

City of Reno Tree Protection Ordinance Code Changes Proposed by the Reno Urban Forestry Commission (RUFC)

In July 2021, the City Council initiated a tree protection code amendment. The draft language on the following pages reflects the Reno Urban Forestry Commission's proposed changes to Reno Municipal Code Titles 8 and 18. These changes were discussed over a series of meetings held September 29 through December 2.

Community input on the draft language will be sought over several public workshops, meetings and open houses held throughout January 2022. Additional information about the project, including a list of opportunities to provide input, is available online at www.reno.gov/government/departments/development-services/tree-protection-ordinance.

KEY

BLACK TEXT: Existing, adopted language.

RED TEXT: Changes proposed by the Reno Urban Forestry Commission.

SECTION 1. The following language reflects changes proposed by the Reno Urban Forestry Commission to Section 18.04.103, *Wetlands and Stream Environment Protection*. This Section is located within Chapter 18.04, *Development Standards*, Article 1, *Natural Resource Protection*.

18.04.103 Wetlands and Stream Environment Protection

(a) **Purpose**

The purpose of this section is to establish standards for the review of development proposals within wetlands, stream environments, and areas of significant hydrologic resources to:

- (1) Improve area water quality;
- (2) Retain natural flood storage capacity;
- ~~(3)~~ (3) Protect rare and endangered plant and animal species;
- ~~(3)~~(4) Preserve natural habitat areas; and,
- ~~(4)~~(5) Enhance the aesthetics of the community.

(b) **Mapped Resources**

The map, incorporated by reference, entitled "Potential Wetlands, Stream Environments and Regionally Significant Hydrologic Resources Map" as amended from time to time, depicting significant hydrologic resources is adopted. Potential stream environments are listed in the "Administrative Manual for Implementation of the Wetland and Stream Environment Policy" as amended from time to time is a companion document to the map. It shall be available from the Community Development Department.

(c) **Administrative Manual/Guidelines**

- (1) The "Administrative Manual for Implementation of the Wetland and Stream Environment Policy" ("Manual") is adopted for the purpose of defining terms and providing guidance in the administration of this section.
- (2) This Manual may be amended only after a public hearing by the Planning Commission and adoption of a resolution by the City Council. It shall be available from the Community Development Department.

(d) **Applicability and Exemptions**

(1) **Applicable to Requests for Development Permits Within or Adjacent to Significant Hydrologic Resources**

- a. Unless exempted by Section 18.04.103(d)(2), below, the wetlands and stream environment protection standards in this section shall apply to requests for development permits that include or are within 150 feet of areas depicted on the Potential Wetlands, Stream Environments and Regionally Significant Hydrologic Resources Map as significant hydrologic resources.
- b. For purposes of this section, the term "development permit" includes:

1. Building permits, grading permits, drainage plans;
2. Tentative subdivision or parcel map applications; and
3. Master Plan amendments, zoning map amendments, site plan review, major site plan reviews, minor conditional use permits, and conditional use permits.

(2) **Exemptions**

The following developments shall be exempt from this section:

a. **No Over-Covering of Additional Land**

Development projects or permit applications that do not involve over-covering of additional land area (i.e., signs, interior remodels, Master Plan amendments to open space).

b. **Projects Previously Approved**

Permit applications that have been approved prior to the effective date of this ordinance.

c. **Farming Activities**

Normal farming activities as described in Section 404(f) of the Clean Water Act as amended from time to time.

d. **Certain Lots or Parcels**

Development on lots or parcels in existence prior to September 24, 1991, shall not be required to meet the requirements of this section if all the following criteria are met:

1. The impact to the stream environment, playa, spring fed stand of riparian vegetation or wetlands not requiring a U.S. Army Corps of Engineers (USACE) 404 permit ("non-404 wetlands") is ½ acre or less;
2. The property is adjacent to urban or suburban development along 75 percent of its perimeter; and
3. Off-site mitigation, or in-lieu fees, is provided in accordance with the "Administrative Manual for Implementation of the Wetland and Stream Environment Policy."

(e) **No Net Loss Standard Adopted**

(1) There shall be no net loss of wetlands, stream environments, playas, spring fed stands of riparian native trees and vegetation, and non-404 wetlands in the city, in terms of both acreage and value. The goal of no net loss shall be achieved in one or more of the following ways. Methods to achieve "no-net-loss" are listed in order of priority. Applications that select lower priority options shall demonstrate why higher priority approaches are not feasible or desirable for the project.

- a. Designation of lands for resource or open space use;
- b. Avoidance of these areas for development;
- c. Mitigation of impacts on site; or
- d. Mitigation off-site.

- (2) No building permit shall be issued to erect or construct any structure; no grading permit or drainage plan shall be approved; and no tentative subdivision map, parcel map or conditional use permit shall be approved, unless the requirements of this article are met.

(f) **Technical Survey Requirements/Waiver**

(1) **Technical Survey Required**

Development permit applications subject to this article's protection standards shall be accompanied by technical surveys sufficient to determine:

- a. If a significant hydrologic resource is present and its classification and value;
- b. The need for protection of the resource; and
- c. The appropriate design techniques or mitigation measures that should be incorporated into the development.

(2) **Waiver of Technical Surveys**

The requirement for a technical survey may be waived by the Administrator when the landowner or developer sets aside as open space, any and all lands involved in the development permit request which have been identified on the potential wetland, stream environment and regionally significant hydrologic resources map.

(3) **Requirements for Technical Surveys**

- a. Technical surveys should be based on field methods described in the Federal Delineation Manual. Based on the technical survey, lands which do not meet the definition of federally significant hydrologic resources, or regionally significant hydrologic resources found in the administrative manual shall be removed from the map as areas of concern.
- b. Lands which only meet the definition of potential mitigation sites shall be so noted on the map, and shall not trigger additional surveys or protection at the time of development unless voluntarily protected through the use of incentives, or other desires of the property owner, actively targeted for off-site mitigation efforts or acquisition by a public or non-profit organization.

(g) **Mitigation Required**

(1) **Mitigation Plan Required**

Negative impacts to wetlands, stream improvements, playas, spring fed riparian and non-404 wetlands shall be mitigated. [This includes mitigation of impacts to significant native trees, native tree stands, and other vegetation associated with these resources.](#) A detailed mitigation plan in compliance with the administrative manual shall be submitted when a federally or regionally significant hydrologic resource is proposed or expected to be destroyed or substantially altered by development.

(2) **Approval of Plan**

The mitigation plan, including an erosion control and landscape plan, shall be approved by the City of Reno Planning Manager prior to final action on the primary development permit. Once approved, the mitigation plan shall be considered a condition of approval of the project and subject to enforcement.

SECTION 2. The following language reflects changes proposed by the Reno Urban Forestry Commission to Section 18.04.105, *Tree Protection*. This Section is located within Chapter 18.04, *Development Standards*, Article 1, *Natural Resource Protection*.

18.04.105 Tree Protection

(a) **Purpose**

This section is intended to implement Goal 7.7 of the Master Plan to increase the tree canopy within the city by supporting the retention of healthy trees and incorporating new trees throughout the city in both public and private space. It also establishes criteria for the replacement of removed trees when retention is infeasible. This section is further intended to support the goals and policies of the city's *Urban Forestry Management Plan* and *Sustainability and Climate Action Plan*, which recognize that trees, plants, and other landscaping materials provide economic, environmental, and social benefits to the community as a whole. These benefits include, but are not limited to, contributing to its character, improving air quality by reducing carbon emissions, reducing the urban heat island effect, lowering 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.

(a)(b) **Definitions and Applicability**

(1) Definitions. Terms in this section are defined in Chapter 18.09, *Rules of Construction and Definitions*.

(2) Applicability. This section applies to existing and newly planted trees meeting the criteria identified below.

a. Private trees. This section applies to all nonresidential, mixed use, and multifamily residential developments or uses, and common open space within single-family residential developments. The standards apply to all activity (including construction, grading, land-disturbance, linear infrastructure, sidewalks, roadways, or other) that may adversely impact existing private trees that are:

1. Two inches in diameter at breast height (dbh) or greater, or

2. Four inches dbh or greater for trees on the city's prohibited tree species list¹.

Trees that meet these criteria are referred to as "protected trees" in this section.

b. Public trees. Impacts to all public trees, including but not limited to those planted in parkways, are subject to the provisions in RMC 8.32 and sub-sections (g), (h) and (i) below. The provisions apply regardless of who is responsible for maintenance of the trees.

~~This section's tree protection standards apply to all new construction and land-disturbing activity subject to City requirements for a grading or building permit, where the Administrator determines that the construction or land-disturbing activity is expected to adversely affect~~

¹ Editor's Note: List name will be updated prior to code adoption.

~~mature healthy trees on the site. Such determination shall be made prior to or concurrent with an application for a grading or building permit.~~

(c) Exemptions

(1) The standards of this section do not apply to:

- a. Individual single-family or duplex homes or lots in any zoning district;
- b. Vegetation thinning or removal required or recommended as part of a defensible space plan approved by the Reno Fire Department and authorized for an exemption by the Urban Forester and/or the Administrator. This includes but is not limited to vegetation thinning and removal:
 - 1. In the Wildland-Urban Interface (WUI) areas; or
 - 2. Within ten-feet of a combustible structure.
- c. Trees that present an imminent safety threat, including to overhead power lines;
- d. Trees that have been deemed a safety hazard or public nuisance and that the Urban Forester or a city enforcement official has ordered removed or pruned per RMC 8.32.140;
- e. Trees that interfere with safe airport operations, as identified by the Reno-Tahoe Airport Authority;
- f. Trees on the city's prohibited tree species list less than four inches dbh; and,
- g. Trees protected by and subject to 18.04.103, *Wetlands and Stream Environment Protection*.

(2) In order to verify if an exemption applies, the Administrator may require additional information from the applicant and/or property owner, and may also consult with the Urban Forester or other experts.

Preserved Tree Criteria

~~A tree shall be considered "preserved" only if a minimum of 75 percent of the critical root zone is maintained at undisturbed natural grade and no more than 25 percent of the canopy is removed due to building encroachment.~~

(d) Tree Preservation

(1) All on-site trees should be preserved to the extent possible. Protected trees, as defined in section 18.04.105(b)(2), shall be preserved and impacts to them minimized to the extent possible. When protected trees are removed, that removal shall be mitigated in accordance with the standards specified in this section.

(2) Existing protected trees that are preserved are eligible for a credit towards the landscaping requirements in Chapter 18.04, Article 8. This credit may count for up to 50% of the required number of trees on-site using the following criteria:

- a. Over 6" diameter: preservation of existing healthy trees over six-inch dbh are eligible for a 1(preserved):3 credit. That is, for every one tree preserved, the applicant is eligible to receive a credit of three trees towards the total number of trees required for new landscaping.

- b. 2-6" diameter: preservation of existing healthy trees two to six-inch dbh are eligible for a 1(preserved):2 credit.
- c. For this credit to be applied, the proposed landscape plan shall identify all existing trees by species, with dbh and caliper of deciduous or height of evergreen, and clearly indicate which trees will be retained and which are proposed for removal. For a preserved tree to receive credit, it must be located within the area of proposed development as shown on the associated site plan.

~~(b)~~ **Tree Credits**

~~Existing mature, healthy trees that are preserved along public rights-of-way or in the front yard may be eligible for a credit toward the total tree requirements stated in Section 18.04.809(a) or in the street tree requirements stated in Section 18.04.804. Eligibility for tree credits shall be based on size and condition of the existing trees as determined by the Urban Forester at the time of application for a building permit. The tree credit shall be calculated by dividing the preserved tree diameter by 2.5. The tree credit may not exceed 30 percent of the required number of trees on the lot. The Administrator shall approve the credit.~~

~~(c)~~ **Replacement of Trees/Penalty for Removal**

~~Where existing mature, healthy trees, as determined by the Administrator in consultation with the Urban Forester, are removed along public rights-of-way or in the front yard as a result of any construction, they shall be replaced based on the size of the tree, with deciduous trees of a minimum caliper of 2 ½ inches and evergreen trees with a minimum height of ten feet. The maximum tree penalty for this section is 30 percent. Replacement trees required under this section shall count toward the minimum number of trees required elsewhere in this chapter.~~

~~(e)~~ **Mitigation Requirements for Removed Trees**

~~Protected trees removed from a site require replacement by one of the methods below. Replacement trees shall count toward the landscaping requirements in Chapter 18.04, Articles 8-10, but the number required may exceed the minimum standards in order to satisfy mitigation requirements.~~

- ~~(1) Prohibited species. Trees from the city's prohibited species list with a dbh of four inches or greater require replacement at a 1 to 0.5 tree ratio. That is, for every two removed prohibited species trees four inches dbh or greater, they must be replaced with one non-prohibited species tree. Replacement trees shall meet minimum planting standards.~~
- ~~(2) Protected trees not on the city's prohibited species list require replacement with a minimum 1 to 1 caliper ratio. For example, removal of a six-inch caliper tree would require replacement with two, three-inch caliper trees or the equivalent. Replacement trees shall have a minimum caliper of two inches for deciduous trees and minimum height of six feet for evergreen trees.~~
- ~~(3) Alternative options. When it is infeasible or impractical to plant the total number of required replacement trees on-site, whether due to site constraints, or other, the applicant may choose one of the following two options:
 - a. Plant the required replacement trees off-site on public property, using a city-contracted vendor, to the satisfaction of the City of Reno Urban Forester and in compliance with the requirements of RMC 8.32 (Trees and Shrubs).~~

b. Pay an in-lieu fee to the ReLeaf Reno program in the amount of 100 percent of the value of the removed tree(s), using the appraisal methods and caps defined in RMC 8.32.45. In-lieu payments will be used to expand the urban tree canopy.

(4) A combination of any of the above methods to the satisfaction of the Administrator.

(f) Procedures

(1) Proposals to remove, harm or relocate existing protected trees as part of a proposed development project shall be clearly identified on the application(s) for building, grading and/or demolition permits associated with the proposed project and meet the standards of this section.

(2) Proposals to remove, harm or relocate existing protected trees without an associated development project shall be submitted in the form of a landscape permit application to the Development Services Department.

(3) Under either scenario, the application shall include a tree protection plan that meets the requirements of this section and the tree protection requirements in the city's Standard Details for Public Works Construction, latest edition. Existing protected trees shall not be removed, harmed or relocated without prior approval.

(g) Tree Protection Plan

A tree protection plan shall be provided by an arborist certified by the International Society of Arboriculture or a landscape architect licensed within the State of Nevada, where on-site activities are reasonably expected to adversely impact existing public trees or private protected trees. The plan shall conform to the tree protection requirements in the city's Standard Details for Public Works Construction, latest edition, unless otherwise approved in writing by the Administrator and/or Urban Forester.

(d) Tree Mitigation Plan

A tree preservation plan shall be provided by an arborist where construction is expected to adversely impact mature healthy trees. Unless otherwise approved in writing by the Urban Forester, the following procedures shall be followed on all construction projects:

(1) Tree Flagging

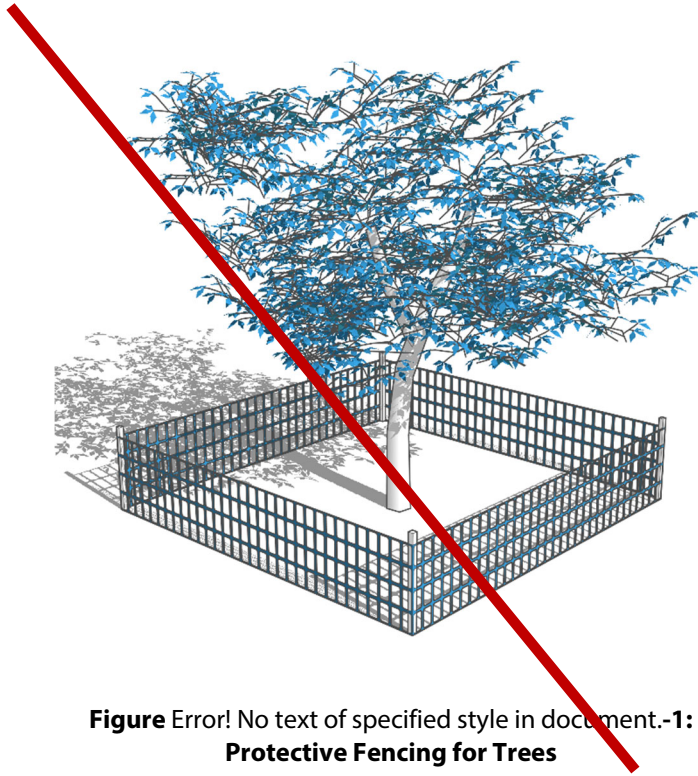
All protected trees on the subject property within 50 feet of a construction area or surface improvements, such as driveways and walks, shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of four feet or more, so that the tape is visible to workers operating construction equipment.

(2) Open Space Flagging

All trees or groups of trees within areas intended to be saved as open space shall be enclosed with fluorescent orange tape along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a minimum of 25 foot intervals by wrapping trees or utilizing another approved method. Access for the purposes of clearing underbrush is allowed outside of riparian zones.

(3) Protective Fencing

In those situations where a protected tree is so close to the construction area that construction equipment will infringe on the root system, a protective fence may be required between the tree and the construction activity. See Figure 4-1, below:



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Protective Fencing for Trees**

~~(4)~~ Bark Protection

In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with two-inch by four-inch lumber encircled with wire or other means that do not damage the tree. This will protect the bark of the tree against incidental contact by large construction equipment.

~~(e)~~(h) Prohibited Activities Adjacent to Trees

The following activities shall be prohibited within the limits of the critical root zone of any existing public or private protected tree; ~~subject to the requirements of this ordinance:~~

(1) Material Storage

No materials intended for use in construction, or waste materials accumulated due to excavation or demolition, shall be placed within the limits of the critical root zone of any public tree or private protected tree.

(2) Equipment Cleaning/Liquid Disposal

No equipment shall be cleaned, or other materials or liquids deposited or allowed to flow over land, adjacent to, or within the limits of the critical root zone of an existing public tree or private protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar, or similar materials.

(3) Tree Attachments

No signs, wires, or other attachments other than those of a protective nature shall be attached to any existing public tree or private protected tree.

(4) Vehicular Traffic

No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any existing public tree or private protected tree other than on an ~~existing~~ paved street or surface parking area lot. ~~This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.~~

(5) Grade Changes

No grade changes over two inches (cut or fill) shall be allowed within the limits of the critical root zone of any existing public tree or private protected tree unless they are part of an approved tree protection plan and utilize adequate construction methods ~~are utilized which have been~~ approved by the Urban Forester.

(f)(i) Permitted Construction Methods

(1) Boring

Boring of utilities under public trees or private protected trees may be required in certain circumstances. When required, the length of the bore shall be at a minimum the width of the critical root zone and shall be at a minimum depth of 48 inches. Boring under public trees requires a permit from the Urban Forester.

~~(2) Grade Change~~

~~Grade changes within the critical root zone of a protected tree should not exceed two inches. If more than 25 percent of the critical root zone is disturbed by trenching or a grade change greater than two inches, the applicant may be required to prune the root zone or tree canopy in accordance with industry standards, or to take some other mitigative measure to help preserve the health of the tree.~~

~~(3)(2) Trenching~~

~~All trenching shall be designed to avoid crossing the critical root zone of any existing public tree or private protected tree.~~

~~(4)(3) Root Pruning~~

~~All roots two inches or larger in diameter that are exposed ~~because of~~ due to trenching or other excavation, shall be cleanly cut off and covered with pruning compound within two hours of initial exposure.~~

(4) Monitoring

Installation of all tree protection requirements related to activity which requires tree protection/mitigation shall be monitored periodically by an arborist certified by the International Society of Arboriculture or a landscape architect licensed within the State of Nevada. Once the activity has concluded, the person conducting the monitoring shall certify in writing whether the tree protection and mitigation was completed per the approved plan.

(j) Maintenance of Existing Protected Trees

No existing protected tree shall be damaged or pruned in a manner that impairs the health of the tree. Pruning performed on existing protected trees shall be in accordance with pruning standards published by the American National Standards Institute (ANSI) per ANSI A300.

SECTION 3. The following language reflects changes proposed by the Reno Urban Forestry Commission to Article 8, *Landscaping Buffering, Screening, and Fencing*, Sections 18.04.801 through 18.04.807.

Article 8 Landscaping, Buffering, Screening, and Fencing

18.04.801 Purpose

The purpose of this article is to implement adopted policies within the city's ReImagine Reno Master Plan, Urban Forestry Management Plan, and Sustainability and Climate Action Plan, by establishing requirements and standards for landscape and screening to:

- (a) Enhance the aesthetics of the community, including the visual appearance of city streets in all areas of the city;
- (b) Increase the urban tree canopy and Pprioritize the planting of shade trees to reduce urban heat, including the planting of large canopy shade trees where feasible;
- (c) Improve the streetscape environment by providing street tree plantings, wider parkways, and other landscaping in new development and with transportation improvement projects;
- (d) Encourage low impact development (LID) infrastructure that directs stormwater into landscaped or natural areas;
- (e) Promote the use of xeriscape design principles utilizing drought-tolerant or native plants and the efficient use of water;
- (f) Provide for the health and comfort of the public by using landscaping to aid in reducing dust and erosion, promote psychological benefits and natural diversity in the environment, and reduce the effects of heat and cold on buildings, public areas, and parking lots;
- (g) Reduce visual pollution which might otherwise occur within an urbanized area;
- (h) Encourage groundwater recharge, wetland preservation, and associated environmental benefits from open spaces;
- (i) Integrate significant natural features of the city into a landscape that fosters their preservation and enjoyment;
- (j) Promote screening of surface parking lots from public view; and
- (k) Encourage landscaped parkways on all streets.

18.04.802 Applicability

(a) **New Development**

The landscaping and screening standards of this article shall apply to all new development except for approved temporary open lot parking or unless otherwise expressly exempted by this article or Title.

(b) **Existing Uses**

(1) **Expansion of an Existing Use**

When an existing site or use that does not comply with the standards of this article is expanded, landscaping shall be provided in an amount that is proportionate to such

expansion. Preference shall be given to placing landscaping along public streets and other high-visibility areas. An example is provided below to illustrate this requirement:

Table 4-12 Expansion of Use Landscaping Example

Existing building area: 10,000 sq. ft.

Proposed expansion area: 1,000 sq. ft. (10%)

District	Standard	Calculation	Required Landscaping
Mixed Employment (ME) District	20%	10% increase x 20% standard = 2%	2% of site shall be new landscaping
Industrial (I) District:	100% of required front yard (e.g., 2000 sq. ft.)	10% increase x 2000 sq. ft. standard = 200 sq. ft.	200 sq. ft. shall be new landscaping

(2) Major Improvements to an Existing Use

When an existing site or use does not comply with the standards of this article, and such site or use is expanded, remodeled, or otherwise improved, and the value of such improvements over a 24-month period is valued at over 40 percent of the assessed value of the structure on the most recent tax rolls (before depreciation), the entire site or use shall be brought into compliance with all landscape and screening requirements ~~unless physically impossible~~. In determining compliance, the combined value of all buildings on the lot shall be used.

(3) Improvements to Existing Parking Areas

When more than ten percent of an existing parking area is repaved, reconstructed, or expanded, excluding top seal or restriping, the parking area shall be brought into compliance with the landscaping and screening requirements for parking lots of this article ~~to the extent that the required minimum amount of parking spaces can still be provided~~. The priority for newly installed landscaping shall be a five-foot minimum planter along street rights-of-way, ~~with greater widths as needed to support the planting of street trees~~.

18.04.803 Landscape Plan

(a) Landscape Plan Required

(1) Preliminary landscape plans shall be filed with the Administrator for the following:

- a. Any tentative map that includes common area; and
- b. Applications for minor conditional use permit, conditional use permit, site plan review, or major site plan review.

(2) ~~The Landscape plans~~ shall, at a minimum, identify all existing trees ~~two-inch dbh or greater~~ and all areas to be landscaped, ~~and The plans~~ shall include area and tree calculations, ~~water regime irrigation plans, plant species, and general types quantities~~ of landscaping proposed ~~for the areas~~. ~~Plans shall also clearly identify if a homeowner's association, landscape maintenance association, or similar, has assumed responsibility for maintaining areas under common ownership (for example, common open space or landscape medians).~~

(3) A final approved landscape plan meeting the requirements of this section shall be submitted and approved prior to the issuance of a building permit to erect or construct

any multi-family residential, industrial, ~~or~~ commercial, or mixed use, or a model home in a subdivision where the approved tentative map contains 30 lots or more.

~~Landscape plans may be combined on the same drawing with required site development plans.~~

- (4) Once a landscaping plan has been approved, changes are subject to the provisions of section 18.04.803(d).

(b) **Exemptions**

The following are exempted from submitting a landscape plan:

- (1) Single-family and duplex dwellings.
- (2) Building permits for interior remodeling which does not involve a change of use from residential to nonresidential or from single-family or duplex to multi-family use.
- (3) Permits such as, but not limited to, re-roofing, siding, temporary power, change of electrical service, change of furnace, mobile home set up, addition of interior plumbing, addition of interior electrical, fencing, on-premises and off-premises signs, and encroachment.

~~Development projects where the existing vegetation to be retained meets or exceeds the requirements of this article.~~

(c) **Landscape Plans, Generally**

(1) **Meet Standards**

All required landscape plans shall meet or exceed the minimum standards established in this article.

(2) **Professional Preparation**

- a. A final landscape plan shall be prepared and sealed by a Nevada-registered landscape architect.
- b. Plans for residential and nonresidential buildings of 4,000 square feet or less, or office conversions, do not require a signature by a registered landscape architect.

(3) **Submittal Requirements**

Required landscape plans shall provide sufficient information to ensure compliance with this article. Minimum submittal requirements for landscape plans are determined by the Administrator, published in the Reno Administrative Manual.

(d) **Approval Procedures**

(1) **Approval**

Landscape plans shall be submitted to and approved by the Administrator before an applicable building permit is issued or final map is approved.

(2) **Changes to Approved Plan Prior to Certificate of Occupancy or Final Inspection**

The applicant shall submit to the Administrator for review and approval ~~shall approve~~ any proposed significant changes to the approved plan that affect plant species, number or location of trees, screening, or irrigation systems ~~component coverage~~.

(3) Changes Impacting Existing Protected Trees or Required Installed Landscaping

When landscape changes not associated with a development permit would reduce the amount of required landscaped area, or remove, damage or relocate existing protected trees (as defined in section 18.04.105(b)(2)), a landscape permit application shall be first submitted to the Administrator for review and approval prior to work commencing. If existing protected trees will be impacted, a tree protection plan that meets the requirements of Section 18.04.105 shall be submitted with the application materials.

(4) Modification of Standards

Upon application by a property owner and for cause shown, the Administrator may approve a modification to the standards of this article related to the number and placement of trees and shrubs, required species, or planting standard, provided that the following requirements are met:

- a. The approved modification meets the overall purpose of this article; and
- b. The Administrator finds that the standard is not practical at the time of building or construction due to the following: negative impacts on existing or public infrastructure improvements; undesirable obstruction to drainage patterns; defensible space needs; public safety; or, when the standard is physically impossible to meet.

(e) Installation and Inspection

(1) Installation Required

The approved landscape plan shall be implemented before a certificate of occupancy, or final inspection for unoccupied structures, is issued. However, in the event of a declared drought, during the winter season (October 1—April 30), or for other causes, a temporary or permanent certificate of occupancy may be issued following the filing of ~~a good and sufficient~~ financial assurances, acceptable forms of which are determined by the Administrator. ~~surety bond, cash or a letter of credit. The surety bond shall be written by a surety company authorized to do business in Nevada. The letter of credit shall be issued by a bank as defined by NRS Section 657.010, which is authorized under the provisions of NRS Chapter 659 to do business. The bond, cash deposit, or letter of credit~~ Financial assurances shall be in an amount determined by the Administrator based on professional cost estimates provided by the applicant plus a 20 percent contingency.

(2) Inspection

Upon installation of landscaping and irrigation systems, the owner shall submit a signed and stamped letter from ~~the a~~ a landscape architect licensed in the state of Nevada; or from the ~~landscape contractor responsible party~~ when stamped landscape architect plans are not required. The letter shall state that the installation is in conformance with the approved plans. Inspections by the Administrator, Urban Forester and/or their designees may also be required during and after installation.

18.04.804 Minimum Landscaping Required

(a) Conflicting Regulations

Where the required landscape area standards in this section conflict with a landscaping standard stated elsewhere in this article or this Title, the most restrictive standard shall apply unless otherwise expressly allowed.

(b) All Districts

Street Shade trees shall be prioritized to provide shade for sidewalks, parking areas, and other paved surfaces.

(c) **District-Specific Standards**

(1) **Residential Districts**

The minimum portion of a site to be permanently landscaped shall be:

a. **Single-Family, Detached; Single-Family, Attached; and Duplex Dwellings**

The required front yard, excluding driveways and sidewalks, shall be landscaped within one year of the issuance of a certificate of occupancy.

b. **All Other Residential Uses**

Twenty percent of the site.

c. **Reduction Allowed**

Reductions in the required landscape area may be approved by the Administrator in accordance with Section 18.08.804, *Minor Deviation*, and NRS Section 278.319. In no case shall the required number of street trees or parking lot trees be reduced.

(2) **Mixed-Use Districts**

The minimum portion of a site to be permanently landscaped except in the Mixed-Use Downtown (MD-) districts shall be:

Table 4-13 Minimum Landscape Area Requirements in Mixed-Use Zoning Districts	
Zoning District	Minimum Landscape Area (% Gross Land Area)
General Commercial (GC)	15%
Mixed-Use Suburban (MS)	10% (greater than 20 DU/acre or 1.0 FAR) 20% (all other development)
Mixed-Use Urban (MU)	
Mixed-Use Midtown Commercial (MU-MC)	5% (greater than 30 DU/acre or 1.5 FAR) 10% (greater than 20 DU/acre or 1.0 FAR)
Mixed-Use Midtown Residential (MU-RES)	20% (all other development)
Neighborhood Commercial (NC)	20%
Professional Office (PO)	20%
Mixed-Use Downtown (MD-)	See Subsection 18.04.804(f)(1)c (street tree standards; no minimum percentage landscape area)

Note: The minimum front yard setback, not including driveways and sidewalks, shall be comprised entirely of landscaping, which shall be credited toward compliance with the % required landscape area in this table.

(3) **Nonresidential Districts**

The minimum portion of a site to be permanently landscaped shall be:

Table 4-14 Minimum Landscape Area Requirements in Nonresidential Zoning Districts

Sites & Zoning Districts	Minimum Landscape Area
Less than 20 acres	100% of front yard (driveways excepted)
20 acres or larger	
Industrial Commercial (IC)	100% of front yard (driveways excepted); 30 ft. width, minimum
Mixed Employment (ME)	
Industrial (I)	100% of front yard (driveways excepted); 20 ft. width, minimum
Buildings taller than 35 ft.	Additional setback required shall be landscaped
Loading docks, delivery areas, and truck parking	Additional setback required shall be landscaped
Additional landscaping may be required	See Section 18.04.804(e), <i>Parking Area Landscaping and Screening Requirements</i> . See Section 18.04.808, <i>Screening</i> . See Article 14, <i>Residential Adjacency</i> .

(d) **Credits Toward Landscaping Requirements**

(1) **Landscaping on Parking Structures and in Detention Areas**

Landscaping on parking structures and within retention or detention areas for stormwater shall be counted toward compliance with this subsection.

(2) **Undeveloped Land**

Land that will remain undeveloped and undisturbed may be deleted from the total acreage used for the purpose of calculating the landscape requirement, if the Administrator determines that this exclusion meets the statement of purpose for this section.

(3) **Wetlands/Stream Environments**

- a. Wetland areas that are preserved and/or enhanced may qualify as a portion of the landscaping required by this section. In no case may the retention of wetlands qualify for more than 50 percent of the required landscaping.
- b. In an established wetland or stream environment, existing *Ulmus*, *Populus*, and *Salix* will be allowed. Any enhancement of the area may not include new plantings of *Ulmus*, *Populus*, and *Salix* without the approval of the ~~u~~Urban ~~f~~Forester ~~in accordance with Section 8.32.080, Prohibited Trees~~.

(4) **Common Areas**

In developments with common areas, the Administrator may administer landscaping standards for the overall project and may give credit to individual parcels for common area landscaping. This credit may only be given once and shall be proportionally equivalent to the required amount of landscaping. The common area landscaping shall be maintained in perpetuity.

(5) **Placement of Required Landscaping**

Required landscaping may be placed in the public right-of-way (within ~~adjacent~~ abutting parkways and adjacent medians) when maintained by the adjoining property owner(s),

homeowners, special assessment district, landscape lighting district, or other means approved by the City. Required front yard landscaping may be placed in the public right-of-way to back of curb when the Administrator determines that the pavement width will not need to be increased and sidewalks are not necessary.

(6) **Credit for Preserving Trees**

Preservation of existing, ~~mature, healthy protected~~ trees on a site may be credited toward compliance with the minimum tree planting requirements stated in Section 18.04.805(b). ~~At the applicant's request, Tree credits may be applied shall be approved by the Administrator~~ according to the provisions stated in Section 18.04.105.

(e) **Parking Area Landscaping and Screening Requirements**

(1) **Applicability**

The standards in this section shall apply to off-street parking areas in all zoning districts, except for single-family, attached; single-family, detached; or duplex dwellings.

(2) **Surface Parking Lots**

a. **Landscape Areas Required**

1. **Defining Parking Lots**

Landscaping should separate parking lots into a maximum of 350 parking spaces in each defined lot.

2. **Amount of Landscape Area**

[a] Surface parking lots shall incorporate a minimum of 25 square feet of landscaped area for each off-street parking space.

[b] The amount of surface parking lot landscaping required by this subsection shall be credited toward the minimum landscape area requirements for the subject zoning district stated in Section 18.04.804, above.

[c] In no event shall the landscaping provided in surface parking lots be less than 15 percent of the total area of the surface parking lot.

3. **Additional Requirements for Parking Lots with 600 or More Spaces**

Surface parking lots with 600 or more spaces visible from the public right-of-way shall meet the following additional requirements:

[a] A 15-foot wide landscape area, which includes a two-foot high berm, wall or solid hedge shall be placed around the perimeter of the parking area. Where there is a five-foot or greater grade change between the parking area and the site perimeter, the berm may be waived.

[b] An additional ten square feet of landscape area for each parking space in excess of 600 shall be placed in the interior of the parking area.

4. **Parking Lot Edge**

[a] A parking lot edge shall surround each parking lot and be a minimum of five feet wide excluding any curbing, unless a larger parking edge or perimeter buffer is required by this article. The parking lot edge may overlap any parking setback line. When other provisions of this article require a fully landscaped front, side, or rear yard/setback, and such setback area is larger than five feet and is located in the same place as a required parking lot edge, this provision

for a landscaped parking edge shall not apply where the landscaped yard/setback is provided.

- [b] When separating two parking lots, the parking lot edge shall be a minimum of five feet wide (including any curbing) and shall contain an average minimum three-foot high solid hedge or two-foot berm. Parking lot edges may facilitate the grading and terracing of parking lots on a site or may be used for pedestrian access.

5. Location of Required Parking Lot Landscape

Required landscape areas shall occur entirely within the parking lot and parking lot edge boundaries.

b. Minimum Requirements for Required Landscape Areas

1. General Requirements

Required landscape areas may take the form of "parking lot edges" or interior "islands" depending on site design and the preservation of natural site features. All landscape areas within parking areas shall:

- [a] Be planted with living plant materials according to this article; and
- [b] ~~Allow for pedestrian walking surfaces~~ Install pathways to provide pedestrian access across them to provide improved pedestrian circulation across the parking area. Said walking surfaces count towards meeting the landscape area requirement up to a total of 25 percent of the requirement; and
- [c] Have a minimum of one shade tree for each island with the remaining area in perennials, shrubs, ground cover, grasses, or seasonal color; and
- [d] Have a minimum of one shade tree planted at an average rate of 30 feet on center along any street frontage.

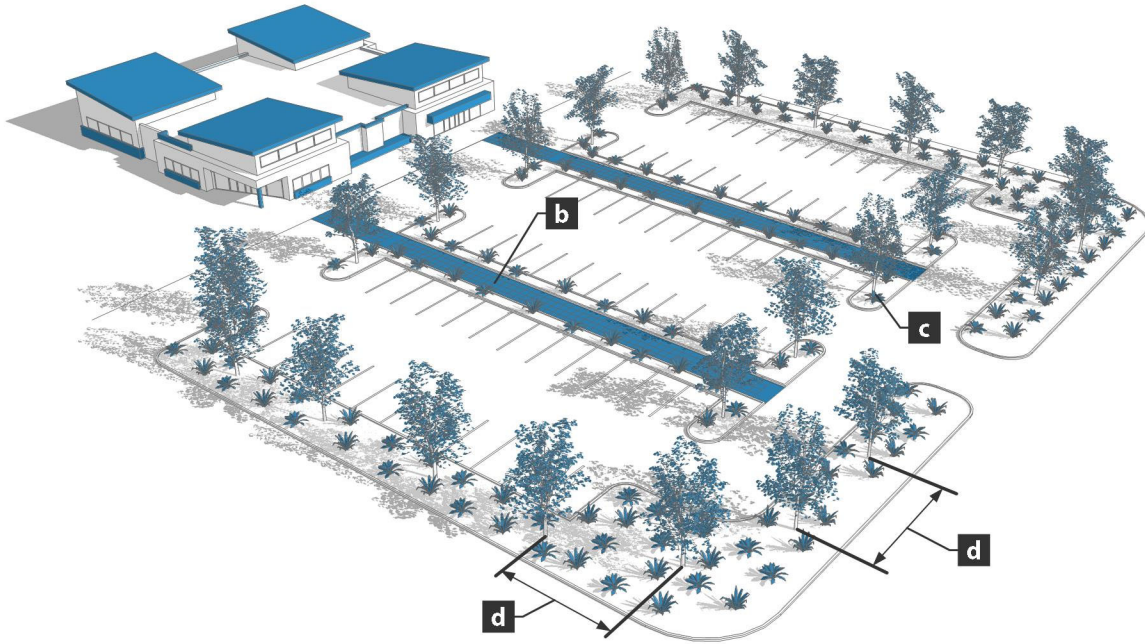


Figure Error! No text of specified style in document.-2: Parking Area Landscaping

2. Tree Placement and Density

In meeting the requirement for a minimum number of trees per required landscape area stated in Section 18.04.805(c)(3), below, parking lots that have 12 or more spaces in width shall have at least one island with a shade tree placed so that the parking lot has no more than 12 parking spaces between islands. Parking lots smaller than 12 spaces in width may place shade trees in parking lot edges. Parking lots 12 or more spaces in width shall place shade trees in islands where a parking space would otherwise fit.. Placement of these islands and trees shall be accomplished such that no parking space shall be further than 75 feet from a tree. See Figure 4-6, above.

3. Tree Size

~~A minimum of 75% of the trees planted in P~~parking lots shall be entirely landscaped with Class 4 large canopy type trees, ~~unless additional smaller trees are provided to provide comparable shade coverage at maturity~~. Tree sizes and measurements shall otherwise conform to Section 18.04.805(c)(3).

4. Islands

An island containing at least one shade tree shall be located in accordance with Subsection 2., above. Islands shall be designed to reflect the size of the adjacent parking space(s). Minimum length for the usable planting area, excluding adjacent curbs or sidewalks, is 14 feet. Minimum width for the usable planting area is 8 feet. Trees shall be placed a minimum of 4 feet from the back of any curb or sidewalk. The location of parking lot islands shall recognize convenient pedestrian circulation routes and walks within the island and shall be planned accordingly.

Landscape strips may also be used to address the minimum requirements for parking lot islands and trees.

5. Soil Preparation

Parking lot islands shall be prepared with a minimum three-foot usable soil depth for the entire island area. Except where natural soils are determined to be suitable for healthy tree growth, the entire area of the island shall be excavated to a minimum depth of three feet and backfilled with suitable planting material. Soil volume and quality shall meet the requirements in the city's Standard Details for Public Works Construction, latest edition. Determinations of soil suitability shall be based off of an engineer's stamped soils report that identifies the quality of the soil for promoting tree growth made by the landscape architect or other responsible party, as applicable. Planting wells for required trees in parking lot edges shall be similarly prepared with minimum usable soil dimensions of three feet in depth and 25 square feet in surface area.

6. Placement of Lighting

Parking lot lighting shall be placed outside the limits of the planted tree growth area and situated such that the lighting will not be blocked ~~located to not be shaded~~ by the expected growth of shade parking lot trees.

7. Existing Trees and Natural Features

Notwithstanding the above, the location of landscaped islands should be adjusted to accommodate existing trees or other natural features, provided that the total landscape area requirements are met.

(3) Screening of Parking from Public Areas

a. General

All parking areas shall be screened from view of public roadways. The screen shall be a minimum of 36 inches in height, and be achieved with street trees and one of the following methods:

1. A berm (see Figure 4-7);

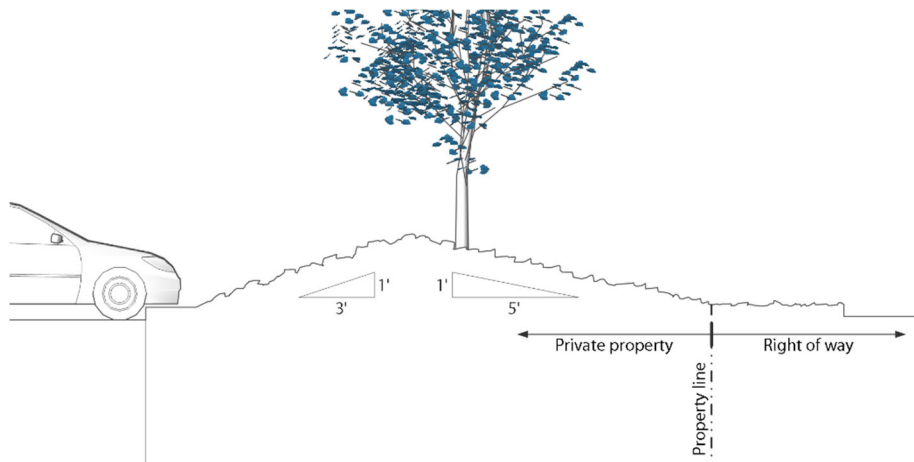


Figure Error! No text of specified style in document.-3: Berm Parking Area Screening

2. A planting screen, including shrubs (see Figure 4-8);
3. A decorative wall (see Figure 4-9); or
4. A combination of the above, or as shown on the approved detailed site plan.

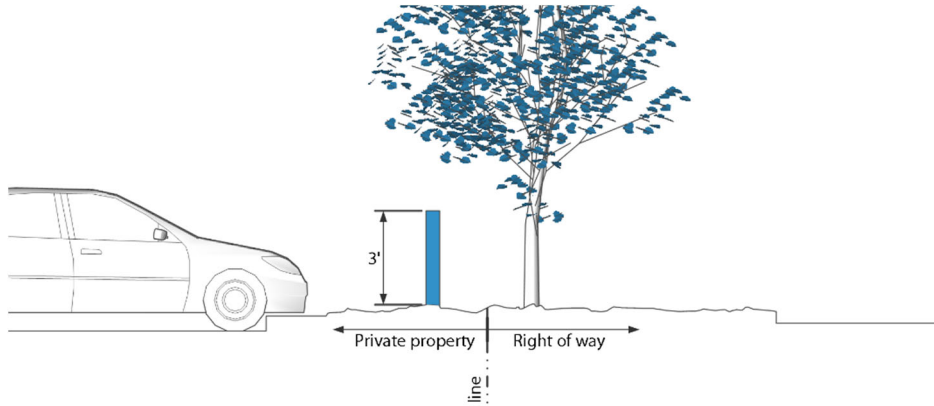


Figure Error! No text of specified style in document.-5: Decorative Wall Parking

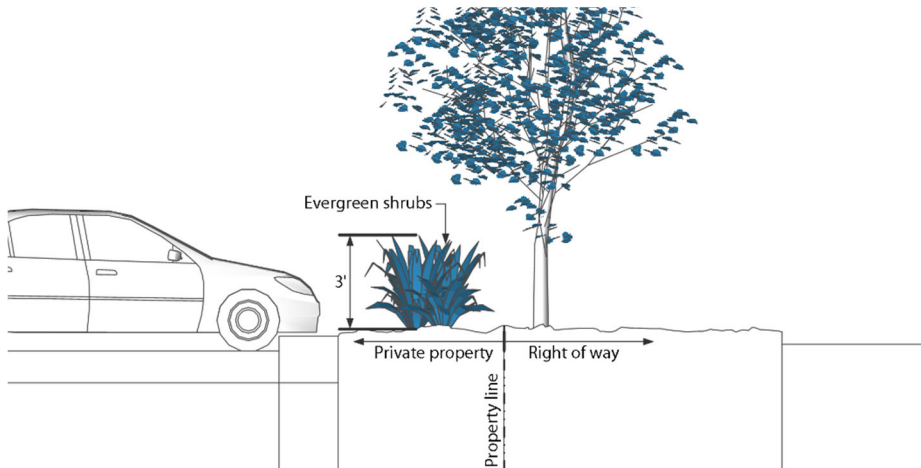


Figure Error! No text of specified style in document.-4: Planting Parking Area Screening

b. Parking Lot Edge

Screening shall generally be placed within the parking lot edge zone as defined in Section 18.04.804(e)(2), above.

c. Screening Waiver

The screening requirement in this subsection shall be waived when the surface of the entire lot is more than 36 inches below the grade of the street.

(4) **Landscaping of Parking Structures**

Unless incorporated into a main building, all parking garages shall comply with the following:

- a. Parking garages that are 35 feet or less in height shall have a minimum five-foot wide landscape area adjacent to all public rights-of-way (excluding alleys) which shall include at least one tree and five shrubs for each 30 feet of length. Required landscaping may occur in a parkway adjacent to the public right-of-way. See Figure 4-10.

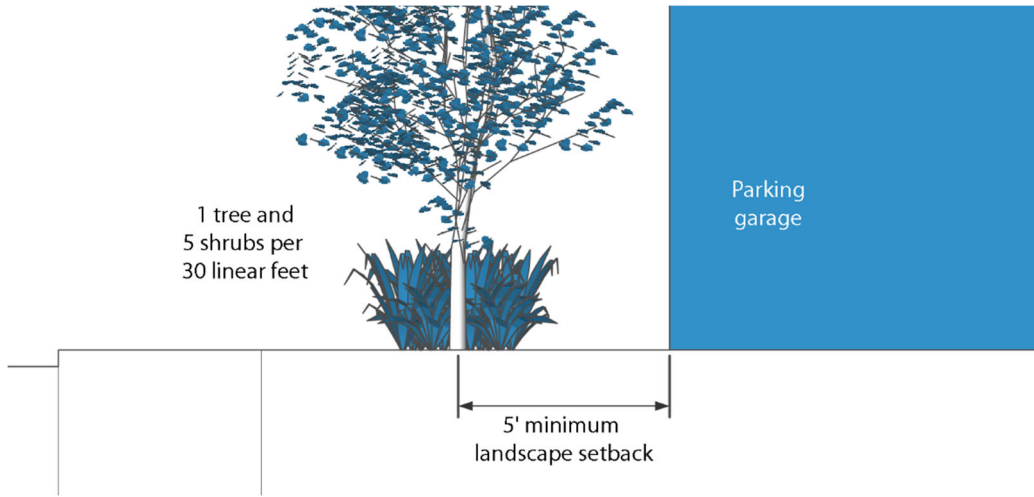


Figure Error! No text of specified style in document.-6: Parking Structure Landscaping

- b. Parking garages of more than 35 feet in height shall, in addition to the requirements in a., above, provide a building inset of five feet in width at each additional 35-foot level or provide other setbacks and/or structure treatments as approved by the Administrator. This additional inset or other treatment shall be provided adjacent to all public rights-of-ways (excluding alleys). These areas shall contain landscaping in accordance with an approved landscape plan.

(f) **Street Tree Requirements**

(1) **Trees Required**

a. **Arterials and Collectors**

1. Unless otherwise required, trees shall be planted adjacent to the right-of-way **at with a spacing minimum average rate of one tree for every 30 feet of street frontage. A minimum of 75% of the street trees shall be Class 3 or Class 4 trees.**
2. Parkway landscaping shall include a minimum of six shrubs per tree and/or living groundcover planted to achieve full coverage at maturity, except for any walkways.

3. Expanded sidewalks with street-shade trees and furnishings may be provided in lieu of landscaped parkways, as provided in Articles 8, 9 and 10 of this Chapter 18.03.503(j)(3).

b. Residential Streets

1. Two street-shade trees shall be planted for each lot-street frontage up to 50 feet in width-length. For street frontages over 50 feet in length, street trees shall be planted and at a minimum average rate with a spacing of one tree for every 30 feet of frontage over 50 feet and with a minimum of 75% of the street trees being Class 3 or Class 4 trees. The tree shall be-have a minimum two-inch caliper tree from the city's permitted street tree list. Trees shall be installed per the city's Standard Details for Public Works Construction, latest edition.
2. The City prefers that all residential street trees be planted in the parkway, if one exists. Where no parkway exists, the Administrator may approve the planting of the required trees between the curb line and the building setback line, but at least 2½-five feet from the curb line and from the building foundation.

c. Mixed-Use Downtown (MD-) Districts

All street trees in the MD districts shall meet the standards of the Downtown Streetscape Design Manual. Where the Downtown Streetscape Design Manual does not identify street tree requirements, the standard requirements for Arterials, Collectors, and Residential Streets shall apply.

d. Landscaped Medians

1. Raised landscape medians in a roadway are only allowed when a minimum of 20 feet of clear travel width on each side of the median is maintained for emergency access.
2. When landscaped medians are used, they shall be a minimum of ten feet wide, shall not contain any turf, and shall use drip irrigation only.

e. Other Requirements

1. All trees planted in areas intended for dedication to the city shall meet the planting standards required for public trees as identified in RMC 8.32 (Trees and Shrubs).
- 1.2. Street trees must meet all sightline requirements in this title. All trees on public property must also meet the city's Standard Details for Public Works Construction, latest edition.

(2) Planting Schedule

Trees shall be planted prior to the issuance of a certificate of occupancy or final inspection. The Administrator may authorize an alternative planting schedule per the provisions of allow the planting to occur within the next growing season the required landscaping is bonded or guaranteed as described in Subsection 18.04.803(e), *Installation and Inspection*.

(3) Modification of Standards

The Administrator may approve a modification of the tree species, tree spacing or planting standard, provided that the overall objectives of creating an attractive streetscape are achieved and the approved modification meets the intent of this section. Such decisions

related to public trees and plant material will be made in consultation with the Urban Forester. The applicant shall incorporate all modifications approved by the Administrator in a revised landscape plan and submit the revised plan for the Administrator's review and approval within 30 days of the Administrator's modification decision.

(4) Trees in the Public Right-of-Way

a. Work Permit Required

Trees planted or removed from the public right-of-way are subject to the issuance of a tree work permit by the Urban Forester, and, if applicable, an excavation-encroachment permit by the Public Works Department. Placement, species, and type of tree well covering are subject to ~~C~~city approval prior to the issuance of the tree work permit per Chapter 8.32, *Trees and Shrubs*.

b. Maintenance

Trees planted in the public right-of-way shall be maintained by adjacent abutting property owners, neighborhood associations, special assessment districts or maintenance districts formed under NRS Section 278.4787. Street trees shall be maintained per the requirements in RMC 8.32.

(5) Approved Street Tree Species and Sizes

Street trees shall be selected from the ~~Reno Urban Forestry Commission Approved Street Tree Species List.~~ City of Reno Approved Tree List contained in the city's Standard Details for Public Works Construction, latest edition. Selection should follow the species list guidelines for sites, and large-growing canopy trees size class 3 or 4 shall be planted when there are not height or canopy-width constraints. The minimum size at the time of planting of a parkway tree is two inches in caliper.

18.04.805 Landscaping Standards

(a) General Materials Requirements

All required landscape areas shall be comprised of trees, shrubs, living and/or non-living ground covers, and/or enhanced paving. This area may also include a cover, roof structure or minor structure over a portion of the area, if it will enhance the use of the landscape area. Bare dirt shall not be allowed.

(b) Minimum Number of Trees and Shrubs in Required Landscape Areas

(1) All Zoning Districts Except Nonresidential Districts

One tree and six shrubs shall be provided for every 300 square feet of required landscaped area, plus any additional trees required by this article.

(2) Nonresidential Districts

One tree for every 300 square feet of required front yard landscaping plus one tree for every ten parking spaces is required. ~~At least 50 percent of the required trees shall be evergreen.~~ If any additional screening is required by this Title, those requirements are in addition to the minimums stated in this subsection.

(c) Minimum Stocking and Materials Standards

All required landscape areas shall comply with the following minimum stocking and materials standards, unless otherwise varied or modified under this Title.

(1) General

Generally, acceptable landscape materials shall include:

- a. Living plant materials.
- b. Alternate materials may be used for playing fields, skywalks, or similar situations with the Administrator's approval.

(2) Ground Cover

Ground cover used in required landscape areas may include the following, or alternatives if equivalent approved by the Administrator:

- a. Lawn or turf.
- b. Living ground covers other than lawn or turf, planted in a manner so the area designed for the ground is at least 90 percent covered at maturity. Ground covers shall be a minimum of a four-inch pot container in size.
- c. Decorative paving, artificial turf, rock, or other inert materials, up to 25 percent of the required landscaped area at installation, unless the Administrator approves a different amount after consideration of the visual appearance of the site. Choices of non-living ground cover should be made after considering the flammability and toxicity of available types. When rock is used on slopes 3:1 or steeper, it shall be fractured at least three-inch minimum. Shredded bark/wood, decomposed granite, or other similar non-stabilized material may not be used on grades greater than 4:1. Landscape walls and retaining walls do not require fractured rock. Loose rock mulch may not exceed 50 percent of the allowed inert materials, with remaining inert materials being a low-flammability organic mulch such as partially decomposed tree/wood mulch.
- d. Calculation of coverage is by means of the following method:
 1. Grass and ground covers are calculated based on simple area (length × width).
 2. Shrubs should be calculated using the area of a shrub based on spacing. Spacing should be presented in the plant list for use of the landscaper and plan review purposes. Spacing should reflect what the expected average size of the shrub should be in three years.
 3. Calculate the area of shrub coverage based on πr^2 (area of a circle) times the number of shrubs from plant list ($\pi = 3.14$, $r =$ radius of shrub spacing).

Table 4-15 Example Vegetative Cover Calculation

Proposal	Standard	Required (min.)
20 shrubs (5 ft. spacing)	$\pi \times (2.5 \text{ ft.} \times 2.5 \text{ ft.}) = 19.6 \text{ sf}$ $19.6 \text{ sf} \times 20 = 392 \text{ sf}$	392 sf

4. Total vegetative cover is the sum of all areas covered by grass, ground covers, and shrubs.
5. Trees do not count toward vegetative cover unless their branches come down to the ground (e.g., many evergreen trees).

(3) Trees

In satisfying the landscaping requirements of this section, the use of high-quality, hardy, and drought-tolerant trees is required. Trees and plant material shall meet ANSI American Standard for Nursery Stock.

a. Size Standards

At the time of installation, deciduous trees shall have a minimum caliper of 2 inches, and evergreen trees shall have a minimum height of 6 feet..

b. Tree Mix

A mixture of deciduous and evergreen trees shall be provided. Species diversity is encouraged. Trees species shall be selected in accordance with the City of Reno approved tree species list, available in the city's Standard Details for Public Works Construction, latest edition.

~~Prohibited Tree List~~

~~Prohibited trees are listed in Section 8.32.080, Prohibited Trees.~~ The Administrator, in consultation with staff experts, may allow the planting of an otherwise prohibited tree for the purpose of maintaining riparian vegetation and habitat along the Truckee River or in other natural riparian areas, or where otherwise deemed appropriate.

c. Tree Well Plantings in Sidewalks and Plazas

1. Trees shall be placed in landscaped areas no less than five feet in width and length or in tree wells with a minimum five-foot diameter.
2. The planting hole shall be at least two times the size of the root ball, and deep enough to allow the root ball to be covered in accordance with ANSI A300 (American National Standards Institute) tree and shrub planting standards. It shall also conform to the city's Standard Details for Public Works Construction, latest edition.
3. Except where natural soils are determined to be suitable for healthy tree growth, the entire tree well area or a 30 square foot minimum area in the parkway shall be excavated to a depth of three feet and backfilled with suitable planting material. ~~Determinations of soil suitability shall made by the landscape architect or other responsible party, as applicable.~~
4. Provisions shall be made for adequate drainage, depending on the soil type and related planting conditions.

d. Soil Standards

Determinations of soil suitability shall made by the landscape architect or other responsible party on private property, and by the Urban Forester or designee on public property. Soil shall meet the soil quality and volume requirements in the city's Standard Details for Public Works Construction, latest edition. Where space is limited, use of soil cells is highly encouraged.

~~**d. Tree Staking**~~

~~All trees shall be staked by an approved method.~~

(4) Other Landscape Materials

Plant materials used to meet landscape plan requirements shall comply with the following minimum size standards at the time of installation:

- a. **Shrubs**
 - 1. **Large Shrubs**
Large shrubs shall be a minimum of a five-gallon container in size.
 - 2. **Small Shrubs**
Small shrubs shall be a minimum of a one-gallon container in size.
 - 3. **Size Requirements**
At least 25 percent of the required shrubs shall be a minimum of five-gallon with the remaining 75 percent one gallon or larger.
- b. **Ground Covers**
Ground covers shall be a minimum of four-inch pot container size.
- c. **Vines**
Vines shall be a minimum of a five-gallon container in size.
- d. **Grass**
Solid sod or grass seed applied with Hydro-Mulch may be used.
- e. **Annuals and Perennials**
The use of annuals and perennials are encouraged but do not count toward minimum landscape requirements. There are no size limits.

(5) **Mulch**

Under all trees and shrubs and anywhere in a required landscaped area not planted with live material or otherwise covered, mulch shall be provided. ~~Mulch may be waived by the Administrator when the landowner has an approved maintenance program and/or has demonstrated acceptable maintenance on past projects.~~ Where mulches are used, they shall be a minimum of four inches in depth to decrease water evaporation. At installation, mulch shall be provided at a minimum of one foot diameter around each shrub and at a minimum of five feet diameter around each tree. Nonporous material, such as plastic sheets, shall not be placed under the mulch. Mulch shall consist of an organic, low flammability, preferably partially composted material.

- (d) **Drainage**
All trees and shrubs shall be planted with positive drainage.

18.04.806 Water Conservation

To reduce water consumption, all landscaping plans approved under this section shall comply with the following:

- (a) The minimum dimension of each lawn or turf area shall be five feet.
- (b) The maximum slope of lawn or turf areas shall be 3:1. Where a berm is wider than ten feet, one additional foot of level (7:1 or flatter) planted area is required for every three feet of bermed area to capture slope runoff at the toe of the berm.
- (c) In multi-family, mixed-use, or nonresidential districts, or model homes, lawn or turf areas shall not exceed 50 percent of the required landscape area.
- (d) An efficient water-conserving irrigation system including drip, low-arching and/or low-flow heads shall be used.

- (e) Soil in landscape area shall be improved by incorporating a minimum of two inches of organic soil amendment into the top six inches of soil, unless recommended otherwise by the soil report for the property.
- (f) Soil in landscape areas shall be tilled to a minimum depth of six inches for lawn areas, and to the depth of the root ball for shrubs and trees within the planting area to allow for sufficient aeration.
- (g) Non-turf areas shall emphasize low water consumptive plants.
- (h) All debris shall be removed from a planting site prior to soil preparation or planting. Debris includes cement, asphalt, wire, steel, scrap lumber, or other foreign matter.
- (i) Overspray onto impervious surfaces shall be prevented by placing turf areas a minimum of three feet away from impervious surface or designing the irrigation system to prevent overspray onto adjacent impervious surfaces.

18.04.807 Maintenance

(a) Irrigation

(1) Irrigation Required

All required landscaping shall be irrigated unless approved by the Administrator. Irrigation systems shall be designed for proper irrigation of the plants at maturity. [Irrigation for landscaping in the right-of-way shall be installed according to accepted details and specifications located in the Public Works Design Manual.](#)

(2) Irrigation Plans

Irrigation plans that ensure adequate coverage of landscape material shall be submitted at the same scale as the landscape plans. Plans shall also include specifications which comply with the Uniform Plumbing Code, and include the following:

- a. Scale, north arrow, locations of adjacent streets, property lines, easements, sidewalks, drives, paved areas, buildings, street trees, and any other natural or manufactured site features influencing the use of the site.
- b. Identification and description of automatic irrigation components to ensure that vegetation is adequately serviced through water conserving features.
- c. Indication of the system point of connection and size, water pressure available, and maximum demand of the system in gallons per minute.
- d. Manufacturer's name and equipment identification number shall identify irrigation equipment specified.
- e. Reduced pressure backflow preventer (R. P. Device). Refer to water purveyors for requirements for backflow preventers.
- f. All locations of irrigation valves, controllers, hose bibs, quick coupler valves, sprinkler heads, and backflow preventers. Sprinkler location on plans shall also include pattern of sprays (i.e., full circle or half circle), psi, radius of throw, and gallons per minute.
- g. Irrigation details shall be used to clarify particular situations. Typical details should include backflow preventers, valves, irrigation heads, and irrigation controllers.

- h. Schedule 40 PVC with schedule 80 fittings is required on all piping up to three inches in size. For piping over three inches in size, class piping is required. Mainlines shall be a minimum of 24 inches deep with approved backfill. Mainlines shall have detectable tape one foot above line. Lateral lines shall be schedule 40 with a minimum of 18 inches in depth with approved backfill.

(b) **Maintenance**

(1) **Maintenance**

All landscape areas and plant materials shall be maintained in a vigorous and healthy condition, free of weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, and other needed maintenance, in accordance with generally accepted horticultural practices. This shall include using pruning standards accepted by the International Society of Arboriculture and/or the National Arborist Association. Topping of trees constitutes significant damage and is prohibited. Hedges required for screening shall be pruned to maintain a solid form.

(2) **Repair and Replacement**

Any dead or significantly damaged plant or tree shall be replaced within 30 days. If the season of the year makes such repair or replacement impractical, the property owner shall schedule an appropriate time for the accomplishment of this work with the Administrator. Damaged plants shall be trimmed to remove dead or damaged material within 30 days.

(3) **Violation**

If the repair or replacement is not accomplished in a timely fashion as described in 18.04.807(b)(2),above, the Administrator may initiate proceedings to revoke the conditional use permit or business license for the subject property, or use the remedies and fines associated with violations under Title 1, *General Provisions*.

(4) **Public Maintenance of Landscaping and Irrigation**

Unless otherwise approved by the City Engineer, landscaping and irrigation that is intended to be owned and/or maintained by the City of Reno shall be reviewed and approved by City Parks Department prior to issuance of building permit.

SECTION 4. The following language reflects changes proposed by the Reno Urban Forestry Commission to Chapter 18.09, *Rules of Construction and Definitions*, Article 4, *All Other Terms Defined*. For brevity, only new definitions or those with proposed changes are provided below.

Critical Root Zone

The critical root zone is the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line, or one foot per inch of dbh, whichever is greater.

DBH

Tree diameter at breast height, measured 4.5 feet above the ground.

Parkway

The strip of land, regardless of whether currently paved, surfaced, or landscaped, ~~and~~ situated between the back of the curb and the sidewalk. In the absence of a curb, the curblines of a street shall be deemed to be the edge of the parkway.

Pedestrian Walkway

A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle, intended for pedestrian or bicyclist use.

Private Tree

A tree located on private property.

Protected Tree

Private trees two inches dbh or greater (six inches dbh or greater for trees on the city's prohibited tree species list) associated with nonresidential developments or uses, multifamily projects, and common open space areas of single-family developments. Protected trees are subject to the standards in 18.04.105.

Public Tree

A tree located on property owned by the City of Reno, including but not limited to trees located within City of Reno rights-of-way and parks. Maintenance responsibilities for public trees are defined within RMC 8.32.

Topping

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

SECTION 5. The following language reflects changes proposed by the Reno Urban Forestry Commission to Title 8, *Public Peace, Safety and Morals*, Chapter 8.32, *Trees and Shrubs*.

Sec. 8.32.005. Purpose.

Trees and other plant material located within or upon city property are a community asset comprising a part 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 northern Nevada climate;
- (b) Ensuring proper permitting occurs, and proper installation and maintenance techniques are applied;
- (c) Prohibiting installation of noxious or hazardous plant material, and;
- (d) Protecting and mitigating for loss of existing public trees that are community assets.

~~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. 8.32.006. Applicability.

This chapter shall apply to all public trees, and to private trees or plant material constituting a public nuisance as described in Sec. 8.32.090.

Sec. 8.32.010. 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.

Approved tree list includes all species of trees approved ~~by the Reno Urban Forestry Commission as amended from time to time~~ for planting on public property, as found in the city's Standard Details for Public Works Construction.

Class size of trees means the category of tree species based on required soil volume as identified in the city's Standard Details for Public Works Construction, latest edition.

Dbh means tree diameter at breast height, measured 4.5 feet above the ground.

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.

Landmark trees includes 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 Urban Forestry Commission.

Landscape architect means 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.

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 place includes all land or property owned, or held, or under the control of the city.

Public trees include: all trees 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.

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 section 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 as identified in section 8.32.045, which considers factors such as tree location, health, species, and size. 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.

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

Sec. 8.32.020. Duties of the Urban Forester, including Enforcement.

~~The Urban Forester is hereby vested with the control and maintenance of trees and other plant material located upon public streets, highways, rights-of-way, parks and public places of the city. The Urban Forester or his/her authorized representative shall be charged with the duty of enforcing the provisions of this chapter and. The urban forester, subject to the provisions of this chapter, 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~~ they shall find such action necessary for public safety, to mitigate a fire hazard, or to prevent the spread of disease or insects to public trees and places.
- ~~(c)~~ Institute procedures for the setting out, care, and maintenance of public trees and plant material.
- ~~(d)~~ 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.
- ~~(e)~~ Provide for the spacing of, or distance permitted from paved city areas of, all such public trees.
- ~~(f)~~ Provide for the form of application for removal, or the planting of any such public tree.
- ~~(g)~~ Establish and maintain a nursery for the growing of the types and kinds of public trees permitted, and plant the same on public property.
- ~~(h)~~ Supply and plant a tree(s) on public property at the request of the adjoining property owner, upon payment of the appropriate fee by that property owner.
- ~~(i)~~ Provide compliance direction; "Red tag" issue stop work orders on jobs without proper permits; issue citations.
- ~~(j)~~ Advise the Reno Urban Forestry Commission for purposes of adding, amending or deleting codes, policies and procedures.
- ~~(k)~~ Advise other city departments on best practices related to tree installation, care and protection.
- ~~(l)~~ Enter upon private premises, with proper notice, at all reasonable hours, to inspect the premises where ~~he~~ they may reasonably suspect a violation of this chapter.
- ~~(m)~~ Give notice pursuant to RMC Chapter 1.05 to private property owners or residents of violations of this Code.
- ~~(n)~~ 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. 8.32.035. Designation of landmark trees.

- (a) Landmark trees, as defined in Sec. 8.32.010, shall be designated by the Reno Urban Forestry Commission (Commission). Private trees may be voluntarily designated as landmark trees upon application by the property owner and approval by the Commission.
- (b) Criteria for designation, de-listing, and potential incentives for voluntary designation of private trees.
[RESERVED] [Staff note: criteria will be developed by the Urban Forester and subject to approval by the Commission as part of a separate process.]
- ~~(b)~~(c) The Urban Forester shall maintain a list of all trees so designated, and including their location and species.

(Ord. No. 4196, § 1, 3-10-92)

Sec. 8.32.036. Public tree and vegetation planting and maintenance.

- (a) Selection and Planting.
- (1) Street trees shall conform to the city's Standard Details for Public Works Construction, latest edition, including selection from the City of Reno Approved Tree List², based on the location-specific criteria contained in the list, installation, minimum planting sizes, soil volume and quality, and all other applicable standard details.
 - (2) Any planting in public spaces requires a permit from the Urban Forester. In addition to conforming to the city's standard details, planting shall adhere to the standards in this chapter, and RMC Chapter 18.04, Articles 8, 9 and 10.
- (b) Maintenance responsibility.
- (1) Urban Forester. The Urban Forestry Program staff prunes and sprays trees in public places as needed. When an abutting property owner would like to prune a public tree that is not scheduled for maintenance, they may hire a qualified business, as defined in Sec. 8.32.060, 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.
 - (2) Abutting property owners. Owners of property abutting parkways containing trees are responsible for the general maintenance of the trees, including adequate irrigation. Maintenance shall be completed in accordance with this Chapter, including sections 8.32.040 and 8.32.060. This responsibility does not preclude the Urban Forester from conducting tree management activities on any public tree.
 - (3) Homeowner associations. Maintenance activities may also be provided by homeowner associations; however, should such an association fail to provide adequate maintenance, the abutting property owner is still responsible to ensure it is completed.

² Editor's Note: List name will be updated prior to code adoption.

Table 8.32.036 summarizes public tree maintenance activities that require a permit and/or completion by a company with a certified arborist on staff or other specialized training.

TABLE 8.32.036. Summary of Public Tree Maintenance Requirements			
Activity Type (Public Trees Only)	Requires Specialized Training to Complete Work*	Requires Tree Permit**	Additional Standards
Tree trimming/pruning	Yes	Yes	
Root pruning	Yes	Yes	
Application of chemicals or pesticides	Yes	Yes	Certified Pesticide Applicator through NV Dept. of Agriculture
Tree planting	Yes	Yes	
Irrigation installation	No	Yes	Must be installed to the city's Standard Details for Public Works Construction, latest edition
Irrigation maintenance	No	No	
Mulching	No	No	
Stump removal	No	Yes	
General maintenance, such as picking up downed branches, watering, mowing, and weeding	No	No	

* See Sec. 8.32.060 for details.

** See Sec. 8.32.040 and 8.32.060 for details.

Sec. 8.32.040. Necessity for pPermit to plant, prune, cut, spray, chemically treat or remove public trees or plant material in public places.

- (a) No tree, plant, shrub or vine shall be planted or set out upon any street or public place in the city, and no tree, plant, shrub or vine located upon any street or public place shall be On any street or in any public place, trees or plant materials shall not be planted, potted, removed, pruned, cut, shaped, sprayed or chemically treated without a written permit first being obtained from the ~~u~~Urban ~~f~~Forester, per the procedures in Sec. 8.32.060. ~~When such pPermits is~~ for the setting-out/potting of trees, ~~or plants materials, shrubs or vines, it may shall~~ prescribe the number, kind and distance apart ~~thereof~~. Once planted, they become the property 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) ~~When for the Permits for~~ removal, trimming, pruning, cutting, spraying or chemically treating public trees or plants thereof, the permit shall prescribe the number of ~~such~~ plants to be affected ~~thereby~~ and the manner in which the work is to be performed, and the performance of the work. Such permits may include conditions of approval and are only valid as long as the conditions are met. ~~shall be operative only when exercised subject to such regulations as the urban forester may adopt for the purpose as hereinabove mentioned.~~ The ~~u~~Urban ~~f~~Forester, as a condition for a removal permit, may require compensation to the city for the value of the removed tree(s) ~~or trees~~ or replacement as identified in sub-section 8.32.040(e).

- (c) Any damage to public tree(s) not authorized through a permit shall be subject to fines, partial in-kind replacement, or full-in-kind replacement, if the damage decreases the value of the tree(s).
- (d) Approval to remove public landmark trees shall be at the discretion of the City Council upon recommendation of the Reno Urban Forestry Commission. Removal of any such public landmark trees for construction activities shall require payment to the city for the value of the landmark tree, in accordance with Sec. 8.32.045.
- ~~(e)~~ (e) Removal of privately-owned landmark trees shall be according to the terms associated with their designation and any applicable requirements within Title 18.
- (f) The City of Reno will remove dead, diseased, or hazardous public trees if an inspection by the Urban Forester or their designee determines tree removal is necessary.
- (g) 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. 8.32.060. The trees shall not be removed unless or until the Urban Forester issues the permit, which is subject to conditions of approval. The permit shall include the value of the tree(s) per Sec. 8.32.045, for which payment by the applicant to the City of Reno ReLeaf Reno fund is required prior to the removal of the tree(s).

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

Sec. 8.32.045 – 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.
- (b) Simple appraisal. This is the default method used to identify the value of a public tree when determining fees owed to the city for damage to or removal of the tree. It shall be calculated at the rate of \$300 per inch of tree diameter at breast height (dbh).
- (c) Detailed appraisal. A property owner who has been assessed a fee for removal of, or damage to, a public tree may request use of the detailed appraisal method if preferred. Use of this appraisal method must be completed by a licensed landscape architect or certified arborist, at the arrangement and expense of the requesting property owner, and be based on the most current edition of the Council of Tree and Landscape Appraisers' *Guide for Plan Appraisal and Group Assignment Regional Supplement for Northern Nevada <5,500 feet*. Detailed appraisals are subject to evaluation and approval by the Urban Forester. The Urban Forester's decision may be appealed to the Urban Forestry Commission. If the 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.

Sec. 8.32.050. Activities Exemptions from permits.

The following activities are exempt from the requirement to obtain a permit:

- (a) There shall be exempted from the provisions the requirement for a Any cutting or pruning done by the city or performed by the city in order to comply with the provisions of this chapter.
- (b) General care of the parkway such as lawn mowing, watering, weed abatement, and other activities that do not impact the long-term health or structure of a public tree.

~~(b)(c)~~ Maintenance or installation of non-tree plant materials that, at maturity, will not impact sight lines or pedestrian or vehicle access.

~~(e)(d)~~ [RESERVED to address public infrastructure and utility projects, including emergency repairs]

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

Sec. 8.32.060. Application for permits, power of revocation and appeal.

~~(a)~~ Any person desiring to obtain a permit required by this chapter shall first file ~~an~~ the appropriate application with the ~~Urban 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.

~~(a)(b)~~ Once an application is deemed complete, the Urban Forester shall endeavor to issue a decision or request additional information within ten business days. The ~~Urban Forester~~ shall issue permits as provided herein when ~~he~~ they 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~~ and its inhabitants.

~~(b)(c)~~ The ~~Urban Forester~~ may revoke any permit issued hereunder at any time the ~~Urban Forester~~ ~~shall~~ finds that the terms of the permit have been or are, being violated by the permittee.

~~(e)(d)~~ Permittee 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. If the 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 by filing notice with the city clerk.

~~(d)(e)~~ Permittee 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~~. If the 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.

~~(f)~~ All work performed under a permit as required by this chapter shall conform to current ANSI A300 Standards, as defined in Sec. 8.32.010. Exceptions to the ANSI A300 Standards may be permitted by the ~~Urban 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. Without exception, all work will conform to ANSI Z-133 Safety Standards.

~~(e)(g)~~ Public trees severely damaged through work that does not conform to ANSI A300 Standards may result in the assessment of a fee based on the extent of damage and the appraisal methods identified in Sec. 8.32.045.

~~(f)(h)~~ ~~Effective January 1, 2000, a~~ Any person business 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 Certification, ~~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-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 a~~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.
- ~~(g)~~(i) Effective January 1, 2000, aAll 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. Depending on the nature of the work, the Urban Forester may also place a condition of approval on the permit requiring the work to be completed by a person holding one of these certifications.
- ~~(h)~~(j) Proof of liability insurance and worker's compensation shall be provided at time of permit. 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 a licensed contractor, that person is the owner of the contractor business, and they complete the work alone.

(Code 1966, § 11.56.056; Ord. No. 4196, § 1, 3-10-92; Ord. No. 4917, § 1, 10-13-98)

Sec. 8.32.065 Installation of tree protection measures; permit and financial assurances if adequate protection cannot be provided.

When existing public trees or their critical root zones may be impacted by construction, grading, demolition, and other activities, they shall be protected in accordance with the standards identified in RMC 18.04.105 (Tree Protection), sub-sections (g), (h), and (i) and the city's 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. 8.32.060 and prepared by a 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 acceptable financial assurances to the City of Reno in the dollar amount equal to the value of the subject tree(s), using the methods identified in Sec. 8.32.045. The financial assurance shall remain in place with the City of Reno for two growing seasons, as determined by the Urban Forester, 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 financial assurance amount. In cases of tree damage, and in lieu of payment via the financial assurance, 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. 8.32.070. Injuring trees or plants material on public property.

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

- (a) Removing without permit, destruction, topping, mutilation, breaking, or killing any trees, 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 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 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 growing therein.
- (e) ~~Permitting~~ Allowing any fire to burn where such fire will injure any portion of any trees, plants, shrubs or vines 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 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 in any street or public place, unless protected by methods approved by the ~~u~~Urban ~~f~~Forester.
- (i) Attaching any electrical installation to any trees, ~~plants, shrubs or vines or plant material~~ in any street or public place 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 ~~u~~Urban ~~f~~Forester.

(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/aspens) 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. 8.32.090. Certain plants to constitute a public nuisance.

Any tree ~~or~~, plant ~~material, shrub or vine~~ not maintained and trimmed as provided in this chapter, and each of such plants which is dead ~~or is endangered~~, or which may in any way endanger the security or usefulness of any street, utility line (above or underground), sewer or public place is hereby declared to be a public nuisance. Then the provisions of sections 8.32.140, 8.32.150 and 8.32.160 shall be followed.

(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.~~

~~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~~ Diseased or infested trees constituting a public nuisance.

~~(a) Trees of all species and varieties of elm, zelkova and planera infected with the fungus *Certostomella ulmi*, Any tree or plant material, located anywhere within the city, which is determined to be infected with a disease or infested with a pest identified by the Nevada Department of Agriculture as a public nuisance, is hereby declared to be a public nuisance. as determined~~ Determination shall be made by laboratory analysis conducted at the direction of the ~~u~~Urban ~~f~~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.

~~(b) It shall be unlawful for any person to give, sell, or offer for sale, as firewood, any part of a diseased tree described in subsection (a).~~

(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.~~

~~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 to determine potential harm to general public.

~~With notice, T~~the ~~u~~Urban ~~f~~Forester may enter ~~with notice~~ upon private property at all reasonable hours for ~~the~~ purposes of inspecting trees, ~~shrubs, plants or vines or plant material, thereon, and t~~The ~~u~~Urban ~~f~~Forester may remove such specimens as are required for ~~purposes of~~ analysis to determine whether or not they ~~same~~ are infected. ~~They may also remove a specimen which poses an immediate safety hazard to the general public.~~ It shall be unlawful to interfere with the ~~u~~Urban ~~f~~Forester in the lawful performance of ~~his~~their 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 or other harm to the general public, the ~~u~~Urban ~~f~~Forester need not wait for return of the mail receipt.

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

Sec. 8.32.140. Notice of compliance, unless emergency.

- (a) If trees or plant material, ~~plants, shrubs or vines~~ on private property ~~located anywhere within the city~~, are found to be a public nuisance, the ~~u~~Urban ~~f~~Forester shall ~~give provide written notice to the property owner of the premises, his agent or the occupant thereof, where such plants are situated, written notice~~ of the existence of the nuisance. ~~The notice shall~~ ordering the removal, destruction or reasonable curative measures within a period of ten days following such notice, unless a time extension is granted by the ~~u~~Urban ~~f~~Forester with due regard for the purposes of this chapter or unless the situation is deemed by the ~~u~~Urban ~~f~~Forester to be an emergency. Such notice shall also notify the owner of the premises that unless such tree or plant material, ~~plant, shrub or vine~~ is removed, destroyed or curative action initiated in compliance with the terms 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 or plant material, ~~plant, shrub or vine~~, 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 exist~~s, 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 and, to the extent possible, required notice to and cooperation with affected property owners.

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

Sec. 8.32.150. Service of notice.

Service of notice shall be 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~~ if neither such place of business nor residence is known, or if the mailed notice is returned as undeliverable, ~~then no mailing shall be necessary and~~ the ~~u~~Urban ~~f~~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.

It shall become the duty of the owner of the premises, within ten days after delivery of the notice as described 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 ~~u~~Urban ~~f~~Forester. The removal, destruction or cure of an infected tree shall be under the direction and supervision of the ~~u~~Urban ~~f~~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 ~~e~~City ~~c~~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 ~~u~~Urban ~~f~~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. 8.32.180. 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, ~~Administrative Hearing Office~~ or ~~e~~City ~~e~~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. 8.32.190. 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)