

TITLE 2

BOARDS AND COMMISSIONS

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CHAPTER 1

City Tree Board

Section 1: PURPOSE: It is the purpose of this Ordinance to promote and protect the public health, safety and general welfare by providing for the regulations of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Shelley.

Section 2: AUTHORITY AND POWER: That a City Tree Board for the City of Shelley, State of Idaho, be created and established, consisting of five (5) members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the City Council. Members of the Board shall serve without compensation in an advisory capacity to the City Council.

It shall be the responsibility of the Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, and replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented to the City Council for their acceptance and approval. The plan shall also be delivered to the City's Building Administrator for consideration and guidance on issuance of building permits subdivision permits, and other planning and building matters.

Section 3: TERM OF OFFICE: The term of the five (5) Board members to be appointed by the Mayor are:

- A. One (1) member will serve for one (1) year.
- B. Two (2) members will serve for two (2) years.
- C. Two (2) members will serve for three (3) years.

If any board member leaves the Board before his/her term is finished, a successor shall be appointed by the Mayor for the remainder of that term.

Section 4: APPLICABILITY: The plan shall include all trees, plants, and shrubs located within street right-of-ways, parks, buffer zones, and public places within the City limits, and to trees, and shrubs located on private property that constitute a hazard or threat as described herein.

Section 5: DEFINITIONS: Hazardous trees or shrubs: Those with dead limbs or branches which could fall and cause hazard to anyone on public property.

Pest infested tree or shrub: Any tree or shrub that because of disease from pests can affect the health of other trees and shrubs within the City.

Public tree or shrub: Any tree or shrub on any public property or right-of-way.

Tree topping: The improper pruning or severe cutting back of limbs within a tree's crown or the removal of the top portion of the trunk of a tree.

Threat: A "threat" consists of any destructive or communicable disease or other pestilence which endangers the growth or health of trees and/or shrubs.

Section 6: LICENSING AND INSURANCE: City trees and shrubs shall be maintained by qualified city employees or under the direction of a certified arborist that is licensed and insured.

Section 7: LANDSCAPING: All new development shall include parkway trees from the small and medium tree list of recommended trees and shrubs developed by the Board. Trees shall not interfere with safe sight at intersections and shall not obscure sight between three and seven feet in height and must be located at least 30 feet from any corner of an intersection.

Section 8: TREE PLANTING, MAINTENANCE, AND REMOVAL: The planting, maintenance, and removal of all public trees in parks and recreational areas of the City shall be done within the guidelines and standards set forth by the Board.

Section 9: TREE PROTECTION: Upon the discovery of a threat as defined herein, the City Building Administrator shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such conditions within ten (10) days from the date of the official notice. The property owner may appeal the Building Administrator's decision to the City Council.

The following guidelines and standards shall apply to trees on public property, in the tree protection plan:

- A. It shall be prohibited for any person, firm or city department to "top" any public trees.
- B. All planting and removal of public trees or shrubs should be done according to the work plan prepared for the City by the Board.
- C. No disposal of toxic waste matter shall be placed within the proximity of the root zone of any trees or shrubs.
- D. No attached devices or structures (i.e., tree houses or signs) may be placed on trees.
- E. Trees and shrubs will be pruned or removed near intersections so that they do not obscure sight between three and seven feet in height and must be located at least 30 feet from any corner of an intersection.

Section 10: ENFORCEMENT – VIOLATION AND INFRACTION: The City shall have the authority to enforce this Ordinance by civil proceedings. Also, any person who violates any provision of this Ordinance is guilty of an infraction and is punishable by a fine not greater than \$100.00. In lieu of appearing in court as required by citation for an infraction, any person may post a cash bond in the amount of \$50.00 with the city clerk and the bond shall be forfeited immediately upon its posting.