

**AN ORDINANCE AMENDING CHAPTER 230 OF THE MUNICIPAL CODE OF THE
CITY OF GLENDALE PERTAINING TO TREES AND SHRUBS**

WHEREAS, the Board of Aldermen of the City of Glendale recognizes the values and benefits of the City's urban forest including increasing property values, improving the air we breathe, lowering energy consumption, and beautifying the community; and

WHEREAS, the Board of Aldermen intends to protect and enhance the City's urban forest by becoming a Tree City USA through the National Arbor Day Foundation; and

WHEREAS, this ordinance fulfills two of the standards required to become a Tree City USA, namely to adopt a Tree Ordinance and to establish a Tree Board to advise on the planting, maintaining, and removal of trees on public land.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GLENDALE, MISSOURI AS FOLLOWS:

SECTION ONE: Chapter 230 of the Municipal Code of the City of Glendale is hereby amended by replacing the entire chapter with the following text, enumerated as Sections 230.010 through 230.180:

SECTION 230.010. Purpose, Intent, and Definitions.

For the purpose of this Ordinance the following terms, phrases, words and any derivations shall have the meaning given herein.

Community Tree Plan - shall mean a written document that guides the work of the Tree Board.

City – the City of Glendale, Missouri

City Forester – a citizen of the City and member of the Tree Board who volunteers to carry out the enforcement of said Ordinance.

Large Trees – designated as those trees attaining a height of forty-five (45) feet or more with a mature spread of forty (40) feet or more.

Medium Trees – designated as those trees attaining a height of thirty (30) to forty-five (45) feet with a mature spread of thirty (30) feet or more.

Small Trees – designated as those trees attaining a height of twenty (20) to thirty (30) feet with a mature spread of twenty (20) feet or more.

Person – any person, firm, partnership, corporation, company, association or organization of any kind.

Property Line – shall mean the outer edge of a street or highway right-of-way (ROW).

Property Owner – shall mean the person owning such property as shown on Plat Maps.

Owner – shall be deemed to include any owner, tenant, lessee, occupant or agent or manager for any property in the City.

Public Places – shall include all grounds owned by the city.

Public Trees – shall include all ornamental and shade trees now or hereafter growing on any street or on any public land where otherwise indicated.

Street or Highway – refers to the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Treelawn (ROW edge) – that part of a street or highway not covered by sidewalk or other paving, lying between the property line and the edge of the paved portion of the Street.

Urban Forest – shall mean the collection of shrubs, trees, vegetation and associated natural features that make up the city tree canopy and its growing zone.

SECTION 230.020. Establishment of Tree Board

A Tree Board is hereby established.

A. The “Tree Board” shall be consist of two (2) regular members who are residents of the City and one (1) representative of the Board of Aldermen, who shall be appointed by the Mayor with the approval of the Board of Aldermen. In addition to these members, the City Administrator, and the City Forester shall be ex officio members and the Public Works Superintendent shall serve as a staff liaison of the “Tree Board”.

B. The two (2) regular members initially appointed by the Mayor and approved by the Board of Aldermen shall be appointed as follows: one (1) for three (3) years and one (1) for four (4) years, and serve until their successors are duly appointed and approved by the then current Mayor and Board of Aldermen.

C. Successors to those members appointed by the Mayor shall, thereafter be appointed for terms of four (4) years. Vacancies caused by resignation, death or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

D. The term of the Tree Board member representing the Board of Aldermen shall coincide with the term of his/her membership on the Board of Aldermen.

E. All members of the Tree Board shall have equal voting rights with the exception of the Public Works Superintendent who shall have no voting rights.

F. All members of the Tree Board shall serve without pay.

SECTION 230.030. Authority Given to the Tree Board

The duties of the "Tree Board" shall be as follows:

A. To assist the properly constituted officials of the City as well as citizen and community groups, in the dissemination of news and information regarding the selection, planting and maintenance of trees within the city limits, whether they are on private or public property.

B. To study the urban forest including problems involving the city tree population, determine needs, compose and review annually a Tree Plan and seek ways to implement it.

C. To provide regular and special meetings at which the subject of the urban forest may be discussed by the citizens of the City.

1. Within a reasonable amount of time after the appointment of the Tree Board, the Board shall meet and organize by the election of a chairman, vice-chairman and standing committee chairs as needed.

2. A majority of voting members shall constitute a quorum for the transaction of business.

D. The Tree Board shall provide for the adoption of rules and procedures and for the holding of regular and special meetings as said Board shall deem advisable and necessary in order to perform the duties set forth. A journal of proceedings and activities is to be recorded.

E. The Tree Board may engage in any other lawful activity in pursuit of the mission of this Board which may benefit the urban forest including such activities as:

1. Apply for Tree City USA Status with the National Arbor Day Foundation.

2. Conduct seminars and public education programs.

3. Plan and coordinate an annual Arbor Day/Week Observance.

4. Develop a community forest preserve.

5. Organize community tree planting projects.

SECTION 230.040. Appointment of a City Forester

There shall be appointed by the Mayor with the approval of the Board of Aldermen some suitable person as City Forester and he/she shall not receive any compensation for his/her services except by special agreement with the City for some certain services.

SECTION 230.050. Qualifications of City Forester

The City Forester shall, where possible, be a person skilled or trained in forestry, horticulture, or other closely related field.

SECTION 230.060. Duties of the City Forester

The City Forester shall have the power to superintend, regulate and encourage the planting, culture and preservation of shade and ornamental trees and shrubbery on the streets, alleys and public highways in the City and the grass and lawns in the parkways along the streets thereof for the purpose of keeping the lawns uniform throughout the parkways of the City; to prune, spray, cultivate and otherwise maintain such trees, shrubbery and lawns and to direct the time and method of trimming the same; to advise property owners regarding the kind of trees and shrubbery and method of planting and planting and to take such measures as may be necessary to control all insect pests and plant diseases which may affect trees and shrubbery on such streets, alley and public highways and shall, when requested by the Prosecuting Attorney, assist in the prosecution of persons charged with the violation of any of the provisions of this Chapter.

SECTION 230.070. Authority of the City Forester

A. The City Forester shall report to the Tree Board on a regular basis and shall be in attendance at all regular and special meetings of the Tree Board, its sub-committees or other community meetings as designated by the Chairman.

B. The City Forester shall have the authority and jurisdiction of regulating the planting, maintenance and removal of trees on streets and other publicly owned properties to insure safety or preserve the integrity of such public sites by granting permits.

C. The City Forester or his designee shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this Ordinance.

SECTION 230.080. Interference with City Forester

No person or persons shall delay, hinder, prevent or interfere with the City Forester while engaged in carrying out the execution or enforcement of this Ordinance.

SECTION 230.090. Community Tree Plan

The Tree Board shall have the authority to formulate a Community Tree Plan with the advice of consultants, agencies and approval of the Mayor.

A. The Community Tree Plan shall include but not be limited to the goals and missions of the Tree Board, an Approved Tree List, an inventory of resources, needed work, associated cost and time scheduled for work and relevant information such as activities of the Tree Board, standard tree maintenance and planting specification and permit application procedures.

SECTION 230.100. Required Permits

The following permits shall be required:

A. Planting, Maintenance and Removal

1. No person shall plant, spray, fertilize, remove, prune, or otherwise disturb any tree on any street or public owned property without first procuring a permit from the City Forester or his designee.

B. Planting Permit

1. Application Data. When making application for a planting permit on publicly owned property, the Applicant shall illustrate the number and types of trees or other plants to be planted.

2. Proper Planting. When any tree shall be planted on public land it shall be planted, staked, fertilized, watered, mulched or otherwise cared for according to proper planting specifications issued by the Tree Board.

C. Maintenance Permit

1. Application Data. When making application for a maintenance permit, the Applicant shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray materials to be applied; and other such information as the City Forester or his designee shall deem reasonably necessary to determine issuance of permit.

D. Removal and Replacement Permit

1. When making application for a tree removal and replacement permit, the Applicant shall describe the number and kinds of trees to be removed, their size, location, health/age condition and the proposed method of removal and other such information as the City Forester or his designee shall deem reasonably necessary to determine issuance of permit.

SECTION 230.110. Trees and Shrubs on Private Property

A. Every owner and tenant of property located in the City abutting on a street, highway, sidewalk, public way or easement for a street or sidewalk purposes shall:

1. Keep all grass and lawns in such easements neatly cut and trimmed.

2. Keep all vegetation, shrubs, trees and bushes on such property or on any such easement trimmed and cut so that no part or branch thereof shall extend above any part of the paved portion of any street or sidewalk to a height of less than nine (9) feet, and no part of which shall be a source of danger to persons or vehicles using such sidewalks, streets, highways, public ways and easements.

B. Every owner or tenant of property in the City abutting on any street, highway, sidewalk, public way or easement for street or sidewalk purposes, shall keep any bushes and trees and other vegetation trimmed so that it shall not interfere with the safe operation of vehicles on the streets of the City. The owners of such property which abuts intersecting streets and sidewalks in the City shall keep all bushes, trees, shrubs and other vegetation, trimmed to such a height that vehicles approaching such intersections shall have a clear sight vision of vehicles approaching at a right angle and for a reasonable safe distance, taking into account the speed limits, the street conditions, the topography of the streets, the traffic controls and the contour of the adjacent lots.

C. The Chief of Police and the Police Department of the City are hereby charged with the enforcement of this Section. If, in the opinion of a Police Officer, any property owner or tenant shall be in violation of the terms of this Section, such property owner or tenant shall first be given written notice to correct such violation within ten (10) days and in the event such violation is not corrected within ten (10) days such property owner or tenant shall be issued a summons for violation of this Section.

D. The City Forester or his designee may order the pruning, treatment or removal of trees on private land that cause obstructions, present insect or disease problems or are an otherwise present danger to public health or safety.

SECTION 230.120. Abuse of Public Trees

No person shall intentionally damage, cut, transplant, carve or remove any tree; attach any wire, rope, advertisements, nails, posters or other apparatus to any tree; allow any gaseous liquid or solid substance which is deemed harmful to trees to come into contact with them; set fire to permit any fire to burn when such fire or the heat thereof will injure any portion of the tree.

SECTION 230.130. Protection of Public Trees

All public trees shall be protected during construction.

A. All trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be guarded with an appropriately substantial fence, frame or box. The "Tree Protection Zone" shall not be less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height (DBH) in inches, whichever being the greater. All building materials, dirt or other debris shall be kept outside the Tree Protection Zone.

B. No person shall change natural drainage or attempt to excavate any ditches, tunnels, trenches or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the City Forester or his designee.

C. No public utility company using any public street, alley or other public property shall cut, remove, trim or burn or in any way interfere with any trees or shrubs on any public highway without first obtaining a permit from the City Forester or his designee for such work.

SECTION 230.140. Placing Materials on Public Property

No person or persons shall place, deposit, store or maintain upon any public place, any stone, sand, concrete, brick or other material which may impede the passage of water, air or fertilizer to the roots of any tree growing therein. Sunlight to any public tree shall not be permanently blocked by placement of materials without written authorization of the City Forester or his designee.

SECTION 230.150. Enforcement, Penalty, and Appeals

Any person, firm or entity in violation of compliance with any of the provisions of this Ordinance shall be guilty of a misdemeanor, upon conviction thereof shall be fined a sum not exceed one-thousand (\$1,000) dollars or may be imprisoned for a term not exceeding sixty (60) days, or both.

SECTION 230.160. Permitting Procedures

A. Permits shall be applied as set forth below.

1. Applications for permits must be made to the City Forester his designee no less than seventy-two (72) hours in advance of the time the work is scheduled to be done.
2. Standards of Issuance. The City Forester or his designee shall issue the permit provided for herein if, in fair judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be rendered null and void if its terms are violated.
3. Notice of completion shall be given within seven (7) days to the City Forester or his designee for inspection.

B. Approved Tree List. The Tree Board is hereby charged with the compilation of an Approved Tree List. This list is to be part of the official Tree Plan. No other species outside those included in said list may be planted as street or ornamental trees on public property without the written consent of the Tree Board.

SECTION 230.170. Conflicts.

In the event any section, clause or provisions of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 230.180. Severability

Should any section, subsection, sentence, clause, provision or part of this Chapter be held invalid for any reason, the remainder of this Chapter shall not be affected thereby, but shall remain in force and effect.

SECTION TWO: This Ordinance shall be in full force and effect immediately upon its passage and approval.

This Ordinance Passed and Approved this 19th day of August, 2013.

Richard J. Magee
Mayor

ATTEST:

Jaysen Christensen
City Administrator/City Clerk