

**ORDINANCE NO. 2467**

**AN ORDINANCE TO AMEND SECTIONS 2-280, 30-22, AND 30-26 RELATED TO THE LEXINGTON TREE BOARD AND TREES; TO REPEAL ORIGINAL SECTIONS 2-280, 30-22, AND 30-26, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:**

**Section 1.** That Section 2-280 of the Lexington City Code shall be amended as follows:

Sec. 2-280. - Duties and Responsibilities

- (a) It shall be the responsibility of the Tree Board to study, investigate and develop written recommendations that provides guidance for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The Tree Board will monitor new tree-related developments, findings or species, update the information when conditions warrant, and updated information shall be posted on the City website and also available to residents upon request.
- (b) As part of their recommendations, the Lexington Tree Board shall create and maintain a directory of recommended trees best suited for local conditions. The purpose of this directory, divided into three size groups, will be to guide planting decisions and to maintain diversity in the total tree population. The directory and general planting guidelines shall be posted on the City website and also available to residents upon request, to aid in the selection of trees for private and public properties.
- (c) The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.
- (d) The Lexington Tree Board, in cooperation with Nebraska Forestry Service, shall conduct a city-wide tree inventory every ten years. The inventory, at minimum, identifies all public and street trees by location, species, size, and condition.

**Section 2.** That Section 30-22 of the Lexington City Code shall be amended as follows:

Sec. 30-22. - Diseased, dead or dying trees declared nuisances and prohibited.

- (a) Trees of any species in a diseased, dead or dying condition are hereby declared to be a public nuisance and shall be removed.

(b) Property owners shall remove dead, broken or decayed limbs which constitute a hazard to the safety of the public.

**Section 3.** That Section 30-26 of the Lexington City Code shall be amended as follows:

Sec. 30-26. - Tree topping.

The topping of any tree is strongly discouraged. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown. When pruning, the Tree Board recommends cutting limbs back to the next main branch or trunk. Trees severely damaged by storms or other causes should be pruned in the same manner whenever possible. The Tree Board shall post recommended tree pruning guidance on the City website, also available to residents upon request.

**Section 4.** That original Sections 2-280, 30-22, and 30-26 of the Lexington City Code, together with all other ordinances or sections of ordinances in conflict herewith are hereby repealed.

**Section 5.** That this Ordinance shall be published in electronic form and take effect as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LEXINGTON, NEBRASKA

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Mayor

ATTEST:

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City Clerk