

Ordinance # 2006-8

St. Anthony Tree Ordinance

This ordinance establishes duties and responsibilities for planting, maintenance, and removal of trees, shrubs, and other woody plants within the City of St. Anthony, Idaho.

Be it ordained by the governing body of the City of St. Anthony, Idaho that:

Section 1. Title

This ordinance shall be known as the St. Anthony Tree Ordinance.

Section 2. Purpose and Intent

It is the purpose of this ordinance to promote and protect the public health, safety, and welfare by regulating and encouraging the planting, protection, maintenance, and removal of new and existing trees on public lands; increase the size and diversity and improve the condition of St. Anthony's urban forest; and enhance the desirability of St. Anthony as a place to live and do business.

Section 3. Definitions

For purposes of this ordinance, the following terms are defined as:

Public Property: Property owned by the City of St. Anthony whether in fee simple absolute, or implied or expressly dedicated to the public for present or future use, for purposes of vehicular or pedestrian traffic, or for public easements.

Park(s) and Public Places: All public parks, greenways, squares, commons, cemeteries, and lands owned by the City distinguished by individual names.

Private tree(s): All trees growing on private property within the city limits.

Public tree(s): All trees located on public property.

Street tree(s): Trees, shrubs and other woody vegetation on land lying between property lines on either side of all public rights-of-way such as streets and alleys within the City.

Tree: Any woody plant which normally attains a height of 15 feet or more at maturity. Such plants may have single or multiple trunks, are often unbranched for several feet above the ground, and have a definite crown.

Tree Care Guidelines: The American National Standard for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance Standard Practices (ANSI A-300) published by the American National Standards Institute. Also tree care information developed by the International Society of Arboriculture and the National Arborist Association.

Certified Arborist: A person who is certified by the International Society of Arboriculture.

Tree topping: Severe cutting back of limbs within a tree crown to buds, stubs, or laterals not large enough to assume a terminal role within the crown and to such a degree so as to remove the normal canopy and disfigure the tree

Public nuisance: Any dangerous or unsafe tree or portions thereof on streets, in parks, on other public places or posing a hazard thereto. Any destructive or communicable disease or pestilence which endangers the growth, health, life or well-being of trees and other plants in the City.

Section 4. Establishing a City Tree Board

The Parks and Recreation Board for the City of St. Anthony shall also serve as the City Tree Board with the same terms of office, compensation, and operation.

Section 5. Authority and Powers of the City

- a. The City shall have control of all trees, shrubs, and other plantings on public property within the City limits. The City shall have the power to plant, maintain, remove, and replace such trees, shrubs, and other plantings.
- b. The planting, maintenance, and removal of trees in parks and public places shall be the responsibility of the City. All tree work shall be accomplished by City employees under the direction of the Public Works Director or by certified arborists who are contracted by the City to perform such work or by public utility companies performing work necessary to protect their utility lines.
- c. The Tree Board is authorized to develop and maintain a plan for the planting, management, and protection of public trees within the City. Such plan shall constitute the official comprehensive city tree plan for the City of St. Anthony.

Section 5. Responsibilities of Property Owners

- a. Private property owners shall maintain street trees abutting their property, and any trees upon their private property which may affect public property, in a safe and healthy condition in compliance with the provisions of this Ordinance.
- b. Planting, maintenance, and removal of street trees by private property owners shall conform to provisions of this Ordinance under Sections 6 – 11.

Section 6. Tree Planting and Maintenance

- a. The “Master List of Public Trees” shall be the official guideline for the selection and planting of trees on public property. It shall include tree species recommended and species prohibited for planting on public property and tree spacing suggestions.
- b. The Tree Board shall maintain and periodically update the “Master List of Public Trees”.
- c. Maintenance of all public trees shall conform to “Tree Care Guidelines” as defined in Section 3. The City shall make information on tree care available to the public.
- d. Except as otherwise determined by the City, branches that overhang sidewalks or streets shall be pruned to provide sufficient vertical clearance of 7 feet above sidewalks and 12 feet above streets so as not to interfere with public travel. On designated truck routes the vertical clearance shall be 14.5 feet above streets.
- e. Trees and other landscaping shall be maintained to assure unobstructed corner visibility.
- f. It shall be the responsibility of the owner of a tree determined to be a public nuisance to abate the nuisance by removal, pruning, or spraying as determined by the City or a certified arborist.
- g. It is unlawful for any person or firm to top any public tree. Trees severely damaged by storms or other causes and trees creating emergency hazardous situations are exempt. Trees under utility wires or other obstructions where standard pruning practices are impossible may be exempted from this section at the determination of the City.

Section 7. Protection of Public Trees

- a. It is unlawful for any person to damage, transplant, remove, top, or mutilate any public tree. Street tree(s) may be removed by property owners with the written permission of the City.
- b. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of eight feet from any public tree without first obtaining written permission from the City.
- c. No person shall deposit, place, store, or maintain any stone, brick, sand, concrete, or other materials which may impede the free passage of air, water, and nutrients to the roots of public trees, except by written permission from the City.
- d. Except for authorized personnel in the event of an emergency, no person shall fasten any sign, card, poster, wire, rope, or other material to or around or through any public tree, shrub, or its protective barrier.

Section 8. Penalties

- a. Where it has been determined that a public tree(s) has been damaged or removed unlawfully the offending person or firm shall be assessed the cost of repair or replacement. The City shall determine that cost using accepted plant appraisal methods as set forth in the current edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture.
- b. Any person, partnership, firm, corporation or other legal entity that violates any provision of this chapter is guilty of an infraction and punishable by a fine not to exceed \$500.00. All such violations, which are of a continuing nature, shall constitute a separate offence for each day of such continuance. Any violation of this chapter shall also constitute a public nuisance and may be enjoined and abated as provided by law.

Section 9. Prior Inconsistent Ordinances

Any prior Tree Ordinances that were passed prior to the passage of this ordinance is hereby repealed.

Section 10. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or unenforceable for any reason, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 11. Effective Date

This Ordinance will take effect and be in full force from and after final passage by the City, and shall continue until repealed by the City.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 10th DAY OF May, 2005.

Willard D. Seck
Mayor

Attest: Jani Gaddard
City Clerk