

AN ORDINANCE RELATING TO ESTABLISHING A
COMMUNITY FORESTRY PROGRAM AND CITY TREE
BOARD FOR THE CITY OF SEDGWICK, KANSAS,
REPEALING ANY AND ALL OTHER ORDINANCES AND
PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK,
KANSAS, HARVEY AND SEDGWICK COUNTIES:

SECTION 1: Definitions

Street trees: "Street Trees" are herein defined as trees, shrubs, 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.

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 which the public has fee access as a park.

Community Forest: "Community Forest" is herein defined as all street and park trees as a total resource.

Community Forest Manager: The "Community Forest Manager" is herein defined as the official representative of the Tree Board, and as such, is responsible for administration of the Community Forestry program.

SECTION 2: Creation and Establishment of a City Tree Board

There is hereby created and established a City Tree Board for the City of Sedgwick, Kansas, which shall consist of five members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the City Council.

SECTION 3: Term of Office

The term of the members 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 only one year, and the term of two of the other members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

SECTION 4: Compensation

Members of the Tree Board shall serve without compensation.

SECTION 5: Duties and Responsibilities

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, replacement, maintenance, and removal or disposition of trees and shrubs in parks, along street and in other public areas. 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 Sedgwick, Kansas.

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

SECTION 6: Operation

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of all proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION 7: Street Tree Species to be Planted

The City of Sedgwick, Kansas, shall maintain a list of recommended trees for planting in public areas. This list shall be available to residents of the city upon request to aid in the selection of trees for private properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

SECTION 8: Spacing and Distances

Street trees may be planted no closer together than thirty (30) feet except in special plantings approved by the Tree Board or Community Forest Manager.

SECTION 9: Distances and Clearance for Planting

Street trees may be planted in the tree lawn where there is more than six (6) feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three (3) feet from a sidewalk or a street. Exceptions can be granted by the City Tree Board.

No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of the nearest intersection of curbs or curblines.

No street tree shall be planted closer than ten (10) feet from any fireplug.

Special permission must be obtained from the Tree Board or the Community Forest Manager when planting street trees within ten (10) feet of any point on a line on the ground immediately below any overhead utility wire, or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 10: Public Tree Care

The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within right-of-way or bounds of all street, alleys, lanes, squares and public grounds, as may be necessary to insure the public safety or to preserve or enhance the beauty of such public grounds.

The 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 seriously affected with any injurious insect or disease.

The abutting property owners shall have the right to perform normal tree care on all street trees.

SECTION 11: Permit Required

No person shall plant a street tree or any other tree in the public right-of-way without first obtaining a permit from the City Clerk. There will be no fee for such permit.

SECTION 12: Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs

larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Tree Board or the Community Forest Manager.

SECTION 13: Clearances Over Streets and Walkways

Clearance over streets and walkways shall be the responsibility of the abutting property owner. A clearance of eight (8) feet must be maintained over walkways and a clearance of twelve (12) feet must be maintained over streets. Property owners are responsible for trees on their own property as well as trees on the public way the abuts their property.

SECTION 14: Dead or Diseased Tree Removal

The City shall remove or cause to be removed any dead or diseased tree within the City Limits. Diseased trees are defined as those trees that may constitute a hazard to life and property, or harbor insects or disease which represent a potential threat to other trees within the City. The Tree Board will notify in writing the Owner of such trees and shall be accomplished with sixty (60) days of notification. In the event of failure to remove by the Owner, the City shall have the authority to remove such trees and charge the cost of removal on the property tax notice.

SECTION 15: Removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION 16: Interference with the Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its representatives or agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any tree within the community forest, as authorized by this ordinance.

SECTION 17: Access

It shall be unlawful for any person to prevent, delay or interfere with access to private property by the City or its representatives in the legal performance of any section of this ordinance.

SECTION 18: Arborist Permit and Bond

It shall be unlawful for any person, or firm to engage in the business or occupation of pruning, treating or removing any street tree, park tree or other privately owned tree without first applying for and procuring a permit. The permit fee shall be set by the Tree Board. No permits shall be required by any public service or employee doing such work in the pursuit of their public service endeavors.

Before a permit shall be issued, each applicant shall first file evidence of possession of liability insurance and meet other requirements set by the Tree Board, with approval of the City Council.

SECTION 19: Review by City Council

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make final decision.

SECTION 20: 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 five hundred dollars (\$500.00).

SECTION 21: Repeal

Any and all other ordinances and parts of ordinances in conflict herewith are repealed.

SECTION 22: Effect

This ordinance shall take effect and be in force from and after is publication in the official City Newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS THIS
2nd DAY OF FEBRUARY, 1998.


Donald K. DeHaven, Mayor

ATTEST:


Jaclyn L. Reimer, City Clerk, CMC

SEAL: