

An ordinance providing for the planting, trimming and care of trees, the control of disease in trees, the removal of unsound and diseased trees and the appointment of a tree board.

Be it ordained by the City Commission of the City of Wilton, North Dakota

#### SECTION 1. – DEFINITIONS

**Street Trees:** “Street trees” are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

**Park Trees:** “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.

#### SECTION 2 – 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.

#### SECTION 3 – CREATION AND ESTABLISHMENT OF A CITY TREE BOARD:

There is hereby created and established a City Tree Board of the City of Wilton, North Dakota, which shall consist of six members, citizens and residents of this City, who shall be appointed by the President of City Commission with the approval of the City Commission.

#### SECTION 4 – TERM OF OFFICE

The term of the six persons to be appointed by the President of the City Commission shall be three years except that the term of two 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 or her successor shall be appointed for the unexpired portion of the term.

#### SECTION 5 – COMPENSATION

Members of the Board shall serve without compensation

#### SECTION 6 – 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, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Wilton, 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 right-of-ways, easement, alley and parks of the City. The

## Trees

owner of land abutting on any street may, when acting within the provisions of this ordinance, prune, spray, 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 Commission shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

### SECTION 7 – OPERATIONS

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.

### SECTION 8 – STREET TREE SPECIES TO BE PLANTED

The following list constitutes the official Street Tree species for Wilton, North Dakota:

Ash	Canada Red
Linden	Mountain Ash
Bur Oak	Flowing Ash
Hackberry	

No species other than those included in this list may be planted as Street Trees without permission of the City Tree Board.

### SECTION 9 – LOCATION AND SPACING OF TREES

The City Tree Board shall have the authority to regulate the location and spacing of trees planted in the City.

### SECTION 10 – PUBLIC TREE CARE

The City shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alley, avenues, lanes, squares, and public grounds, as may be necessary to insure 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 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.

### SECTION 11 - TRIMMING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the City shall trim the branched so that such branched shall not obstruct the light from an street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street 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 along the street from a street 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.

#### SECTION 12 – DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The City shall have the right to cause the removal of any dead or diseased trees (trees infected with Dutch Elm disease fungus or other disease determined to be a nuisance by the City Tree Board), 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 shall notify in writing the owners of such trees. Removal shall be done by said owner at their own expense within sixty 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.

#### SECTION 13 – INTERDERENCE 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 removal of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

#### SECTION 14 – REVIEW BY CITY COMMISSION

The City Commission 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 Commission who may hear the matter and make a final decision.

#### SECTION 15 – 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 \$500.00, and thirty (30) days in jail or both fine and imprisonment.

#### SECTION 16 – EFFECTIVE DATE

This ordinance shall take effect and shall be in force from and after its final passage and approval and publication of its title and penalty clause

First Reading: Feb.19, 1992

Second Reading and Final Passage: Mar. 4, 1992

Approved: Mar. 4, 1992

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