

1. Agenda

Documents:

[2023-05-24 ENVIRONMENT, HEALTH AND SUSTAINABILITY COMMISSION -
PUBLIC AGENDA-1812.PDF](#)

2. Meeting Materials

Documents:

[2023-05-24 ENVIRONMENT, HEALTH AND SUSTAINABILITY COMMISSION -
FULL AGENDA-1812.PDF](#)

AGENDA

Regular Meeting of the
Nichols Hills Environment, Health and Sustainability Commission
Wednesday, May 24, 2023 at 8:30 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Environment, Health and Sustainability Commission only on items that appear on this Agenda. The Environment, Health and Sustainability Commission may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the Environment, Health and Sustainability Commission.

1. Call to Order
2. Roll Call
3. Minutes
 - a. EHS Minutes - February 22, 2023
 - b. EHS Minutes - April 26, 2023
4. Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:
 - a. Discussion regarding 2023 Recycling Event.
 - b. Discussion regarding rain barrels.
 - c. Discussion regarding tree planting.
 - d. Butterfly Garden update.
 - e. Discussion regarding meeting date and time.
5. Announcements
6. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 11:13 AM on the 22nd day of May, 2023 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 11:30 AM

on the 22nd day of May, 2023; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 PM on the 22nd of May, 2023; and transmitted by email at 5:00 PM on the 22nd day of May, 2023 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Environment, Health and Sustainability Commission
Wednesday, February 22, 2023 at 8:30 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 9:20 AM on
the 17th day of February, 2023.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Nancy Herzel		Present	
Carleen Burger		Absent	
Tyfanna Johnson		Absent	
Allison Petersen		Present	
Caroline Patton		Present	
Andrew Thomas		Present	

3. Minutes

- a. EHS Minutes - August 24, 2022

MOTION: Patton moved to approve the August 24, 2022 minutes as presented. Thomas seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caroline Patton
SECONDER:	Andrew Thomas
AYES:	Herzel, Petersen, Patton, Thomas
ABSENT:	Burger, Johnson

- b. EHS Minutes - January 25, 2023

MOTION: Thomas moved to approve the January 25, 2023 minutes as presented. Patton seconded the motion.

Attachment: February 22 2023 Minutes (6604 : EHS Minutes - February 22, 2023 Meeting)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew Thomas
SECONDER:	Caroline Patton
AYES:	Herzel, Petersen, Patton, Thomas
ABSENT:	Burger, Johnson

4. Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:
- a. Report on Household Item, Electronic, and Hazard Waste Disposal and Recycling Event.

Chairman Nancy Herzel gave a review of the Household Item, Electronic, and Hazard Waste Disposal and Recycling Event that was held on September 24, 2022. Chairman Herzel thanked Commissioners Caroline Patton and Carlene Burger for their successful marketing of the event which 170 households participated in. She also thanked Randy Lawrence and the Public Works staff that helped with the event.

- b. Discussion regarding 2023 Recycling Event.

The Commissioners discussed the upcoming Household Item, Electronic and Hazard Waste Disposal, and Recycling Event for 2023.

MOTION: Patton moved to schedule the event for September 23, 2023. Petersen seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caroline Patton
SECONDER:	Allison Petersen
AYES:	Herzel, Petersen, Patton, Thomas
ABSENT:	Burger, Johnson

- c. Sustainability Plan update.

Chairman Nancy Herzel gave an update on the Sustainability Plan. Currently the Sustainability Plan is being written by Ackerman McQueen and Chairman Herzel and City Manager Shane Pate are proofing the plan. In the coming months, the Plan

will be ready to be proofed by the Environment, Health and Sustainability Commission, the Sustainability subcommittee, and City Council members.

d. Butterfly Garden update.

Chairman Nancy Herzel gave an update on the Butterfly Garden. The irrigation system has been installed and the garden was reseeded this past fall. Chairman Herzel stated that it takes a good 3 years for the garden to really be productive. She thanked Public Works for watering the garden during the summer months and for installing the irrigation system.

e. Arbor Day/Love Family Park event discussion.

Chairman Nancy Herzel reported that the Environment, Health, and Sustainability Commission will be helping plan the upcoming Arbor Day event. The event will be held in conjunction with the ribbon cutting ceremony of the Love Family Park which is targeted for the last week of April, 2023. The Commissioners will work on plans at the next schedule meeting of the Environment, Health, and Sustainability Commission.

f. Acknowledge Commissioner Tyfanna Johnson's retirement from Nichols Hills Environment, Health, and Sustainability Commission.

Chairman Nancy Herzel reported that Tyfanna Johnson will be resigning as Commissioner for Ward 2.

5. Announcements

City Manager Shane Pate announced that Walt Gibson, Stormwater Inspector, has retired from the City of Nichols Hills. Mr. Pate reported that the City is working on a light pollution ordinance, and solar panel and tile ordinance, which is part of the Sustainability Plan, and that recently City Council passed an ordinance concerning EV charging stations for residential and commercial properties. Also, the City is pursuing another ACOG Clean Air Grant for a second CNG sanitation truck.

Mr. Randy Lawrence, Public Works Director, reported that the new fees for Christmas tree pickup went well. Mr. Lawrence also stated

that since the new garbage collection rates went into effect, there haven't been any extra charges.

6. Adjournment

MOTION: There being no further business, Patton moved to adjourn the meeting. Petersen seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caroline Patton
SECONDER:	Allison Petersen
AYES:	Herzel, Petersen, Patton, Thomas
ABSENT:	Burger, Johnson

Chairman
City of Nichols Hills, Oklahoma

City Manager
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Environment, Health and Sustainability Commission
Wednesday, April 26, 2023 at 8:30 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 4:18 PM on
the 21st day of April, 2023.**

1. Call to Order
Nichols Hills Environment, Health and Sustainability Commission did not have a quorum; therefore, no business was conducted.

2. Roll Call

Attendee Name	Title	Status	Arrived
Charis Ward		Present	
Nancy Herzel		Present	
Carleen Burger		Absent	
Allison Petersen		Absent	
Caroline Patton		Present	
Andrew Thomas		Absent	

3. Minutes
 - a. EHS Minutes - February 22, 2023
4. Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:
 - a. Introduction of Ward 2 Environmental, Health and Sustainability Commission member Charis Ward.
 - b. Arbor Day/Love Family Park event discussion.
 - c. Discussion regarding 2023 Recycling Event.
 - d. Discussion regarding tree planting.
 - e. Discussion regarding rain barrels.
5. Announcements
6. Adjournment

Chairman
City of Nichols Hills, Oklahoma

City Manager
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

Published in The Journal Record on February 15, 2023

ORDINANCE NO. 1223

AN ORDINANCE DELETING CHAPTER 48 OF THE NICHOLS HILLS CITY CODE AND REPLACING IT WITH A REVISED VERSION OF CHAPTER 48 RETITLED "TREES AND VEGETATION;" REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Chapter 48 of the Nichols Hills City Code is deleted in its entirety and retitled and replaced with the following, with new language underlined, to wit:

Chapter 48 – Trees and Vegetation

Sec. 48-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Crew means one or more persons engaged in servicing Trees at any one location, residence or business.

Landscaped Area means any area containing Trees, shrubs, or groundcover that are intended to meet the requirements of these regulations.

Landscape Service means any work performed by a Landscape Serviceman in maintaining the Landscaped Area of a property that consists of work on shade or ornamental Trees and including Tree removal, shade and ornamental Tree trimming and cavity work, and/or spraying for pest and disease control, and/or fertilizing of shade and ornamental Trees.

Landscape Serviceman means any Contractor servicing Trees and Vegetation and providing other Landscape Services other than on such person's own property.

Property Owner means the owner of record of real property as shown by the most current tax rolls of the County Treasurer, or the occupant of such property, or the Person listed as the water customer of the City for the subject property.

Public Trees means Trees, shrubs, bushes and all other woody vegetation on public property in the City, including the City's parks.

Shrub means a living self-supporting woody deciduous or evergreen species no less than eight inches in height, and no greater than 15 feet in height, that is ornamental and is full and attractive throughout the year.

Sight Triangle has the meaning given it in Section 50-300.

Significant Tree has the meaning given it in Section 50-300.

Tree means a living self-supporting woody or evergreen plant that normally grows to a minimum height of 15 feet, and which has one or several self-supporting stems or trunks and numerous branches.

Vegetation means all Shrubs and living plants, including turf, except Trees.

Sec. 48-2. City list of Tree species to be planted.

The following list (the "City Tree List") constitutes the City's official suggested tree species list for species recommended for planting in the City. The City Tree List below also includes a list of Trees that are not recommended for Nichols Hills due to their proven inability to withstand Oklahoma weather and other deficiencies. Also note that Section 48-3 lists certain Trees that are prohibited.

<u>Recommended Small Trees</u>	<u>Recommended Medium Trees</u>	<u>Recommended Large Trees</u>	<u>Recommended Evergreen Trees</u>	<u>Trees that are not recommended</u>
<u>Choke Cherry</u>	<u>Ash, Urbanite</u>	<u>Bald Cypress</u>	<u>Arborvitae – several varieties</u>	<u>Bradford Pear</u>
<u>Chitalpa</u>	<u>European Hornbeam</u>	<u>Bald Cypress, Shawnee Brave</u>	<u>Cedar, Blue Atlas – several varieties</u>	<u>Cottonwood-Female</u>
<u>Chinese Fringe</u>	<u>Golden Rain Tree</u>	<u>Chinese Pistache</u>	<u>Cedar, Deodar – several varieties</u>	<u>Green Ash</u>
<u>Crabapple, Royal Raindrops</u>	<u>Maple, Autumn Blaze</u>	<u>Chinese Pistache multi-trunk</u>	<u>Cherry Laurel</u>	<u>Locusts (with the exception of Shademaster)</u>

<u>Crabapple, Spring Snow</u>	<u>Maple, Autumn Splendor</u>	<u>Elm, Allee</u>	<u>Cypress, Arizona</u>	<u>Mulberry</u>
<u>Crabapple, Prairie Fire</u>	<u>Maple, Caddo</u>	<u>Elm, Bosque</u>	<u>Cypress, Leyland</u>	<u>Osage Orange</u>
<u>Crabapple – other varieties</u>	<u>Maple, October Glory</u>	<u>Elm, Cedar</u>	<u>Holly, American</u>	<u>Pin Oak</u>
<u>Crapemyrtles – many varieties</u>	<u>Maple, Redpointe</u>	<u>Elm, Frontier</u>	<u>Holly, Burford</u>	<u>Russian Olive</u>
<u>Deciduous Holly</u>	<u>Maple, Shantung – several varieties</u>	<u>Elm, Jefferson</u>	<u>Holly, Foster</u>	
<u>Deciduous Magnolia</u>	<u>River Birch</u>	<u>Elm, Princeton</u>	<u>Holly, Nellie Stevens</u>	
<u>Desert Willow, Bubba</u>	<u>Zelkova</u>	<u>Honey Locust, Shademaster</u>	<u>Holly, Yaupon</u>	
<u>Gingko</u>		<u>Oak, Bur</u>	<u>Juniper, Canaerti</u>	
<u>Japanese Maple – many varieties</u>		<u>Oak, Chinkapin</u>	<u>Juniper, Keteleeri</u>	
<u>Maple, Trident</u>		<u>Oak, English</u>	<u>Juniper, Spartan</u>	
<u>Maple, Amur</u>		<u>Oak, Live</u>	<u>Juniper, Taylor</u>	
<u>Redbud, Eastern</u>		<u>Oak, Sawtooth</u>	<u>Magnolia – several varieties</u>	
<u>Redbud, Oklahoma</u>		<u>Oak, Shumard</u>	<u>Pine, Austrian</u>	
<u>Redbud – other varieties</u>		<u>Oak, Swamp White</u>	<u>Pine, Bosnian</u>	
<u>Rose of Sharon</u>		<u>Oak, Texas Red Oak</u>	<u>Pine, Japanese Black</u>	
<u>Smoke Tree</u>		<u>Oak, Water</u>	<u>Pine, Loblolly</u>	

<u>Vitex</u>		<u>Sweetgum, Explanation Point</u>	<u>Pine, Slash</u>	
<u>Washington Hawthorn</u>		<u>Sycamore</u>		
		<u>Willow, Globe</u>		
		<u>Willow, Weeping</u>		

Sec. 48-3. Certain Trees are prohibited.

Planting or permitting the planting of the following Trees is prohibited for the purpose of protecting the public health and to prevent destruction of other plants by spread of disease:

- (a) Black locust, seed-bearing female cottonwood (but not the male non-seed-bearing cottonwood)
- (b) Eastern Red Cedar
- (c) Mimosa
- (d) Silver Maple
- (e) Any other Tree condemned by the City Tree Board.

The City Tree List also includes certain tree species that the City discourages.

Sec. 48-4. Significant Trees should be preserved and protected.

The City encourages the preservation of Significant Trees. Property Owners should take all steps necessary to reasonably preserve and protect Significant Trees.

Sec. 48-5. Entry on private property by the City.

The provisions of this Chapter may not be construed as authorizing the City personnel to make entry onto private property beyond the City right-of-way unless the Property Owner's written permission is first obtained.

Sec. 48-6. Public Trees; unlawful to injure; topping of Public Trees.

(a) City's rights in streets and public grounds. The City shall have the right to plant, prune, maintain and remove Public Trees and other Vegetation within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) Unlawful to injure Public Trees. It is unlawful for any person to injure any Public Tree; provided, that this shall not prohibit the lawful and proper care and removal of such Public Trees.

(c) *Topping of Public Trees prohibited.* It is unlawful as a normal practice to top any Public Tree. Topping means the severe cutting back of a Tree's limbs to stubs larger than three inches in diameter within the Tree's crown to such a degree so as to remove the normal canopy and disfigure the Tree. Trees severely damaged by storms or other causes, or certain Trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this Section at the determination of the City Tree Board.

Sec. 48-7. Minimum Sight Triangles.

Nothing in this Chapter permits reduction of required Minimum Sight Triangles. The Minimum Sight Triangles are 25 feet for street intersections and 20 feet for all driveways and alley access points. Plantings within a required Site Triangle may not exceed a height of 24 inches.

Secs. 48-8—48-18. Reserved.

ARTICLE II. CITY TREE BOARD

Sec. 48-19. Creation; members.

There is hereby created and established a City Tree Board for the City. The members of the City Tree Board shall be those persons who are then members of the Board of Park Commissioners of the City and/or no more than three additional citizens with expertise regarding Trees as may be appointed by the City Council on at large basis.

Sec. 48-20. Compensation of members.

Members of the City Tree Board shall serve without compensation.

Sec. 48-21. Duties and responsibilities.

It shall be the responsibility of the City Tree Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of Trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive City Tree Plan for the City. The City Tree Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

Sec. 48-22. Organization, rules.

The City Tree Board shall choose its own officers, make its own rules and regulations and keep minutes of its meetings. A majority of the members shall be a quorum for the transaction of business.

Sec. 48-23. Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council which may hear the matter and make final decision.

Secs. 48-24—48-34. Reserved.

ARTICLE III. TREE AND VEGETATION MAINTENANCE; THE CITY'S RIGHTS

Sec. 48-35. Overhead lines, utility lines, and traffic ways must be kept clear.

Trees that reach a mature height of more than 15 feet may not be planted within ten feet of an overhead utility line; provided however that this requirement may be waived by the Code Official if the Property Owner submits a letter stating no objection from the utility company. Property Owners are advised that Trees under electrical conductors or within a utility line easement should be pruned only by an arborist qualified by the local electric utility company issued a franchise by the City. Landscape Servicemen who are not qualified by training and experience to work within ten feet of electrical conductors must maintain a minimum approach distance of ten feet from the electrical conductor at all times.

Sec. 48-36. Trees and Vegetation overhanging Streets and interfering with light and visibility.

Property Owners must keep all Trees and Vegetation on their properties clear of trafficways. Every Property Owner of any Tree or Vegetation overhanging any street or right-of-way within the City shall prune the branches and shall not obstruct the light from any street lamp or obstruct the view of any street intersection. All Trees and Vegetation must be kept trimmed to a minimum height of eight feet above any street or sidewalk.

Sec. 48-37. Dead and diseased Trees; limbs.

Property Owners shall remove from their property all dead, diseased or dangerous Trees or Shrubs, and any broken or decayed limbs that constitute a menace to public safety within 30 days. Any storm-destroyed Trees must be removed within 30 days after the storm occurrence. Failure to do so will be cause for the City to initiate procedures for removal of such Trees, as set out in Section 48-42.

Sec. 48-38. Diseased or infested Vegetation.

Property Owners shall treat any Vegetation on such Property Owner's property for any disease or insect pest affecting or infesting such Vegetation in such a manner as to kill and control the disease or insect pest.

Sec. 48-39. Distance from curb and sidewalk.

Trees may not be planted closer to any curb or sidewalk than the following: small Trees, six feet; medium Trees, six feet; and large Trees, eight feet (with size of Trees using the information set out in the City Tree List).

Sec. 48-40. Distance from street corners and fire hydrants.

Trees may not be planted closer than 17 feet to any street corner, measured from the point of nearest intersecting radius of curb or curblane. Trees may not be planted closer than 15 feet to any fire hydrant.

Sec. 48-41. Larval moths (bagworms).

Permitting or allowing the bags of the larval moth, commonly called "bagworms," to remain upon or attached to any Tree or other Vegetation within the City is declared to be a public nuisance. The City recommends treating for bagworms around Memorial Day each year.

Sec. 48-42. City's and City Tree Board's rights regarding Trees and Vegetation on private property.

(a) *The City's right to prune on private property.* The City has the right to prune any Tree or Vegetation on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

(b) *City and City Tree Board's right to order Tree removal.* The City may remove or cause or order to be removed, any Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. Further, the City Tree Board has the right to cause such Tree removal.

Secs. 48-43—48-53. Reserved.**ARTICLE IV. STANDARDS FOR LANDSCAPE SERVICE**

Sec. 48-54. Compliance mandatory.

It shall be unlawful and an offense for any Landscape Serviceman engaging in the Landscape Service business to engage in, operate or perform such Landscape Service in violation of this Article. All Landscape Servicemen performing Landscape Service in the City, whether for residents or businesses in the City or for the City, must comply with the following standards, which are the City's Code of Forestry Standards.

Sec. 48-55. Standards for pruning Trees.

(a) All final cuts made on Trees will be made flush with the remaining limb or trunk.

(b) All cuts will be painted with a wound dressing if over the size of one inch in diameter, and all cuts on the main limbs and trunks of Trees will be painted.

(c) Limbs which are too large to hold with the hand while sawing shall first be cut from one to two feet beyond the final cut. Such cuts shall include an under cut to prevent stripping and tearing of the bark.

(d) There shall be no removal of more than one-third of the Tree from the top downward, which type Tree branch removal is commonly referred to as dehorning. Dehorning of any Public Trees requires written permission from the City Tree Board.

(e) There shall be no complete thinning and removal of leaf branches from the center of the Tree so as to keep leaf branches on the ends of the main branches only, which type of cutting is commonly referred to as muletailling.

(f) There shall be no removal of lower limbs that adjoin the trunk of the Tree to more than one-third of the height of the Tree.

Sec. 48-56. Standards for filling Tree cavities.

(a) All tree cavities must be well drained so they will not catch water, will be open to air and avoid rotting and will not need filling.

(b) All cavities filled in Trees shall be traced out in an elliptical design and shall run parallel with the grain of the wood.

(c) When filling a Tree cavity, all decayed matter shall be removed and the cavity cleaned out up to and beyond the healthy wood.

(d) All cavities shall be disinfected with a standard wood disinfectant prior to installing filling.

(e) All large size cavities shall be lip bolted a maximum of 12 inches apart.

(f) All filling containing cement shall not contain more than three parts sand to one part cement.

(g) The concrete in all Tree cavities when finished shall be in sections.

(h) All Tree cavities shall first be reinforced with nails, wire, etc., as needed to hold filling firm in the cavity.

(i) The filling in all Tree cavities shall be installed with the outer edge of filling resting behind the cambium layer of the Tree.

(j) All Tree cavities shall have a drain tube located at the lower edge of the cavity.

Sec. 48-57. Tree removals.

(a) All large Trees shall be topped before felling.

(b) When possible, Tree stumps shall be pulled over away from the street.

(c) Large limbs shall be laid on the sidewalks and street to break the impact of the fall when pulling a Tree on the parking area toward the street.

(d) All limbs, three or more inches in diameter shall be lowered by ropes or by other approved methods.

Sec. 48-58. Tree cabling and bracing.

(a) Cables shall be used only to meet definite needs indicated by the existing condition of the Tree or by the nature of the environment.

(b) Each cable shall be located and attached so that it serves its purpose as nearly independent of other cables as is possible.

(c) As a general principle, cables shall be placed as high as approximately two-thirds of the distance between the crotch and branch ends.

(d) The ends of a cable shall be attached to hooks or eyes of lags or bolts securely set in the branches in the line of pull on the attachments.

(e) Rods to support a weak or split crotch shall be placed above the crotch and be supplemented by one or more cables above the midway point on the branches.

(f) Nuts and washers on the ends of a rod shall be sufficiently countersunk, and the exit holes of wood screw rods and bolts shall be reamed and otherwise treated to permit rapid healing of the area. All exposed bracing rods and pipe shall be completely covered with rustproofing material.

(g) All cables shall be of a galvanized material of sufficient tensile strength to support the limbs to which it is attached.

Sec. 48-59. Tree Fertilizing.

(a) The use of Foliar applied elements for treatment of deficiencies are approved for use only when soil or other suitable tests indicate their need.

(b) The use of Foliar applied fertilizers may be used in lieu of or in combination with soil fertilizers if the chemicals contain nutrients needed for plant growth and are approved by the United States Department of Agriculture.

(c) The amount of fertilizer applied shall be based on the volume of vegetation which will be served and percentage of ingredients used.

Sec. 48-60. Insect and disease control.

A Landscape Serviceman hired to spray trees shall use only chemicals approved by the City Tree Board for control of insects and diseases. A list of approved chemicals shall be on file in the office of the City Clerk.

Sec. 48-61. Removal of Tree stumps.

All stumps of Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Sec. 48-62. Proper Precautions.

Proper precautions and safety measures to protect life and property must be taken at all times by all persons engaged in Landscape Service.

Secs. 48-63—48-72. Reserved.

**ARTICLE V. LANDSCAPE SERVICE REGISTRATION
REQUIREMENT AND PROCESS**

Sec. 48-73. Registration required.

It shall be unlawful and an offense for any person, on behalf of himself or for any firm or corporation, to solicit or engage within the City in the business or calling of Landscape Service unless and until such person has completed the registration process with the City as set out in Article XI of Chapter 8 of this Code. Further, each such person must file with the City Clerk evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein

described. However, of any Crew of workers doing Landscape Service, only the person in charge, hereinafter designated as the foreman of the Crew, need be registered.

Sec. 48-74. Requirements for Crew foreman.

Every Crew must have a foreman. It shall be the duty of the foreman to properly supervise and direct the work of the Crew of which he is in charge and he shall be responsible for any violations or infractions of the provisions of this Article committed by himself or any member of the Crew.

Sec. 48-75. Suspension or revocation.

In addition to the provisions for suspension or revocation of the registration certificate stated in Chapter 8 of this Code, the Code Official or his designee shall have the authority to suspend or revoke the registration of any Landscape Serviceman who does not comply with this Chapter, including the City's Code of Forestry Standards.

Secs. 48-76—48-87. Reserved

ARTICLE VI. LAWN AND LANDSCAPE IRRIGATION

Sec. 48-88. Purpose.

Failure to implement certain lawn and landscape irrigation practices results in the waste of valuable water resources within the City, especially during high-demand summer months, and can create dangerous conditions in the winter. The purpose of this landscape water management regulation is to provide a consistent mechanism for preventing the waste and dangerous use of water resources supplied by the City in addition to the water use restrictions the City may impose under Section 46-54 of the Nichols Hills City Code.

Sec. 48-89. Rain and freeze shut-off and compliance with state regulations.

(a) Any new irrigation system installed on or after January 1, 2017, shall be equipped with rain and freeze shut off functions, which functions shall be in use.

(b) Any new irrigation system installed on or after January 1, 2017, shall be in compliance with state design and installation regulations.

Sec. 48-90. Lawn and Landscape Irrigation Systems: Water Use Management.

No person shall:

- (1) Overwater a lawn or landscape such that a constant stream of water overflows from the lawn or landscape onto a Street or other drainage area;
or

- (2) Allow water from an irrigation system to pond in a Street or Parking Lot to a depth greater than one inch.

Any violation of this Section is hereby declared a nuisance. Such nuisance or nuisances shall be corrected or abated by the Property Owner from which the water emanates. Any person who shall violate any of the provisions of this Section shall also be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-17. The imposition of penalties hereby proscribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation of this Section.

Secs. 48-91—48-101. Reserved.

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

Sec. 48-102. Enforcement.

The provisions of this Chapter shall be enforced by the Code Official, and it shall be unlawful for any person to interfere with or hinder the Code Official and his/her duly appointed representative(s) in the exercise of their duties under this Chapter. Notwithstanding any provisions contained herein to the contrary, the Code Official and his/her duly appointed representative(s) are hereby granted the authority to issue immediate citations to persons violating any provision of this Chapter.

Sec. 48-103. Nuisance declared; violation.

Any condition of any Tree or Vegetation prohibited by this Chapter is hereby declared to constitute a nuisance. Any person who shall violate any of the provisions of this Chapter shall also be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-17. The imposition of penalties hereby proscribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation of this Section as provided for in this Code.

Section 2. Section 8-5 is hereby amended, with deleted language stricken through and new language underlined, to wit:

Sec. 8-5. Contractor defined.

Contractor as used in this ~~chapter~~ Code means any person who in the course of an independent occupation undertakes to do work in the City for another person. Contractors include electrical contractors, general contractors, gasfitting contractors, mechanical

contractors, plumbing contractors, and subcontractors. Contractors also include all Landscape Servicemen as set out in Chapter 48.

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 8th day of February, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 8th day of February, 2023.

ATTEST:

Amanda Copeland
City Clerk

[Signature]
Mayor

Reviewed as to Form and Legality:

[Signature]
City Attorney

