woody vegetation in public parks and all areas owned by the City or to which the public has access as a public park.
(5) ***PRIVATE TREES.*** Those trees and all other woody vegetation on privately owned lots and residences within the City.
(6) ***PUBLIC TREES.*** All trees now or hereafter growing along any street or in any park, or public areas of the City.
(7) ***STREET TREES.*** Trees on boulevards or in parkways which are those parking areas lying between the established curb line and any right-of-way line within the City.

TOPPING. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE SUPPORT AND BRACING. Supplement support in the form of cabling or bracing.

(1) ***BRACING.*** The use of steel rod(s) to support a trees structure.
(2) ***CABLING.*** The use of cable, chain, rope, or anything to support limbs of a tree, excluding small trees.

§ 90.72 CITY TREE BOARD.

(A) There is hereby created and established an advisory board to be known as the City Tree Board of the City of Vermillion. There shall be five (5) members of the City Tree Board in which board members are citizens and residents of Vermillion. They shall be appointed by the Mayor with the approval of the City Council. The Parks and Recreations Director shall recommend one (1) member to the board from staff; the Street Superintendent shall recommend one (1) member to the board from staff; one (1) member shall be currently serving on the City Council; and two (2) members shall be selected by the governing body from the residents of the City of Vermillion.
(B) The term of the five (5) persons to be appointed shall be two (2) years except the terms of those representing the City Council and City employed staff shall expire at the expiration of their terms of office or employment. In the event that a vacancy shall occur during the

term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(C) Members of the City Tree Board shall serve without compensation.

(D) Subject to the control of the Governing Body of the City.

(E) The City Tree Board shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transactions of business. Its purpose shall be to review, from time to time, conditions relating to tree and plant growth in the City and to recommend procedures and policies calculated to maintain and improve a healthy forestation program for the City.

§ 90.73 PLANTING.

(A) The permit requirements of this subchapter shall not apply to the planting of grass, annual flowers, or similar non-woody vegetation.

(B) The City is herein responsible for tree planting in all City parks however, non-allowable species are prohibited from being planted on private property.

(C) No person shall plant or set out any tree or plant on a boulevard, parkway, or other public place without first filing an application and procuring a permit from the City. The application required herein shall state the number of trees or plants to be planted or set out, the location and variety of each tree or plant, and the other information as the City shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.

(D) The City shall issue the permit for the planting of a tree or plant on a boulevard or other public place if it is found that the proposed planting is of a type and species which reasonably conforms to the established plan and existing practices within the City as determined by resolution of the Governing Body.

(E) The City may designate agents to accept applications and issue permits for the planting of trees covered under this subchapter.

(F) The City will issue an allowable species list for tree planting in the public places and a non-allowable tree list for planting on private property.

(G) No hedges, conifer trees, or shrubs may be planted in the boulevard or public right-of-way, except in the planters in the Central Business District.

§ 90.74 SPACING.

The spacing for all street tree plantings will be in accordance with specifications more particularly set forth in the allowed species list; provided that, in general, no small trees shall be planted less than twenty (20) feet apart, no medium trees shall be planted less than thirty (30) feet apart, and no larger trees shall be planted less than thirty-five (35) feet apart.

(A) Trees shall be placed at least ten (10) feet from a driveway.

(B) Trees shall be centered between the curb and sidewalk.

§ 90.75 DISTANCE FROM CURB AND SIDEWALK.

No tree shall be planted in a parking where the distance between the curb and sidewalk is less than seven (7) feet.

§ 90.76 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

Street trees shall be planted no closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet of any fireplug.

§ 90.77 UTILITIES.

No shall be planted under or within fifteen (15) feet of overhead utility wires, traffic signals, or street lights. No trees shall be planted within ten (10) feet of any water, sewer, or other service valves and within a fifteen (15) foot radius from a utility cabinet.

§ 90.78 TREE CARE.

(A) The City will herein be responsible for all tree care of park trees and will make recommendations or give advice to adjoining property owners for care of street trees.
(B) For any trees or shrubs now situated on or hereafter planted in the public right-of-way, it shall be the duty of the abutting property owner to maintain trees in a safe and healthy condition and in every way in compliance with the provisions of this subchapter for the life of the tree.
(C) Trees severely damaged by storms or other causes, aged trees, or certain trees under utility wires or other obstructions must be removed.
(D) The City shall have the right to plant, trim, prune, and remove trees, plants, and shrubs within the City right-of-way and public grounds as may be necessary to ensure public safety and City utility services.
(E) The City Tree Specialist shall have the authority to regulate and control nuisance trees and other woody plants upon private property only when an action is demonstrably necessary to maintain City utilities, to prevent the damage of public right-of-ways, or to prevent the spread of disease or insects to public trees and places.

§ 90.79 CLEARANCE.

Any tree overhanging any street or right-of-way within the City shall have the branches trimmed so that the branches will not block or otherwise inhibit street and sidewalk traffic and signs controlling the traffic. All large established trees shall be trimmed in such a manner so as to allow eight (8) feet clearance over sidewalks and sixteen (16) feet clearance over all streets. The City shall have the right to prune any tree or shrub on public or private property that obstructs the view of any street intersection, street lighting or visibility of any traffic-control device or sign.

§ 90.80 TREE TOPPING.

Tree topping is not an allowed practice for any person, firm, or City department of any street tree, park tree or other tree on public property, except when determined necessary by the City.

§ 90.81 TREE REMOVAL.

(A) The City will be responsible for the removal of dead, hazardous, or diseased park and street trees. For removal of street trees, whether they are dead, hazardous, or diseased, or not dead, hazardous, or diseased, any private landowner or resident must obtain permission from the City.
(B) Determination of a pest problem will be made by the City.
(C) Wood from dead, substantially dead, or infected trees may be used as firewood as long as that wood does not harbor a contagious pest or can be treated to prevent harboring contagious pests.

§ 90.82 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed eight (8) inches below the surface of the ground The City shall be responsible only for the removal of those stumps of trees of which were removed by the City.

§ 90.83 ABATEMENT.

(A) The City shall have the authority to trim or remove trees not conform to the provisions of this subchapter and to assess the cost of removal to the abutting owner of the property on which the same were improperly located.
(B) The occupant, person in charge or owner of any lot or parcel of land in the City shall keep the property free of nuisance trees and other woody plants by treating or removing, as may be appropriate and approved by the City tree specialist.
(C) Trees plants and shrubs not conforming to this ordinance and subchapters are hereby declared a public nuisance.

§ 90.84 INTERFERENCE WITH CITY.

It shall be unlawful for any person to prevent, delay, or interfere with the City while engaging in the inspection, planting, pruning, or removal of any street trees or park trees, as authorized in this subchapter.

§ 90.85 REVIEW BY CITY COUNCIL.

Any abutting property owner aggrieved by the action of any agent or officer of the City designated to enforce this subchapter or to carry out its purpose may appeal from any such action to the City Council who may hear the matter and make final decision.

§ 90.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

Dated at Vermillion, South Dakota this 5th day of May, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

First Reading: April 21, 2014
Second Reading: May 5, 2014
Publish: May 16, 2014
Effective Date: June 3, 2014

Approved Tree List #1

Below is a list of approved trees followed by a list of retailers within a 60 mile radius. The City of Vermillion can not guarantee that each retailer will carry each tree on this list. Please call and check with the retailer to see if they carry your desired tree.

Trees	Height/Spread	Description
Acer griseum Paperbark Maple	H: 30'/S: 15'	Slow growing, but well worth the wait; Red-brown exfoliating bark that is beautiful all year long; Green/red/brown fall color.
Acer plat Emerald Lustre Maple	H: 45'/S: 40'	Vigorous; Hardy with an outstanding branching habit; Yellow fall color.
Acer plat Princeton Gold Maple	H: 35'/S: 30'	Medium growing; Stunning accent plant; Bright golden yellow foliage and keeping it's yellow though fall.
Acer rub Brandywine Maple	H: 25'/S: 12'	Fast growing; Seedless; Excellent lawn and street tree; Purple red fall color.
Acer rub Northwood Maple	H: 50'/S: 35'	Medium growth; Hardy; Straight trunk and good branch angles; Bright orange-red fall color.
Acer rub Red Sunset Maple	H: 50/S: 35'	Fast growing; Strong, symmetrical branching pattern; Great choice for lawn and street; Brilliant shade of red and orange-red in the fall.
Acer rub First Editions Scarlet Jewell Maple	H: 70'/S: 30'	Medium growing; Excellent symmetrical branching and resistance to frost cracking; Brilliant show of red flowers in spring; Deep crimson fall color.
Acer sac Apollo Maple	H: 25'/S: 10'	Slow growing; Symmetrical growth and dense branching; Excellent street tree; Bright orange, yellow, and red fall color.
Acer sac Fall Fiesta Sugar Maple	H: 50'/S: 50'	Rapid growing; Hardy; Mixture of orange, red, and yellow fall colors
Acer sac Green Mountain Sugar Maple	H: 50'/S: 40'	Medium growing; Excellent heat tolerance; Reddish-orange to red fall color.
Acer x free Firefall Maple	H: 50'/S: 35'	Fast growing; Good branching angles; Seedless; Cold hardy; Bright orange to scarlet fall color.
Acer x freemanii Sienna Glen Maple	H: 60'/S: 40'	Fast growing; Hardy; Withstands strong winds; Considered a very good substitute for Ash varieties; Beautiful yellow, orange, and red fall color.
Carpinus bet Pyramidal Eur Hornbeam	H: 35'/S: 25'	Fast growing; Tolerant of heat and drought; Yellow fall color.
Ginkgo biloba Autumn Gold	H: 50'/S: 30'	Slow growing; Seedless; Hardy; Golden yellow fall color.
Gled tri iner Northern Acclaim Honeylocust	H: 45'/S: 35'	Fast growing; Sturdy; Drought resistant; Winter hardy; Thornless and

		seedless; Excellent street tree; Golden fall color.
Gled tri iner Skyline Honeylocust	H: 50'/S: 35'	Fast growing; Strong, sturdy trunk; Thornless and fruitless; Golden yellow fall color.
Liriodendron tulipifera 'Arnold' Tulip Popular	H: 50'/S: 15'	Fast growing; Flowers May through early June; Yellow-green blossoms; Attracts butterflies; Beautiful yellow fall color.
Ostrya virginiana Ironwood	H: 40'/S: 25'	Slow growing; Hardy; Hop-like fruit in late summer; Good for street or lawn; Pest resistant and drought tolerant; Golden yellow fall color.
Populus trem Quaking Aspen	H: 60'/S: 30'	Medium growing; leaves tremble in the slightest breeze for a beautiful effect; Gorgeous yellow fall color.
Pyrus call Chanticleer Pear	H: 30'/S: 15'	Medium growing; Good for streets and lawns; Flowers in spring; Showy fall colors of red and purple.
Quercus x bim 'Midwest' Prairie Stature Oak	H: 40'/S: 30'	Slow growing; Reddish purple fall color.
Quercus x warei 'Long' Regal Prince Oak	H: 50'/S: 25'	Fast growing; Beautiful all season long; Tolerant of many conditions; Yellow-brown fall color
Quercus x mac Heritage Oak	H: 60'/S: 40'	Slow growing; Good cold tolerance; Yellow-brown fall color.
Robinia pseud Purple Robe Locust	H: 50'/S: 30'	Fast growing; Tough and drought tolerant; Beautiful pink-purple flowers; Yellow fall foliage.
Tilia cord Shamrock Linden	H: 40'/S: 30'	Fast growing; Excellent, uniform branching; Yellow-green fall color.
Tilia x mon Harvest Gold Linden	H: 40'/S: 30'	Fast growing; Very hardy; Excellent street tree; Exfoliating bark, golden buds and consistent fall color; Golden yellow fall color.

Approved Tree List #2

Trees	Height/Spread	Description
Sugar Maple		
Armstrong Upright	H: 60'/S: 25'	Fast growing; Very attractive silver-grey bark; Has a nice red, orange, or yellow fall color lasting for several weeks.
Bonfire	H: 50'/S: 40'	Medium growing; A stunning shade tree with a mix of deep orange and red fall colors.
Legacy	H: 50'/S: 35'	Fast growing; Brilliant fall color; Resist heat and drought; Easy to grow and does not require much maintenance.
Wright Brothers	H: 50'/S: 35'	Fast growing; Hardy and resistant to scorch and frost cracking; Fall color is a bright mix of yellow orange, and red.
Apollo	H: 30'/S: 10'	Medium growing; Foliage withstands summer heat; Yellow-orange to red fall color.

Fall Fiesta	H: 50'/S: 40'	Medium growing; Sturdy and compact when young; Brilliant fall colors of orange, red, and yellow.
Black Locust		
Purple Robe	H: 50'/S: 32'	Fast growing; Well adapted to hot, dry climates; Dark purple flowers and yellowish fall color.
Kentucky Coffee Tree		
Espresso (MALE ONLY)	H: 50'/S: 35'	Medium growing; Good tolerance of heat, drought, and cold; Golden yellow fall color.
Thornless Honeylocust		
Street Keeper	H: 45'/S: 20'	Fast growing; Deep green foliage with yellow fall color.
Shademaster	H: 45'/S: 35'	Fast growing; Yellow fall color.
Northern Acclaim	H: 45'/S: 35'	Fast growing; Cold hardy; Yellow fall color.
Beacon Oak	H: 40'/S: 15'	Slow growing; Yellow fall color.
Amure Corktree		
His Majesty (MALE ONLY)	H: 40'/S: 35'	Fast growing; Hardy; Yellow fall color.
Eye Stopper (MALE ONLY)	H: 40'/S: 35'	Medium growing; Bright yellow fall color.
Little Leaf Linden		
Corinthian	H: 40'/S: 30'	Medium growing; Deep green leaves turning golden in fall.
Shamrock	H: 40'/S: 30'	Medium growing; Yellowish fall color.
American Linden		
Continental Appeal	H: 50'/S: 28'	Fast growing; Easy to grow; Good substitute for Green Ash; Yellow fall color.
Ginkgo (MALE ONLY)		
Autumn Gold	H: 45'/S: 35'	Slow growing; Striking golden fall color.
Golden Colonnade	H: 45'/S: 25'	Slow growing; Bright yellow fall color.
Magyar	H: 50'/S: 25'	Medium growing; Bright yellow fall color.
Princeton Sentry	H: 50'/S: 15'	Slow growing; Bright yellow fall color.
Painted Maple		
Norwegian Sunset	H: 35'/S: 25'	Slow growing; Good heat resistance; Yellow-orange to red fall color.
Pacific Sunset	H: 30'/S: 25'	Slow growing; Glossy summer foliage changes to tints of yellow, red, and orange in fall.
Crimson Sunset	H: 35'/S: 25'	Slow growing; Heat tolerant; Maroon to reddish bronze fall color.
Amur Maackia	H: 25'/S: 20'	Slow growing; Grows well in tough environments; Nitrogen-fixer in poor soil; Flowers in

		mid-summer.
MaacNificent Amur Maackia	H: 30/S: 22'	Most vigorous Maackia; grows well in tough environments; Flowers in early summer.
Persian Parrotia		
Vanessa	H: 28'/S: 14'	Slow to medium growing; Fall color varies from orange to red and is always impressive.
Ruby Vase	H: 28'/S: 16'	Slow to medium growing; Foliage begins the season with red tips, becoming dark green and orange-red fall color.
Rossica Mountain Ash	H: 30'/S: 18'	Medium growing; White flowers in spring followed by bright red clustered frui Rusty orange fall color.
Sycamore Maple	H: 40'/S: 30'	Medium growing; Adaptable to varied growing conditions; Yellow fall color.
Tulip Tree	H: 60'/S: 30'	Fast growing; Stunning yellow to greenish yellow tulip shaped flowers in late summer; Bright, clear yellow fall color.
Columnar	H: 50'/S: 15'	Medium growing; Soft yellow with orange center tulip shaped flowers in late summer; Bright yellow fall color.
Emerald City	H: 55'/S: 25'	Medium growing; Yellow to greenish yellow with orange center tulip shaped flowers in late summer; Yellow fall color.
Hornbeam		
Emerald Avenue	H: 40'/S: 28'	Slow growing; Heat and drought tolerance; Golden yellow fall color.
American	H: 25'/S: 20'	Slow growing; Widely adaptable; Yellow to bright orange-red fall color.
Callery Pear		
Chantileer	H: 40'/S: 15'	Fast growing; Fire blight resistance; White clustered flowers; Reddish fall color
American Hophornbeam	H: 40'/S: 25'	Slow growing; Drought tolerant; Hard wood resists damage from ice and snow Hop-like fruit and yellow fall color.

Retailer

Ace
Vermillion, SD

Walmart
Vermillion, SD

Hartington Tree Company
1103 East Highway 50
Yankton SD 57078
Phone 605-260-1490 24.47 Miles

Yankton Nurseries LLC

2000 Ferdig St
Yankton, SD 57078 — 24.47 miles
605-665-6560

Menard's
3210 Broadway Ave
Yankton, SD 57078 — 24.47 miles
605-665-0205

Bomgaar Supply #2
20300 Broadway St
Yankton, SD 57078
605-665-5694 — 29.16 miles

Moshers, Inc
4101 War Eagle Dr — 33.41 miles
Sioux City, IA 51109

Bomgaar Supply #1
1732 Hamilton Blvd
Sioux City, IA 51101 — 33.61 miles
712-277-1666

Hy-vee #1620
2501 Cornhusker Plaza
South Sioux City, NE 68776 — 35.99 miles
402-494-4675

Menards's
5900 Gordon Dr
Sioux City, IA 51106 — 35.99 miles
712-274-4188

Lowe's of Sioux City, Ia
5758 Sunnybrook Dr
Sioux City, IA 51106 — 35.99 miles
712-389-9007

Hy-vee #1614 (#2)
4500 Sergeant Rd
Sioux City, IA 51106 — 35.99 miles
712-274-1036

Earl May See & Nursery Co.
4141 E. Gordon Dr
Sioux City, IA 51106 35.99 miles
712-276-4776

Bomgaar Supply #15
6001 Gordon Dr 43.13 miles
Sioux City, IA 51106

Ground Effect Landscape & Produce 56.1 miles
2075 S Main
Sioux Center, IA 51250
712-722-4600