

ORDINANCE NO. 326-11

AN ORDINANCE OF THE CITY OF NEW MEADOWS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE CARE OF TREES, SHRUBS AND OTHER PLANTS TO PROMOTE HEALTHY PLANTING, MAINTENANCE, AND REMOVAL OF PUBLIC PARK TREES WITHIN THE CITY OF NEW MEADOWS, STATE OF IDAHO; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW MEADOWS, STATE OF IDAHO AS FOLLOWS:

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 regulation of the planting, maintenance, and removal of trees within the public park areas of the City of New Meadows.

Section 2. **AUTHORITY AND POWER:** That a City Tree Board for the City of New Meadows, State of Idaho, be created and established, consisting of three (3) members, citizens and residents who reside or work within Adams County, 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, develop, update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the public park. Such plan will be presented to the City Council for their acceptance and approval.

Section 3: **TERM OF OFFICE:** The term of the three (3) Board Members to be appointed by the Mayor are:

- A. Initially, one (1) member will serve for one (1) year;
- B. One (1) member will serve for two (2) years; and
- C. One (1) member 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. Upon expiration of the board member's initial term, the new term for that member's seat will be for three years.

Section 4. **APPLICABILITY:** The plan shall include all trees, plants and shrubs located within the public park within the City limits.

Section 5: **DEFINITIONS:**

Hazardous trees: Those with dead limbs or branches which could fall and cause a hazard to anyone in the public park. Those with limbs or branches which cause a hazard to street maintenance equipment while conducting street maintenance activities.

Pest infested tree or shrub: Any tree or shrub in the public park 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 in the public park.

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 park trees and shrubs shall be maintained by qualified city employees or under the direction of a certified arborist or master gardener.

Section 7. **LANDSCAPING:** All new developments shall be encouraged to include trees in their landscaping plans. Tree plantings shall comply with the site vision triangle "best practices" at intersections and at proper set back distances.

Section 8. **TREE PLANTING, MAINTENANCE AND REMOVAL:** The planting, maintenance, and removal of all public park trees of the City of New Meadows shall be done within the guidelines and standards set forth by the Board. It shall be unlawful to allow tree branches to cause a hazard to street maintenance equipment conducting normal street maintenance activities. It shall be unlawful to remove any tree or part of a tree that will fall or be placed on any public right of way without a City permit.

Section 9. **TREE PROTECTION:** Upon the discovery of a threat as defined herein, the Public Works Director shall at once contact a certified arborist or master gardener to help formulate a plan to eradicate, remove or otherwise control such condition within the public park.

In the Tree Protection Plan, the following guidelines and standards shall apply to trees in the public park:

- A. It shall be prohibited for any person, firm, or city department to top any public park trees;
- B. All planting and removal of public park trees or shrubs should be done according to the Board's prepared work plan as approved by the City Council;
- C. No disposal of toxic waste matter shall be placed within the proximity of the root zone of any public park trees or shrubs;
- D. No attached devices or structures (i.e. tree houses or signs) may be placed on public park trees;
- E. Trees and shrubs will be pruned or removed in accordance with the vision triangle standards.

Section 10. **ENFORCEMENT:** The City shall have the authority to enforce this Ordinance by civil action and/or criminal penalties, and may if it determines necessary, abate

the violation as if it were a nuisance, and may assess the costs of such abatement against the property owner.

Section 11. **PENALTIES:** Where it has been determined that a public park tree(s) has been damaged or removed unlawfully, the offending person or firm shall be assessed the cost of repair or replacement. The City of New Meadows 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. Any person, partnership, firm, corporation, or other legal entity which violates any provision of this chapter is guilty of a misdemeanor and punishable by a fine not to exceed one thousand dollars (\$1,000.00), up to six (6) months of incarceration, and restitution. All such violations, which are of a continuing nature, shall constitute a separate offense 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 12. This ordinance shall be in effect upon passage and publication.

PASSED AND APPROVED this 10th day of January, 2011.

/s/ Gale Stillman
Gale Stillman, Mayor

Attest:

/s/ Jacob Qualls
Jacob Qualls, City Clerk