

CHAPTER 260: TREE MAINTENANCE AND CARE

SECTION 260.010: TITLE

This Chapter will be known as the Tree Maintenance Code and may be cited as such, and will be referred to in this Chapter as the "Code". (Ord. No. 24051 §1, 5-24-04)

SECTION 260.020: PURPOSE

This Chapter establishes policies, regulations, and standards necessary to ensure that the City will realize the benefits provided by its urban forest.

The purpose of this Code is to protect the public health safety and welfare of the citizens of Raymore by requiring trees to be maintained in a healthy and non-hazardous condition through good arboriculture practices. These general objectives include, among others, the following specific purposes:

1. To protect pedestrians from falling or low hanging tree limbs and branches.
2. To reduce resident exposure to potential hazardous conditions in the event of damaging storms.
3. To protect the character of residential, commercial and public areas.
4. To preserve the value of the property throughout the City.
5. To provide mechanisms for the enforcement and administration of the Code to ensure that the above purposes are accomplished. (Ord. No. 24051 §1, 5-24-04)

SECTION 260.030: INTERPRETATION

- A. In any case where a provision of the Code is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of the Code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.
- B. In any case where a determination of definition or identification of tree hazard is needed, the opinion of the City Arborist or his designee shall prevail. (Ord. No. 24051 §1, 5-24-04; Ord. No. 2011-27, § 1, 4-25-11)

SECTION 260.040: DEFINITIONS

For the purpose of this Chapter the following words and phrases shall have the following interpretation and/or meanings indicated below:

CITY ARBORIST: A City staff member designated by the City Manager to carry out the enforcement of this Chapter.

OFFICIAL TREE LIST: A list of those trees not recommended.

PUBLIC TREE: Any trees, bushes, shrubs and all other woody vegetation growing on any publicly-owned land except street right-of-way.

PRIVATE TREE: Any trees, bushes, shrubs, and all other woody vegetation growing on privately-owned land, including those trees planted between the sidewalk and street.

REMOVAL OR REMOVE: The cutting or removing of fifty percent (50%) or more of a crown trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes a tree to fall or be in immediate danger of falling.

TOP/TREE TOPPING: Removing the vertical leader stems and cutting tree limbs back to a stub, bud or a lateral branch not large enough to assume a terminal role, resulting in decay of the trunk and/or main branches and sprout production. Usually involves removing more than one-third ($\frac{1}{3}$) of the tree canopy.

TREE MANAGEMENT PLAN: A written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees. (Ord. No. 24051 §1, 5-24-04; Ord. No. 28119, § 1, 12-8-08; Ord. No. 2011-27, § 1, 4-25-11)

SECTION 260.050: ESTABLISHMENT OF A CITY TREE BOARD

- A. There is hereby created and established a Tree Board for the City of Raymore.
- B. **Composition and Term.** The City Tree Board shall consist of five (5) members. Those members shall be three (3) citizens appointed by the Mayor with the advice and consent of the City Council chosen from the citizens at large, the City Arborist, and the Parks and Recreation Director or his/her designee. Appointments shall be made by August 1 of each year. Members shall serve for three-year terms, excepting that, for the term set to begin August 1, 2013, one (1) member shall be appointed for a one-year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a three-year term.
- C. **Duties.** The City Tree Board shall have the following duties:
1. To study, investigate and advise the Park Board and City Council regarding the care, preservation, pruning, planting, replanting, removal or disposition of trees.
 2. To prepare a Tree Management Plan and to update such plan as needed. The Tree Management Plan shall include goals for City arboriculture efforts and information on tree trimming requirements, i.e., clearance distances.
 3. To prepare and annually update an Official Tree List. The Official Tree List shall designate species of trees not recommended for planting in the City. The List shall also include a list of tree species permitted to be planted on street right-of-way.
 4. To prepare the proposal for the annual City budget for tree planting and maintenance activities.
 5. To accept gifts or bequests from any person or from any source, on behalf of the City for the care, preservation, pruning, planting, replanting, removal or disposition of trees, or for other programs sponsored by the City Tree Board. Monetary gifts or bequests shall be received by the City Finance Director and shall be placed in a separate fund for the purposes of the City Tree Board activities.

6. To educate the community on the advantages of trees and the planting and maintenance of all trees within the community.
7. To assist the City in preparing annual Arbor Day proclamation and observance.
8. To assist the City in becoming certified as a Tree City USA. (Ord. No. 24051 §1, 5-24-04; Ord. No. 28119, § 1, 12-8-08; Ord. No. 2011-27, § 1, 4-25-11; Ord. No. 2013-004, § 1, 1-14-13)

SECTION 260.060: PUBLIC TREE CARE AND MAINTENANCE

- A. The City shall have the right to plant, and the duty to prune, maintain and remove public trees as a matter of public safety or to enhance the symmetry and beauty of such public areas.
- B. The City Arborist or his designee may remove or cause or order to be removed, any tree presenting an unsafe condition or which by reason of its nature injurious to sewers, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.
- C. All public tree maintenance shall conform to the ANSI A300 standards for tree care operations. (Ord. No. 24051 §1, 5-24-04; Ord. No. 28119, § 1, 12-8-08; Ord. No. 2011-27, § 1, 4-25-11)

SECTION 260.070 PRIVATE TREE CARE AND MAINTENANCE

- A. It shall be the duty of any person or persons owning or occupying real property bordering on any street 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 views of any street or alley intersection. There shall be a clear space of thirteen (13) feet above street surface or eight (8) feet above sidewalk and pedestrian trail surfaces.
- B. It shall be the duty of any person or persons owning or occupying real property bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such a manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.
- C. The City Manager, upon the recommendation of the City Arborist may order trees on private land that cause obstructions or present insect or disease problem or otherwise present a danger to public health or safety be pruned, removed or treated.

Procedure for Tree Work Order:

- a. The City will notify in writing the owners of the land upon which such trees are located. Pruning, removal, or treatment shall be done by said owners at their own expense within sixty (60) days after the date of service of notice.
- b. In the event of failure of the owners to comply with such provisions, the City shall have the authority to prune, remove, or treat such trees and charge the cost of pruning, removal, or treatment on the owner's property tax notice.

- c. Owners may appeal any ruling or order of the City Manager to the City Tree Board who may hear the matter and make final decisions. Appeals must be made in writing within thirty (30) days of service of notice.
- d. If the City Manager, upon recommendation of the City Arborist, determines that a private tree causes an obstruction, presents an insect or disease problem, or otherwise poses an immediate threat to public health or safety, the City Manager shall have the authority to order City staff to remedy the dangerous condition immediately, at City expense, and without written notice to the property owner. (Ord. No. 24051 §1, 5-24-04; Ord. No. 28119, § 1, 12-8-08; Ord. No. 2011-27, § 1,

4-25-11)

SECTION 260.080 PERMITS REQUIRED

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing public or private trees within the City without first applying and procuring a City occupational license. (Ord. No. 24051 §1, 5-24-04)

SECTION 260.090 LOCAL GOVERNMENT DISCLAIMS LIABILITY

Nothing in this Chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street area on his property or under his control in such a condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, boulevard, alley or public place within the City. The person in possession of or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe and healthy condition. (Ord. No. 24051 §1, 5-24-04)

SECTION 260.100 TREE TOPPING PROHIBITED

It shall be unlawful as normal practice for any person, firm or City department to top any public tree unless permitted by state statute. Crown reduction by a qualified arborist may be substituted, where appropriate. 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 prohibition at the determination of the Tree Board. (Ord. No. 24051 §1, 5-24-04; Ord. No. 2011-27, § 1, 4-25-11)

SECTION 260.110 UNAUTHORIZED PLANTING OR REMOVAL

It shall be unlawful for any person other than officials, agents and employees of the City to remove public trees or to remove or plant trees in City parks without the written approval of the City. (Ord. No. 24051 §1, 5-24-04)

SECTION 260.120 ABUSE OF PUBLIC TREES

No person shall intentionally damage, cut, carve, transplant or remove any public tree; attach any rope, wire, nails, advertisements, posters or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees to come into contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. (Ord. No. 24051 §1, 5-24-04)

SECTION 260.130 INTERFERENCE

No person shall hinder, prevent, delay or interfere with the City Tree Board, City Arborist, or City Manager while engaged in carrying out the execution or enforcement of this Chapter. (Ord. No. 24051 §1, 5-24-04; Ord. No. 2011-27, § 1, 4-25-11)

SECTION 260.135 ENFORCEMENT

The City Arborist is hereby charged with the responsibility for the enforcement of this Chapter and may serve notice to any person, firm, or corporation in violation thereof or institute legal proceedings as may be required and the City Attorney is hereby authorized to institute appropriate proceedings to that end. (Ord. No. 2011-27, § 1, 4-25-11)

SECTION 260.140 PENALTY FOR VIOLATION

Any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be, upon conviction or a plea of guilty, subject to the general penalty provision provided for in Article IV, Section 100.220. A property owner charged for abatement shall not incur a penalty in addition to the City's cost of abatement. (Ord. No. 24051 §1, 5-24-04; Ord. No. 2011-27, § 1, 4-25-11)

Raymore City Code

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