

KEY

BLACK TEXT: Existing, adopted language.

~~RED TEXT~~: Deletions.

BLUE TEXT: Proposed wording.

Green Text: City Department Comments

SECTION 5. The following language reflects changes to Title 8, *Public Peace, Safety and Morals*, Chapter 8.32, *Trees and Shrubs*.

Sec. 8.32.005. Purpose.

Trees and vegetation located within or upon city property are an ~~community~~ asset of the public infrastructure. They provide economic, environmental, and social benefits to the community including, but not limited to, contributing to its character, improving air quality by reducing carbon emissions, reducing the urban heat island effect, reducing heating/cooling costs and energy consumption, creating wildlife habitat, screening unattractive areas, improving mental and physical health, increasing property values, filtering noise, and reducing stormwater pollution.

It is the purpose of this chapter to promote and protect the tree canopy for public health, safety and welfare by:

- (a) Supporting the planting and proper maintenance of appropriate species for specific location conditions and the Truckee Meadows climate;
- (b) Ensuring proper permitting occurs, and proper installation and maintenance techniques are applied;
- (c) Prohibiting installation of noxious plant material, as defined by the Nevada Department of Agriculture and;
- (d) Protecting and mitigating for loss of existing public trees.

~~prohibiting the planting and care of the types or kinds of trees that may be hazardous, susceptible to disease and insects, or injurious to sidewalks and curbs and by providing for the planting and growth of trees for the beautification of the streets of the city, and to that end to control and regulate the types or kinds of trees permitted to be planted on, or along the streets.~~

(Ord. No. 4196, § 1, 3-10-92)

Sec. 8.32.010. Applicability.

This chapter shall apply to all public trees, vegetation, and in some instances, private trees that may impact public property as described in Sec. 8.32.110.

Sec. 8.32.01020. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

ANSI A300 means the current edition of the American National Standards Institute Standard Practices for Trees, Shrubs, and Other Woody Plant Maintenance.

ANSI Z60.2 provides buyers and sellers of nursery stock with a common terminology, measurements, quality and size requirements for trees and vegetation.

ANSI Z133 outlines safety requirements for arboricultural operations, ensuring safe practices for tree care professionals in the United States.

Boundary Tree is a tree whose trunk, base, and/or root flare are located on a property line between private and public property. ~~R~~, regardless of the percentage of the tree that lies on either side of a parcel

~~line. the tree is considered to be 50/50 owned. Should the tree be 50 percent the responsibility of the City of Reno, the city will provide maintenance for the tree as it deems appropriate. The city may also issue a no fee tree work permit to the other owner to provide maintenance at their request. Should the other owner request a tree removal permit, the Urban Forester will determine the value of the tree as identified in Sec. 8.32.070 and the permit fee will be set at 50% of the value. Tree maintenance and associated costs must be agreed upon by the parties involved.~~

City of Reno Tree ~~Approved~~ List includes all approved species of trees ~~approved by the Reno Urban Forestry Commission as amended from time to time~~ and those that are prohibited for planting within the City of Reno, as found in the current City of Reno Standard Details for Public Works Construction. Unlisted trees may be planted with approval from the Urban Forester. The City of Reno Tree List does not apply to existing trees.

~~*Class size of trees* means the category of tree species based on required soil volume as identified in the City of Reno's Standard Details for Public Works Construction, latest edition.~~ (Moved to Size class of trees)

Dbh means tree diameter at breast height, measured 4.5 feet above the ground on the uphill side of the tree.

Direct supervision means the supervisor shall be within normal voice range and within sight of the persons being supervised.

ISA certified arborist ~~and certified tree worker~~ means an individual who holds a valid and current certification as an arborist ~~or tree worker~~ issued by the International Society of Arboriculture (ISA).

Landmark trees include those trees on public ~~or private~~ property having special status due to their age, size, shape, species, location, historical association, visual quality or other contribution to the city's character. As applied to private property trees, the designation is strictly voluntary and subject to approval by the Reno Urban Forestry Commission.

Landscape architect is a person who is issued a license by the State of Nevada to practice as a landscape architect.

Parkway means the strip of land, regardless of whether currently paved, surfaced, or landscaped, situated between the back of the curb and the sidewalk. In the absence of a curb, the curblin of a street shall be deemed to be the edge of the parkway. ~~includes that portion of public right of way situated between the curblin of any street and the property line abutting and adjoining any street. In the absence of a curb, the curblin of a street shall be deemed to be the edge of that portion of public right of way maintained and open to the use of the public for purposes of vehicular travel.~~

Private trees include all trees whose trunk, base, and/or root flare are located entirely on privately owned property or in areas not under the maintenance responsibility of the City of Reno.

Proper pruning means pruning that conforms to the current edition of the ANSI A300 Standards and includes cutting or removing any part of the branching structure of a tree in the crown, trunk, or root areas.

Public places include all land or property owned, or held, or under the control of the city.

Public trees include all trees whose trunk, base, and/or root flare are located in public rights-of-way; in parkways with public access easements; on City of Reno property; or in areas under the maintenance responsibility of the City of Reno.

~~*Red tag* means an order to stop work until certain specific conditions are met.~~

Size class of trees means the category of tree species based on required soil volume as identified in the City of Reno Standard Details for Public Works Construction, latest edition.

Street or highway includes all lands lying between the property lines on either side of all highways, public streets, roads, and alleys as defined in Sec. 6.04.020. This definition includes, but is not limited to, sidewalks.

Topping, also known as heading, stubbing, dehorning, pollarding, or lopping, is a prohibited practice that refers to the cutting back of the central leader, stem, or limbs to stubs within the tree's crown so as to remove the normal canopy and disfigure the tree. ~~Because of numerous problems caused by topping, it is not an accepted practice and shall not be performed on any tree protected under this chapter unless a specific exemption is approved by the urban forester under section 8.32.060(e).~~

~~Trees, plants, shrubs, and vines shall include all woody vegetation; and where applicable, the word "plants" herein shall include all of these things.~~

Urban Forester is that person who shall have such duties and perform such functions as shall be prescribed herein and who shall be subject to the direction and control of the city manager or ~~his~~ *their* designee.

Urban tree canopy is the layer of leaves, branches, and stems of trees that cover an area when viewed from above.

Value of trees shall be determined by ~~the urban forester using the most current edition of the International Society of Arboriculture "Guide for Establishing Values of Trees and Other Plants" as amended from time to time.~~ factors such as tree location, health, species, and size as identified in Sec. 8.32.070.

Vegetation shall include all plant material.

(Code 1966, § 11.56.010; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)

Sec. 8.32.02030. Duties of the Urban Forester on public property, including eEnforcement.

The Urban Forester is hereby vested with the control and maintenance of trees and vegetation located upon public streets, highways, rights-of-way, parks and public places of the city. The Uurban Fforester or ~~his~~ *their* authorized representative shall be charged with the duty of enforcing the provisions of this chapter. ~~The urban forester, subject to the provisions of this chapter, and~~ is hereby authorized to:

- (a) Plant, prune, spray, preserve and remove trees in public places to ensure safety or preserve the symmetry and beauty of such public places.
- ~~(b) Order the pruning, preservation or removal of trees upon private property when he shall find such action necessary for public safety or to prevent the spread of disease or insects to public trees and places.~~ Institute procedures for the planting, care, and maintenance of public trees and vegetation.
- (c) Supervise ~~and/or inspect~~ all work done under a permit issued in accordance with the terms of this chapter, including, but not limited to, tree planting and/or soil volume and quality.
- (d) Provide for the spacing of, or distance permitted from paved city areas of, ~~and quality of public all such~~ trees and vegetation.
- (e) Provide for the form of application for removal, or the planting of any public ~~such~~ tree.

- (f) Establish and maintain a nursery for the growing of the types and kinds of trees permitted, and plant the same on public property.
- (g) Supply and plant a tree(s) on public property at the request of the abutting property owner, upon payment of the appropriate fee by that property owner.
- (h) Provide compliance direction, ~~"Red tag"~~ issue stop work orders on jobs without proper permits, issue citations.
- (i) Advise the Reno Urban Forestry Commission for purposes of adding, amending, or deleting codes, policies, and procedures.
- ~~(j) Enter upon private premises, with notice, at all reasonable hours, to inspect the premises where he may reasonably suspect a violation of this chapter.~~
- ~~(k) Give notice to private property owners or residents of violations of this Code.~~
- ~~(l) Take remedial measures as required by this Code when property owners or residents, after notice has been properly served, fail to take required action.~~
- (m) Provide direction to other City departments on best practices related to tree installation, care, maintenance, and protection.
- (n) Create and prescribe the use of standard details pertaining to the installation of trees.
- (o) Maintain and regularly update a citywide inventory of all trees on public property, recording information such as species, diameter, condition, location, and maintenance history.
- (p) Ensure all maintenance conforms to ANSI A300 pruning standards and ISA Best Management Practices.
- (q) Implement proactive maintenance cycles.
- (r) Maintain the City of Reno's Tree List.
- (s) Coordinate emergency response for storm damage, vehicle strikes, or utility conflicts. Maintain readiness for after-hours calls pertaining to hazards and emergencies.
- (t) Document incidents for liability protection and insurance claims.
- (u) Provide public outreach and education on proper tree care, benefits of urban trees, and the City's maintenance standards.
- (v) Coordinate community planting events, volunteer days, and partnerships with nonprofits.
- (w) Respond to citizen tree concerns and service requests.
- (x) Review development plans to ensure tree preservation and planting compliance in new projects.
- (y) Track canopy coverage and report progress toward urban forest and climate resilience goals.

- (z) Prepare and oversee contracts for tree planting, pruning, removal, emergency response, and other services.

Sec. 8.32.035. Duties of the Urban Forester on private property, including enforcement.

- (a) Order the pruning, preservation, or removal of trees upon private property when they find such action necessary for public safety or to prevent the spread of disease or insects to public trees and places.
- (b) Enter upon private premises, with proper notice, at all reasonable hours, to inspect the premises where they may reasonably suspect a violation of this chapter.
- (c) Give notice ~~pursuant to RMC Chapter 1.05~~ to private property owners or residents of violations of this code.
- (d) Take remedial measures as required by this code when property owners or residents, after notice has been properly served, fail to take required action.

(Code 1966, § 11.56.020; Ord. No. 4196, § 1, 3-10-92)

~~Sec. 8.32.030. — Control and supervision in public places.~~

~~The urban forester is hereby vested with the control and maintenance of the trees, plants, shrubs and vine upon the public streets, highways, parks and public places of the city. He may institute procedures for the setting out, care, and maintenance of such trees and shrubs. He may, at the request of the adjoining property owner, upon the payment of the appropriate fee by such property owner, supply and plant a tree(s) on public property.~~

~~(Code 1966, § 11.56.030; Ord. No. 4196, § 1, 3-10-92)~~

Sec. 8.32.03540. Designation of landmark trees.

- (a) Landmark trees shall be designated by the Reno Urban Forestry Commission. Private trees may be voluntarily designated as landmark trees upon application by the property owner and approval by the Reno Urban Forestry Commission.
- (b) Criteria for designation shall be determined by the Urban Forester.
- (c) The Urban Forester shall maintain a list of all trees so designated, and including their location and species. This designation is not recorded against the property.

(Ord. No. 4196, § 1, 3-10-92)

Sec. 8.32.050. Public tree and vegetation planting and maintenance.

- (a) Selection and Planting
 - (1) Street trees shall conform to the American Standard for Nursery Stock (ANSI Z60.2), the City of Reno Standard Details for Public Works Construction, latest edition, including selection from the City of Reno Tree List, based on the location-specific criteria contained in the list, installation, minimum planting sizes, soil volume and quality, maximum expected crown spread and growing height, and all other applicable standard details.
 - (2) Any planting in public spaces requires a permit from the Urban Forester in accordance with Sec. 8.32.060 in addition to conforming to the City of Reno Standard Details for Public Works Construction.

(b) Maintenance responsibility of the Urban Forester

- (1) Urban Forester is responsible for all maintenance as described in Sec. 8.32.030. When an abutting property owner would like to prune a public tree that is not scheduled for maintenance, they may hire a licensed contractor business, as defined in Sec. 8.32.065, who shall apply for a permit through the Urban Forester and complete the work. Public trees that pose a potential safety hazard or impede pedestrian/vehicular access should be brought to the attention of the Urban Forester.

(c) Maintenance responsibility of abutting property owner

- (1) The owner or person in control of real property abutting a public right-of-way including parkways, park strips, planting strips, or other landscaped portions of the public way shall be responsible for the proper installation, routine maintenance, repair, and replacement of all vegetation other than city-owned trees, together with any irrigation systems located within that area pursuant to the City of Reno Public Works Engineering Standards, unless the area is explicitly maintained and irrigated by the City of Reno, another local government agency, or an HOA, in which case these duties fall on the responsible party.
- (2) Homeowner associations. A public tree that exists within the right of way in a landscape area, under the maintenance responsibility of a homeowners association, shall be maintained by the homeowners association as prescribed by the Urban Forester; however, should such an association fail to provide adequate maintenance, the abutting property owner shall be responsible for maintenance of the tree.

(d) Maintenance shall include, but is not limited to:

- (1) Maintaining all vegetation in a healthy, weed-free, and sight-safe condition.
- (2) Maintaining irrigation including repairing or replacing damaged or malfunctioning irrigation components.
- (3) Keeping the area free of refuse, litter, debris, and obstructions.
- (4) Preventing the growth or placement of vegetation, objects, or materials that may create a hazard, impede pedestrian travel, or obstruct visibility for vehicular or bicycle traffic.
- (5) Complying with all landscape design standards and maintenance obligations established under RMC Title 18 (Land Development Code) where applicable. Where the zoning, permitted use, or development approval of a parcel requires landscaping pursuant to RMC Title 18, or where an approved landscape plan exists for the property, the abutting property owner shall be responsible for maintaining all such landscaping, irrigation, and site elements in accordance with the approved plan and the standards set forth in Title 18.
- (6) Owners of property abutting parkways containing trees are responsible for the general maintenance of the trees, including providing adequate irrigation. Maintenance shall be completed in accordance with this Chapter, including Sec. 8.32.060 and 8.32.065. This responsibility does not preclude the Urban Forester from conducting tree maintenance activities on any public tree.

Sec. 8.32.04060. ~~Necessity for p~~Permit to plant, prune, cut, spray, chemically treat or remove in public ~~places~~ trees or vegetation.

- (a) ~~No tree, plant, shrub or vine shall be planted or set out upon~~ On any street or public place ~~in the city, and no tree, plant, shrub or vine located upon any street or public place~~ trees or vegetation shall not be planted, removed, pruned, cut, shaped, sprayed, or chemically treated without a written permit first being obtained from the ~~Urban F~~orester, per the procedures in Sec. 8.32.065. ~~When such p~~Permits is for the ~~setting-out~~ planting of trees, ~~plants, shrubs or vines,~~ or vegetation it may shall prescribe the number, ~~kind and distance apart thereof~~ species, and spacing. Once planted, they become ~~the property~~ an asset of the City of Reno. This includes any ~~all such plants and any subsequent~~ biomass resulting from tree removal or pruning, including firewood, ~~becomes property of the City of Reno.~~
- (b) Modification of landscaping or irrigation such as converting lawn to xeriscape on City Right of Way or other public places requires a written permit from the Urban Forester to ensure trees will not be negatively impacted. ~~Vegetation may be installed provided it does not encroach on the sidewalk (RMC 12.20.005), obstruct site distance/line-of-sight standards (RMC 6.06.070), or contain noxious weeds prohibited by the State of Nevada.~~ Irrigation shall be installed according to accepted details and specifications located in the City of Reno Public Works Design Manual or the Standard Details for Public Works Construction.
- (c) ~~When for the~~ Permits for removal, trimming, pruning, cutting, spraying or chemically treating ~~thereof, the permit~~ public trees or vegetation shall prescribe the number of ~~such~~ trees or ~~plants~~ vegetation to be affected ~~thereby~~ and the ~~manner and the performance of the work~~ way the work is to be performed. Such permits ~~shall be operative only when exercised subject to such regulations as the urban forester may adopt for the purpose as hereinabove mentioned~~ may include conditions of approval and are only valid as long as the conditions are met. The ~~Urban F~~orester, as a condition for a removal permit, may require compensation to the city for the value of the removed ~~tree or~~ trees or replacement as identified in Sec. 8.32.070.
- (d) Unauthorized damage to public tree(s) shall be subject to fines, in accordance with Sec. 8.32.070. Failure to obtain a permit may result in treble damages per Nevada Revised Statute 40.160.
- (e) Approval to remove or de-list public landmark trees shall be at the discretion of the ~~city council~~ Reno Urban Forestry Commission upon recommendation by the ~~Reno Urban Forestry Commission~~ Urban Forester. ~~Removal of any landmark trees for construction activities shall require payment to the city for the value of the landmark tree.~~ The Reno Urban Forestry Commission's decision may be appealed to the City Council.
- (f) When an abutting property owner desires to remove a public tree that has not previously been identified by the Urban Forester as a candidate for removal, the tree(s) may be considered for removal upon the abutting property owner's submittal of a Tree Removal Permit application, per the procedures in Sec. 8.32.065. The trees shall not be removed unless or until the Urban Forester issues the permit. The permit shall include the value of the tree(s) per Sec. 8.32.070, for which payment by the applicant to the City of Reno ReLeaf Reno fund is required prior to the removal of the tree(s). Should the permit application be denied, the applicant may appeal to the Reno Urban Forestry Commission.
- (g) Public infrastructure and utility projects, including emergency repairs, may have the Tree Removal Permit fee waived or reduced, though a permit is still required. Emergency repairs shall obtain a permit retroactively. Specific franchise agreements may have language that supersede the requirements.

(Code 1966, § 11.56.040; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)

Sec. 8.32.04165. Application for permits, power of revocation and appeal. [Formally Sec. 8.32.060]

- (a) Any person desiring to obtain a permit required by this chapter shall first file ~~an~~ the appropriate application with the ~~U~~urban ~~F~~forester ~~on a form prescribed by him~~. Every permit granted hereunder shall specifically describe the work to be done and the manner in which the work ~~should~~ shall be done, and shall be valid not more than 60 days after the date of its issuance, ~~or for the timeframe indicated by the building or grading permit with which it is associated, whichever is later. The urban forester shall issue permits as provided herein when he finds that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory, and that it will not be detrimental to the city or its inhabitants.~~
- (b) Once an application is deemed complete, the Urban Forester or their designee shall endeavor to issue a decision or request additional information within ten business days. The ~~U~~urban ~~F~~forester shall issue permits as provided herein when ~~he~~ they find that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory, and that it will not be detrimental to the city and its inhabitants.
- (c) The ~~U~~urban ~~F~~forester may revoke any permit issued hereunder at any time the ~~U~~urban ~~F~~forester ~~shall~~ finds that the terms of the permit have been, or are, being, violated by the permittee.
- (d) ~~Permittee Applicant~~ shall have the right to appeal denial of a permit or subsequent revocation ~~within ten business days from the date of denial or revocation~~ to the Reno Urban Forestry Commission ~~by filing notice with the city clerk~~. If the Reno Urban Forestry Commission is unable to hear the appeal within thirty (30) days of its filing, it may be heard by the Administrative Hearing Office per the procedures in RMC 1.05.525.
- (e) ~~Permittee Applicant~~ shall have the right to appeal an adverse decision by the Reno Urban Forestry Commission within ten days of said decision by filing an appeal to the ~~€~~City ~~€~~Council with the ~~€~~City ~~€~~Clerk.
- (f) All work performed under a permit as required by this chapter shall conform to current ANSI A300 Standards. Exceptions to the ANSI A300 Standards may be permitted by the ~~u~~Urban ~~f~~Forester in cases involving storm damaged trees or trees in conflict with overhead utility lines. ~~Topping shall not be performed on any public tree unless a specific exemption is approved by the Urban Forester.~~
- (g) Public trees severely damaged through work that does not conform to ANSI A300 Standards and for which a documented exception cannot be found may result in the assessment of a fee based on the extent of damage and the appraisal methods identified in Sec. 8.32.070.
- (h) ~~Effective January 1, 2000, a~~Any ~~person applicant desiring to obtain~~ applying for a permit as required by this chapter must have at least one employee or proprietor who holds a valid and current International Society of Arboriculture (ISA) Arborist ~~or Tree Worker~~ Certification or a State of Nevada license to practice Landscape Architecture, except ~~that~~;
 - (1) ~~Tree planting may be performed by a person licensed contractor business with at least one employee or proprietor holding a valid and current Nevada Nursery Certification acquired through the University of Nevada Cooperative Extensions, or Certified Landscape Technician Horticulture acquired through the Nevada Landscape Association; and~~

- (2) ~~Pesticide~~ Application of controlled pesticides must be performed ~~by~~ under a person holding a valid and current license to apply pesticides, issued by the State of Nevada;
 - (3) Stump grinding work;
 - (4) Irrigation work; and
 - (5) Tree pruning work, as necessary, around utilities as specifically described in a franchise agreement, must be conducted under the supervision of an ISA Certified Arborist in accordance with ANSI A300 pruning standards, associated Best Management Practices for overhead utility pruning, and comply with OSHA 1910.269(r) and ANSI Z-133 requirements; and
 - (i) Per NRS 455.200-455.250, only persons authorized by the public utility operating an electrical conductor may perform tree pruning work within 10 feet of overhead electrical facilities in the State of Nevada. Unauthorized personnel may not perform tree pruning work on city trees if any person, tool, rope, equipment, tree, or tree part are, or may be likely to come, within 10 feet of electrical facilities. If such conditions are present, the utility must achieve adequate clearance per NRS 455.220 for a non-authorized worker to perform work on a city tree.
 - (i) ~~Effective January 1, 2000, all work performed under a permit as required by this chapter must be performed by or directly supervised by a person holding a valid and current International Society of Arboriculture Arborist or Tree Worker Certification.~~
 - (j) Proof of liability insurance, worker's compensation insurance, and a City of Reno business license shall be provided at time of permit application. The liability insurance shall show the City of Reno as additionally insured. The requirement for worker's compensation will be waived if the work is to be completed by the owner of a licensed contractor business and they complete the work alone.
 - (k) Without exception, all work will conform to ANSI Z-133 Safety Standards.
- (Code 1966, § 11.56.056; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)

Sec. 8.32.070 – Public tree appraisal.

- (a) Purpose. To provide a consistent and predictable method of identifying the value of public trees, the following appraisal options are provided.
 - (1) Standard appraisal. A property owner who has been or would be assessed a fee for removal of, or damage to, a public tree may request use of the standard appraisal method. The appraisal will be produced by the Urban Forester as soon as can be reasonably completed. The appraisal method is based on the most current edition of the Council of Tree and Landscape Appraisers' *Guide for Plant Appraisal*. Standard appraisals are subject to evaluation and approval by the Urban Forester. The standard appraisal may result in a number higher or lower than the expedited appraisal. The permit fee will be determined by whichever number is less.
 - (2) Expedited appraisal. This is the method used to identify the value of a public tree when time does not allow for the standard appraisal process. It shall be calculated at the rate listed in the City of Reno Fee Schedule per inch of tree diameter at breast height (dbh). A copy of the City of Reno Fee Schedule can be provided upon request.

Sec. 8.32.05080. Activities ~~E~~ exemptions from permits.

- (a) ~~There shall be exempted from the provisions the requirement for a permit for~~ Any maintenance work performed ~~cutting or pruning done~~ by the Urban Forester or their designee on public trees or vegetation ~~the city in order to comply with the provisions of this chapter.~~
- (b) General care of the City of Reno public right of way such as lawn mowing, watering, weed abatement, and other activities that do not impact the long-term health or structure of a public tree.

(Code 1966, § 11.56.060; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)

Sec. 8.32.090 Tree Protection Permits

When existing public trees or their critical root zones may be impacted by construction, grading, demolition, and other activities, including work done for the city, they shall be protected in accordance with the standards identified in RMC 18.04.105 (Tree Protection), and the City of Reno Standard Details for Public Works Construction, latest edition. If it is not possible to fully install the required tree protection measures, the applicant may request a modification of those standards by:

- (a) Submitting a Tree Protection/Mitigation Permit application, per the procedures in Sec. 8.32.065 and prepared by an ISA Certified Arborist or a licensed landscape architect. The application shall be consistent with mitigation policies identified by the City of Reno Parks and Recreation Department and shall clearly identify how damage to the tree and its critical root zone will be avoided. Any proposed modifications to the tree protection measures shall be to the satisfaction of the Urban Forester; and
- (b) Submitting an acceptable bond to the City of Reno in the dollar amount equal to the value of the subject tree(s), using the expedited appraisal method identified in Sec. 8.32.070. The bond shall remain in place with the City of Reno for two growing seasons to determine if the tree was negatively affected by the construction activity. Any damage to the public tree will be recouped from the deposit by assessing how much the tree has been devalued by the damage as determined by a reappraisal of the tree as it stands in its damaged condition. Total tree loss will equal the entire bond amount. In cases of tree damage, and in lieu of payment via the bond, the property owner may opt instead to plant additional trees per the mitigation provisions in RMC 18.04.105, with the plan subject to approval by the Urban Forester.

Sec. 8.32.070100. Injuring trees or vegetation ~~plants~~ on public property.

It shall be unlawful for anyone who interacts with public trees or vegetation on public property to do any of the following acts:

- (a) Removing without permit, destruction, topping, mutilation, breaking, or killing any trees or ~~vegetation, plants, shrubs or vines~~ upon or along any of the public streets, highways, alleys, public parks or public places.
- (b) Tying, hitching or fastening any horse or other animal to any ~~of such plants~~ trees or vegetation on or upon any of the public streets, highways, alleys, public parks or public places, within the corporate limits of the city, without consent in writing from the ~~u~~Urban ~~f~~Forester.

- (c) Painting, posting, or otherwise affixing or allowing the same to be done by another, any poster, sign, wire, rope or other material on or around any trees, ~~plants, shrubs or vines~~ or vegetation in any street or other public place.
- (d) Depositing, placing, storing or maintaining upon any street or public place any stone, brick, cement, concrete or other material which may unreasonably impede the free passage of water, air or fertilizer to the roots of any trees, ~~plants, shrubs or vines~~ or vegetation growing therein.
- (e) ~~Permitting~~—Allowing any fire to burn where such fire will injure any portion of any trees, ~~plants, shrubs or vines~~ or vegetation in any street or public place.
- (f) Knowingly permitting any leak to exist in any gas pipe within the root zone of any trees, ~~plants, shrubs or vines~~ or vegetation in any street or public place.
- (g) Permitting any ~~toxic~~ chemical to seep, drain or be emptied on or about any street or public place.
- (h) ~~Knowingly permitting electrical wires to come in contact with any trees, plants, shrubs, or vines or vegetation in any street or public place, unless protected by methods approved by the uUrban fForester.~~
- (i) Attaching ~~decorative lighting any electrical equipment installation to any trees, plants, shrubs, or vines or vegetation in any street or public place unless approved by the Urban Forester. or excavating any ditches, tunnels or trenches, or laying any driveway within a radius of ten (10) feet from any such plant in any street or public place; unless a permit is issued by the urban forester.~~
- (j) Excavating within the critical root zone of a public tree unless a permit is issued by the Urban Forester.
- (k) Allowing exhaust from food trucks or other vendors to be directed at any trees or vegetation.

(Code 1966, § 11.56.070; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)

State law reference(s)—Malicious injury to trees, NRS 206.015 State law reference(s)—.

~~Sec. 8.32.080.— Prohibited trees.~~

~~It shall be unlawful for any person to:~~

- ~~(1) Plant on or along any street, parkway or public place any fruit, nut or seed bearing trees, unless the urban forester shall issue a permit therefor, after determining that the roots will not interfere with any public sidewalk, curb, sewer, water, electric and gas lines and that the fruit, nuts or seeds of such trees will not pose a public hazard.~~
- ~~(2) Plant any and all species of genus *Ulmus* (elm) anywhere in the city.~~
- ~~(3) Plant any and all species of genus *Populus* (poplar/cottonwood/aspen) tree, or genus *Salix* (willow) tree on or along any street, parkway or other public property. Special exception may be allowed by the urban forester for the purpose of maintaining riparian vegetation and habitat along the Truckee River or other natural riparian areas.~~

~~(Code 1966, § 11.56.080; Ord. No. 3079, § 1, 5-9-83; Ord. No. 4126, § 1, 7-9-91; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)~~

Sec. 8.32.090110. Certain ~~plants to constitute~~ trees or vegetation constituting a public nuisance.

- (a) Any tree, ~~plant, shrub or vine~~ or vegetation not maintained ~~and trimmed~~ as provided in this chapter, and each of such plants which ~~is~~ are dead ~~or is endangered~~, or which may in any way endanger the ~~security~~ safety or usefulness of any existing public street, utility line (above or underground), sewer, ~~is~~ sidewalk, or public place as determined by the Urban Forester are hereby declared to be a public nuisance. Then the provisions of ~~sections~~ Sec. 8.32.140,20 and 8.32.15025 ~~and 8.32.160~~ shall be followed.
- (b) Any tree or vegetation, located anywhere within the city limits, which is determined to be infected with a disease or infested with a pest is hereby declared to be a public nuisance. Determination shall be made by the Urban Forester. Should the Urban Forester's determination be disputed, a sample may be sent for a laboratory analysis at the owner's expense. Due to the public interest in preventing the spread of disease, pests, or other harm to the general public, the Urban Forester, in coordination with Code Enforcement officers, may enter private property to obtain a specimen for analysis. The provisions of Sec. 8.32.120, 8.32.125 and 1.05.025 shall be followed.
- (c) Any tree or vegetation identified by the Nevada Department of Agriculture as a noxious weed is hereby declared to be a public nuisance. The provisions of Sec. 8.32.120 and 8.32.125 shall be followed.
- (d) It shall be unlawful for any person to give or sell any part of a diseased or infested tree described in subsection (b).

(Code 1966, § 11.56.090; Ord. No. 4196, § 1, 3-10-92)

~~Sec. 8.32.100.—Private plants, diseases and infestations constituting a public nuisance.~~
[Condensed into Sec.8.32.110]

~~Any tree, plant, shrub or vine located anywhere within the city which is determined by the urban forester to be afflicted with any dangerous and infectious insect infestation or plant disease is hereby declared a public nuisance. The provisions of sections 8.32.140, 8.32.150 and 8.32.160 shall be followed.~~

~~(Code 1966, § 11.56.100; Ord. No. 4196, § 1, 3-10-92)~~

~~Sec. 8.32.110. Dutch elm disease constituting a public nuisance.~~ **[Condensed into Sec. 8.32.110]**

~~Trees of all species and varieties of elm, zelkova and planera infected with the fungus *Certostomella ulmi* as determined by laboratory analysis conducted at the direction of the urban forester, located anywhere within the city, are hereby declared to be a public nuisance. The provisions of sections 8.32.140, 8.32.150 and 8.32.160 shall be followed.~~

~~(Code 1966, § 11.56.110; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)~~

~~Sec. 8.32.120. Infected or decaying trees constituting a public nuisance.~~ [Condensed into Sec.8.32.110]

~~Any trees or parts thereof in a dead or dying condition located anywhere in the city, that may serve as breeding places for any infectious insect or disease are hereby declared to be public nuisances. The provisions of sections 8.32.140, 8.32.150 and 8.32.160 shall be followed.~~

~~(Code 1966, § 11.56.120; Ord. No. 4196, § 1, 3-10-92)~~

~~Sec. 8.32.130. Inspection of premises.~~ [Condensed into Sec. 8.32.110]

~~The urban forester may enter with notice upon private property at all reasonable hours for purposes of inspecting trees, shrubs, plants or vines thereon, and the urban forester may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected. It shall be unlawful to interfere with the urban forester in the lawful performance of his duties under the provisions of this chapter.~~

~~Written notice is to be given in person to the property owner or resident of record 24 hours prior to entry, or by mail, return receipt requested, 48 hours prior to entry. Due to the public interest in preventing the spread of disease, the urban forester need not wait for return of the mail receipt.~~

~~(Code 1966, § 11.56.130; Ord. No. 4196, § 1, 3-10-92)~~

Sec. 8.32.14020. Notice of compliance, unless emergency.

- (a) ~~If trees, plants, shrubs or vines on private property located anywhere within the city, are found to be a public nuisance, the urban forester shall give to the owner of the premises, his agent or the occupant thereof, where such plants are situated, written notice of the existence of the nuisance, ordering~~ The notice provided by City of Reno Code Enforcement shall order the removal, destruction or reasonable curative measures. ~~within a period of ten days following such notice, unless a time extension is granted by the urban forester with due regard for the purposes of this chapter or unless the situation is deemed by the urban forester to be an emergency.~~ Such notice shall also notify the owner of the premises that unless such tree, ~~plant, shrub or vine~~ or vegetation is removed, destroyed or curative action initiated in compliance with the terms prescribed thereof ~~within such ten day period~~, the city will proceed with the removal, destruction or cure of such tree, and assess the cost thereof as a lien against the property. The notice shall describe the tree, ~~plant, shrub or vine~~ or vegetation, its location, the specific type of violation involved ~~in specifics~~ and the exact measures to be taken.
- (b) In the event the Urban Forester determines that an emergency condition ~~is determined by the urban forester to~~ exists, they ~~urban forester~~ shall proceed in such manner as is required under the circumstances. ~~with d~~Due regard shall be paid to ~~for~~ public health and safety, ~~endangerment the threat posed~~ to other trees and ~~shrubs~~ vegetation and, to the extent possible, required notice to and cooperation with affected property owners. The City of Reno may undertake any curative measures itself, or contract with a private contractor to perform such service.

(Code 1966, § 11.56.140; Ord. No. 4196, § 1, 3-10-92)

Sec. 8.32.15025. Service of notice.

Service of notice shall will be performed as instructed in RMC Sec.1.05. ~~by the City of Reno Code Enforcement. by personal service when the owner of the premises is a resident of the city, if such service~~

~~can then be conveniently and expeditiously made. In all other cases the notice shall be mailed by certified mail, return receipt requested, but if neither such place of business nor residence is known, then no mailing shall be necessary and the urban forester shall post a copy of the notice on the premises. For the purposes of this section, mailing to the owner of the parcel of property as shown by the records or last assessment roll of the county assessor shall be deemed mailing notice to the property owner.~~

(Code 1966, § 11.56.150; Ord. No. 4196, § 1, 3-10-92)

~~Sec. 8.32.160. Duty to remove.~~ [Condensed into Sec. 8.32.120]

~~It shall become the duty of the owner of the premises, within ten days after delivery of the notice under section 8.32.150, to cause such tree, plant, shrub or vine to be removed, destroyed, or to initiate curative measures under the direction and supervision of the urban forester. The removal, destruction or cure of an infected tree shall be under the direction and supervision of the urban forester. If the city shall remove, destroy or attempt curative measures to any tree, plant, shrub or vine, all expenses incurred in connection therewith shall be reported to the city council for assessment against the lands whereon the plant was situated, in accordance with the applicable provisions of sections 8.22.320 and 8.22.330. The city may undertake any curative measures itself, or contract with a private contractor to perform such service. Any such private contractor hired to perform shall provide proof of coverage of public liability, property damage insurance and workers compensation coverage for his employees to the urban forester. A performance bond may also be required as necessary.~~

~~(Code 1966, § 11.56.160; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)~~

~~Sec. 8.32.170. Sale of diseased elm, zelkova and planera prohibited.~~

~~It shall be unlawful for any person to give, to sell, or to offer for sale, as firewood, any part of a diseased tree of any species of elm, zelkova or planera.~~

~~(Code 1966, § 11.56.170; Ord. No. 4196, § 1, 3-10-92)~~

Sec. 8.32.18030. Penalty for violations.

- (a) It is unlawful, prohibited and a misdemeanor for any person to violate the provisions in this chapter, including failure to comply with any notice of the ~~u~~Urban ~~f~~Forester or any decision and notice of the Reno Urban Forestry Commission or ~~e~~City ~~c~~Council following appeal.
- (b) In the event any of the acts enumerated in (a) above occur, the city must be compensated for any resulting damage or the loss of any tree as determined by the ~~u~~Urban ~~f~~Forester in accordance with this chapter.

(Code 1966, § 11.56.180; Ord. No. 4196, § 1, 3-10-92)

Sec. 8.32.19035. Criminal prosecution or suit for expenses not prevented.

Nothing contained in this chapter shall prevent ~~the maintenance of a suit by~~ the city ~~filing suit~~ against any person mentioned in this chapter to collect the expenses of such abatement or removal or the prosecution criminally under the ordinances of the city of any person creating, maintaining, causing or committing a nuisance, or owning or in possession, charge or control of the real property upon which a nuisance is created, maintained, caused or committed.

(Code 1966, § 11.56.200; Ord. No. 4196, § 1, 3-10-92)