

TITLE XVII

TREES

CHAPTERS:

17-01. City Tree Board.

CHAPTER 17-01

CITY TREE BOARD

SECTIONS:

- 17-0101. Definitions.
- 17-0102. Separability.
- 17-0103. Creation and Establishment of a City Tree Board.
- 17-0104. Term of Office.
- 17-0105. Compensation.
- 17-0106. Duties and Responsibilities.
- 17-0107. Operation.
- 17-0108. Street Tree Species to be Planted.
- 17-0109. Spacing.
- 17-0110. Distance from Street Corners and Fireplugs.
- 17-0111. Utilities.
- 17-0112. Public Tree Care.
- 17-0113. Trimming; Corner Clearance.
- 17-0114. Dead or Diseased Tree Removal on Private Property.
- 17-0115. Interference with City Tree Board.
- 17-0116. Arborists License and Bond.
- 17-0117. Review by City Council.
- 17-0118. Penalty.

17-0101. 1. **DEFINITIONS.** For the purposes of this ordinance, the following terms, phrases, words, and their deviations shall have the meaning given herein:

- A. "City" is the City of Argusville, State of North Dakota, and shall mean all land in the municipal boundary, parks, and lagoon.
- B. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- C. "Streets" means 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.
- D. "Boulevard" means the space between the sidewalk or the normal location of the sidewalk and the curb line or curb.

- E. "Width of Boulevard" means the distance between the sidewalk or the normal location of the sidewalk and the curb line or curb.
- F. "Property Lines" means the outer boundaries of any lot or parcel of land.
- G. "Property Owner" shall mean the person owning such property as is shown by the Cass County, North Dakota Recorder.
- H. "Street Trees" are herein defined as trees, shrub bushes, and all other woody vegetation on land lying between the property lines on either side of all streets, avenues, or ways within the City.
- I. "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

17-1702. **SEPARABILITY.** Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof; other than the part declared to be invalid.

17-1703. **CREATION AND ESTABLISHMENT OF A CITY TREE BOARD.** There is hereby created and established a City Tree Board for the City of Argusville, North Dakota, which shall consist of five members, citizens and residents of this City, including a non-resident, approved by the City Council.

17-1704. **TERM OF OFFICE.** The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year, and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

17-1705. **COMPENSATION.** Members of the Board shall serve without compensation.

17-1706. **DUTIES AND RESPONSIBILITIES.** It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually a written plan for the care, preservation, trimming, planing, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan

will be presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive city tree plan for the City of Argusville, North Dakota.

The City Tree Board or its Agent shall be responsible for the planting, pruning, and removal of all trees located within the street rights-of-ways, easements, alleys and parks of the City. The owner of land abutting on any street may, when acting within the provisions of this ordinance, prune, spary, plant or remove trees in that part of the street abutting his land not used for public travel. A street tree permit shall be required only when the owner of the property intends to deviate from the rules and regulations contained in this ordinance.

The Board, when requested by the City Council, shall consider, investigate, make funding, report and recommend upon any special matter of question coming within the scope of its work.

17-0107. **OPERATION.** The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

17-0108. **STREET TREE SPECIES TO BE PLANTED.** No species of trees other than trees or shrubs implemented by the Tree Board shall be planted as Street Trees without written permission of the City Tree Board.

17-0109. **SPACING.** The spacing of Street Trees will be in accordance with the three species size classes, and no trees may be planted closer together than the following: Small Trees - 20 feet; Medium Trees - 30 feet; and Large Trees - 40 feet.

17-0110. **DISTANCE FROM STREET CORNERS AND FIREPLUGS.** No Street Tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street Tree shall be planted closer than 10 feet of any fireplug.

17-0111. **UTILITIES.** No Street Trees, other than those species listed as Small Trees, may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

17-0112. **PUBLIC TREE CARE.** The City shall have the right to plant, trim, spray, preserve or remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares

and public grounds as may be necessary to ensure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City Tree Board 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 pests.

17-0113. **TRIMMING; CORNER CLEARANCE.** Every owner of any tree overhanging any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light, or interferes with visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

17-0114. **DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.** The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

17-0115. **INTERFERENCE WITH CITY TREE BOARD.** It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of his agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, park trees, or trees on private grounds, as authorized in this ordinance.

17-0116. **ARBORISTS LICENSE AND BOND.** It shall be unlawful for any person or firm to engage in the business or occupation of trimming, pruning, treating, or removing street or park trees within the City, without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company of City employee doing such work in the pursuit of

their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$10,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

17-0117. **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, who may hear the matter and make a final decision.

17-0118. **PENALTY.** Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$100.