

## **ORDINANCE NO. 3225**

AN ORDINANCE AMENDING TITLE 12, CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO INCORPORATE AND ADOPT AN ORDINANCE FOR TREE PROTECTION AND PRESERVATION, REGULATIONS AND STANDARDS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

**WHEREAS**, the City of North Las Vegas Municipal Code (“NLVMC”) Title 12, Chapter 15 concerns streets, sidewalk and public spaces;

**WHEREAS**, the City desires to amend Chapter 15 of the Municipal Code and to adopt an Ordinance for Tree protection and preservation adding regulations and standards into the code;

**NOW THEREFORE**, the City Council of the City of North Las Vegas does ordain:

### **12.15 – URBAN FORESTRY TREE PROTECTION ORDINANCES**

#### **SECTION 1: 12.15.010 - Purpose and Intent.**

*The purpose* of this ordinance is to preserve and protect all varieties of trees planted by the City or caused to be planted by the City on publicly-owned property or right-of-way easements. This ordinance is to establish policies, regulations and standards necessary to ensure that the city will realize that such trees are natural aesthetic resources which help define the character of the city.

*The Intent* of this ordinance is to:

1. To realize the benefits of trees in the City’s streets, trails, parks, facilities and public places to enhance air quality, carbon sequestering, energy conservation through shade and wind protection, reduction of stormwater runoff and the abatement of noise pollution.
2. To reduce the public hazard, nuisance and expense occasioned by improper tree selection, planting and maintenance.
3. To provide for the creation of an equitable, sustainable and reliable means of managing the City’s Forest.
4. To create and maintain a Forest resource, enhancing the City’s overall character and sense of community pride.

#### **12.15.020 - Definitions.**

Definitions as used in this chapter have the following meanings:

- A. **ANSI Standards** means the American National Standards Institute Standard Practices for Tree Care Operations ANSI A300, 2001.
- B. **Certified arborist** means an individual certified by the International Society of Arboriculture. They are engaged in the profession of arboriculture and, through

experience, education, and related training, they possess the competence to provide for or supervise the management of trees and other woody plants.

- C. **Director** means the Director of Parks and Recreation or his/her designee for the City of North Las Vegas.
- D. **Dripline** is the outer limit of the tree's canopy extended down to ground level.
- E. **Heritage tree** means any tree, or group of trees with unique value, which is considered to have historical interest by the City Council, Director or Municipal Forester.
- F. **ISA** means the International Society of Arboriculture
- G. **Maintenance** means and includes root pruning, trimming, spraying, watering, fertilizing, mulching, treating for disease or injury, or any other similar act, which promotes growth, health, beauty and life of a street or publicly owned tree.
- H. **Parkway** means that area from the back of the curb to the edge of the right-of-way, or if no curb exists, that area from the edge of the pavement to the edge of the right-of-way.
- I. **Person** means any individual, firm, association, organization, partnership, business, trust company, corporation or other entity.
- J. **Protection** means the safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding and any other necessary means.
- K. **Property owner or owner** means any person holding title to real property abutting upon a right-of-way, or any agent thereof, as well as any person who has the legal right to occupy the property to the exclusion of others. For the purposes of this chapter, prime responsibility for compliance shall rest upon whichever of such persons is the occupant or user of the property and the ultimate responsibility shall rest upon the tenant and property owner.
- L. **Public property** shall mean any real property owned by, leased to, or under the control of the City of North Las Vegas or any other public entity.
- M. **Removal** means the uprooting, cutting, relocating or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die.
- N. **Right-of-way** shall mean the entirety of that area dedicated for public street and highway purposes.
- O. **Safety zone** means the area within the dripline of a tree and extending therefrom either to a point of at least five feet outside the dripline or to a point fifteen feet from the trunk, whichever distance is greater.
- P. **Sidewalk** for the purposes of this chapter shall mean any improved or unimproved pedestrian walkway within a right-of-way adjacent to a street.
- Q. **Street tree, or public tree, or City tree** means any tree which is located within any public park, City easement, or on any other City-owned property or right-of-way.
- R. **Topping** means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree that the tree's canopy is removed or the tree is disfigured.

### **12.15.030 - Municipal Forester**

The position of the Municipal Forester, is hereby established in the department of Parks and Recreation. The Municipal Forester shall be the person designated by the Director of Parks and Recreation to perform the duties as set forth in this chapter.

#### *A. Duties and the Responsibilities:*

1. The Municipal Forester, shall oversee the community forestry program. The Municipal Forester shall have the responsibility for the implementation of municipal tree operations. City departments shall work with the Municipal Forester to ensure compliance with the municipal forestry program goals whenever such department takes any type of action which may involve a municipal forestry operation, as defined in this chapter.
2. The Municipal Forester shall authorize and inspect all work in accordance with the provisions hereof. Work authorized and decisions made hereunder by the Municipal Forester shall be submitted to and reviewed by the Director of Parks and Recreation, or designee.
3. The Municipal Forester shall coordinate with the Parks and Recreation Department to develop and maintain public outreach and education in order to promote public understanding of the City's Municipal Forest and adherence to the standards and procedures established under the ordinance codified in this chapter.
4. The Municipal Forester shall facilitate the planting and maintenance of trees on newly proposed city projects, the Director of Parks and Recreation or designee shall review landscape plans to insure their conformance with the Forestry program.

*B. Authority:* The Municipal Forester shall have the authority and jurisdiction to regulate the planting, maintenance and removal of public trees and shrubs to ensure public safety; to alleviate interference by trees and shrubs with the provision of essential services; and to preserve the aesthetics of public places.

### **12.15.040 - Public Tree Care.**

The City of North Las Vegas shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, trails, alleys, avenues, squares, parkways and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and aesthetics of such public grounds. The city may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric, power lines, gas lines, water lines, or other public improvements or is affected with any injurious fungus, insect, or pest.

### **12.15.050 - Tree Pruning and Pruning Practices.**

The City of North Las Vegas shall maintain the city's forest based on the recommendations of the Municipal Forester. The city shall maintain and prune any public tree with limbs or branches so that branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection so that there shall be a clear space of (16) feet above the surface of the street and Curb face, (8) feet above the sidewalk or walkways.

Pruning of heritage trees, park trees or any city tree that is defined under this ordinance, shall be performed in accordance with the International Society of Arboriculture (ISA) and the American National Standards (ANSI) for Tree Care Operations, (ANSI A-300) 2023 Tree Care Standards.

#### **12.15.055 - Heritage trees.**

The City of North Las Vegas is committed to promoting the health, safety and welfare of present and future residents of the City of North Las Vegas by providing for the preservation of historical trees existing within the city. A Heritage tree shall be classified by any of the following:

1. Is of historical value because of its association with a place, building, natural feature, or event of local, regional, or national historic significance; or
2. Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site or historic district; or
3. Is representative of a significant period of the city's growth or development; or
4. Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design or similar development approval; or
5. Is of significant size to warrant protection.

#### **12.15.060 - Tree Topping**

It shall be unlawful as a normal practice for any person, firm or city department to top any public tree on public property.

#### **12.15.070 - Prohibited Acts.**

No unauthorized person shall injure, deface or destroy any City tree by any means.

#### **12.15.080 - Tree Protection During Construction.**

The following protective measures are established to further preserve trees protected by this chapter during development or redevelopment activity:

- A. No grading construction, or construction related activities shall occur within the safety zone of a heritage tree or as defined by this chapter, including, but not limited to, storage of materials, grade changes, or attachment of wires to or around tree trunks, stems or limbs.
- B. No structure or impervious paving shall be located within the safety zone or within a six-foot radius of the trunk perimeter, whichever is greater, of any heritage tree.
- C. Heritage trees shall be shielded from damage during construction by chain link and steel stake fence enclosing the entire safety zone area. All exposed roots shall be inside the fence or barrier, which shall have a minimum height of four feet measured from grade. In all cases where a fence or barrier is to be used around a protected tree, the fence or barrier shall be

installed prior to commencement of any development on the site and shall remain in place throughout the construction period.

D. Branches that could be injured by vehicles or that interfere with construction shall be pruned to the satisfaction of the city landscape architectural consultant or designee.

#### **12.15.090 - Inspection and Correction of Hazards.**

The Municipal Forester, or an agent of the City may inspect any tree adjacent to or overhanging any public street in the City to determine whether the same, or any portion thereof, is in such condition as to constitute a hazard or impediment to the safety of anyone traveling on such public street. Any tree or part thereof growing upon private property but overhanging or interfering with use of any right-of-way that endangers the life, health, safety or property of the public shall be declared a public nuisance.

#### **12.15.100 - Tree Removal.**

The Municipal Forester or Director of Parks and Recreation, or designee, have the authority to remove a tree if the tree is dead, diseased, hazardous, or an emergency condition exists which is a threat to public safety.

A tree is that is determined to be causing chronic and persistent damage to curbs, gutters, sidewalks or other hardscape structures may be removed so improvements to the city's infrastructure can be made.

Reasons that will not be considered for tree removal: No healthy city tree shall be removed because of leaves, pine cones, pine needles, fruit, or seed debris or any perceived annoyance.

#### **12.15.110 - Removal, Replacement and Mitigation.**

No person shall remove or replace any tree in the City of North Las Vegas, in, or upon, any public street or right-of-way, without having first obtained permission from the Municipal Forester or Director of Parks and Recreation, or designee, as required by this chapter.

A property owner who requests removal of a City tree or a replacement of tree due to an accident and whose request is approved by the Director or the Municipal Forester, shall pay the City the actual costs of the City tree removal and replacement/mitigation.

#### **12.15.120 - Emergency Tree Removals.**

Notwithstanding the requirements of this ordinance, in the case of an emergency caused by a city tree being in a hazardous or dangerous condition posing an immediate threat to person or property, the Director or the Municipal Forester, or any member of the Police Department or Fire Department may authorize removal of a city tree.

#### **12.15.130 - Tree Canopy Coverage - No Net Loss.**

**"No Net Loss Canopy Coverage"** provision - It shall be the policy of the city that there shall be a "No Net Loss of Canopy Coverage" as defined in this chapter within the boundaries of the city, including property owned by the city. To maintain or increase canopy percentages with a one-

for-one tree replacement will be required for a “No Net Loss of Canopy Coverage”. Replacements should take place as close as possible to the original location, ideally within the same ward where the tree is located. This policy is to help insure a healthy and sustainable forest. To also help balance economic development with conservation. These are the priorities of the policy:

1. To maintain canopy coverage and mitigate negative consequences of tree loss.
2. Avoid losses due to conversions of the landscape or land development.
3. Increase community health and well-being.
4. To mitigate heat island, increase cooling effect and carbon exchange.
5. To increase tree equity in underserved areas.
6. Protection, conservation and preservation of our existing forest and Heritage trees.
7. To mitigate temperature, storm run-off, noise, and air quality impacts.

#### **12.15.140 - Non-Infreingement of Rights.**

The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

#### **12.15.150 - Severability.**

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

#### **12.15.160 - Effective Date.**

This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

#### **12.15.170 - Publication.**

The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmembers voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
PAMELA A. GOYNES-BROWN, MAYOR

ATTEST:

\_\_\_\_\_  
JACKIE ROGERS CITY CLERK