

## CITY TREE BOARD

### ARTICLE 1.

#### 16.0101 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD:

There is hereby created and established a City Tree Board for the City of Beach, North Dakota, which shall consist of a five member Board, residents of this city, who shall be appointed by the Mayor of the City with the approval of the City Council.

16.0102 TERM OF OFFICE: The terms of the five persons to be appointed by the Mayor of the City Council 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 by the Mayor for the unexpired portion of the term.

16.0103 COMPENSATION: Members of the Tree Board shall serve without compensation. The board shall be reimbursed for expenses incurred.

16.0104 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.

16.0105 DUTIES AND RESPONSIBILITIES: It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually a written plan of the general maintenance and preservation, including trimming, planting, replanting, removal or disposition, fertilization, pruning, and bracing 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 Beach, North Dakota.

The Board shall appoint a City Forester, who shall have the authority and jurisdiction, through the Board, to regulate the planting, maintenance, and protection of trees on streets and public places, and the removal of trees from streets, public and private places, and to ensure safety or preserve the aesthetics of streets and public places.

16.0106 POLICY: The policy of the City Tree Board with regard to trees and shrubs shall be one of cooperation with the public and all property owners in the City of Beach; that no trees shall be removed from public places unless they constitute a hazard to life or property or become a public nuisance; and that the Tree Board will serve with the education of the public in mind.

16.0107 DEFINITIONS: For the purpose of this ordinance, the following words and their definitions shall hereby and hereafter have the meaning given herein:

- (A) "Tree" shall be defined as a woody perennial plant having a well-defined stem, more or less definitely formed crown, and usually

attaining a height of at least ten(10) feet when full grown.

- (B) “Shrub” shall be defined as a low-growing perennial plant with several persistent woody stems and a low branching habit.
- (C) “Public right of way” shall be generally defined as the fifteen (15) foot distance from the center point of any city alley and the thirty-three (33) foot distance from the center point of any city street.
- (D) “Topping” shall be defined as a tree pruning technique designed to reduce tree size and that makes heading cuts through a stem more than two (2) years old; a type of tree pruning that destroys tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.

16.0108 PLANTING:

(A) NOTICE - No person shall plant, remove, or otherwise disturb any tree located on any city property along a public street, alley, or other public site within the City of Beach without first obtaining the written permission of the City Tree Board and the approval of the City Council.

(B) GRADE - Unless otherwise allowed for a specific reason, all trees shall have comparatively straight trunks, well-developed leaders, and roots characteristic of the species, cultivar, or variety, and show evidence of proper nursery pruning. All trees must be free from insects, disease, mechanical injuries, and other objectionable features at the time of planting.

(C) LOCATION -

1.) Trees shall be planted at least ten (10) feet from all street curb line intersections, at least four (4) feet back from the curb line or sidewalk, and at least eight (8) feet from all driveway and alley intersections.

2.) No tree shall be planted closer than ten (10) feet from a utility pole or fire hydrant.

3.) All planting on unpaved streets without curbs must have the special permission of the City Tree Board, who shall determine the tree’s location, so it will not be injured or destroyed when the street is

curbed and paved.

(D) SPACING - Spacing of public trees will be determined by the City Tree Board according to local conditions, species, cultivars, or varieties used, and their mature height, spread, and forms.

16.0109 MAINTENANCE OF BOULEVARD TREES AND SHRUBS:

(A) Visual Obstruction Maintenance

1.) Trees - All preexisting trees within ten (10) feet of the curb or curb corners, which obstructs a sidewalk or creates a traffic hazard by obstructing the view of an intersecting street, shall have all branches removed with are less then seven (7) feet in height above the ground.

2.) Shrubs- Al preexisting bushes, hedges, shrubs, or other such growth within ten (10) feet of the curb or curb corners, which obstructs a sidewalk shall be trimmed to eliminate any such obstruction. If any such growth is of a height sufficient to create a traffic hazard by obstructing the view of an intersecting street, it shall be trimmed to a height not to exceed three (3) feet above the ground.

(B) Vehicular Obstruction Maintenance - It shall be the duty of any person or persons owning or occupying real property bordering on any street or alleyway upon which property there may be trees, to prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alleyway intersection.

The minimum clearance of any overhanging portion thereof shall be seven (7) feet over sidewalks, and twelve (12) feet over all streets and alleyways, except truck thoroughfares which shall have a clearance of sixteen(16) feet. Pruning of City right of way trees shall be under the direction of the City Council.

(C) Topping - No person shall engage in the practice of "topping" a tree within the city limits of the City of Beach without first obtaining the approval of the City Tree Board and City Council.

16.0110 DEAD OR DISEASED TREE REMOVAL: The City shall have the right to cause the removal of any dead or diseased tree on private property or on a street or public right of way within the City when such tree constitutes a hazard to life and property, or harbors insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify the owner if said tree is privately owned, or adjoining property owner if said tree is on a street or public right of way. Removal of said tree if on private property shall be done by the owner at their own expense within sixty (60) days after the date of service notice. In the event of failure of said person to comply with such provisions, the City shall have the authority to remove such tree and charge the cost of removal against the owner or adjoining property owner on his tax notice. Removal of said tree if on a public street or public right of way within the City shall be accomplished at the expense of the City.

16.0111 FIREWOOD INSPECTION: From time to time as the Tree Board shall deem necessary, the City Forester shall inspect all log or wood piles in the city. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed shall be burned (or destroyed) prior to April 1st of each year. No such elm wood shall be allowed in the City from April 1st to October 15th of each year. The City Forester may enter upon private property at any reasonable time upon notice to the owner for the purpose of carrying out the duties assigned by this section.

16.0112 PENALTY: Any person violating any provision or section shall, upon conviction therefore, be subject to a fine not to exceed Five Hundred Dollars (500.00), and thirty days imprisonment, or both such fine and imprisonment.