

Title 15

TREE ORDINANCE STREET AND PARK TREES

Chapters:

- 15-1 Definitions
- 15-2 Duties and Responsibilities
- 15-3 Tree Species to be Planted
- 15-4 Spacing
- 15-5 Distance from Curb and Sidewalk
- 15-6 Distance from Street Corners and Fireplugs
- 15-7 Utilities
- 15-8 Public Tree Care
- 15-9 Pruning Standards
- 15-10 Tree Topping
- 15-11 Pruning and Corner Clearance
- 15-12 Dead or Diseased Tree Removal on Private Property
- 15-13 Removal of Stump
- 15-14 Protection of Trees
- 15-15 Interference with Town
- 15-16 Arborists License and Bond
- 15-17 Review by Town
- 15-18 Penalty

Title 15

TREE ORDINANCE PARK AND STREET TREES

Sections:

15-1-1 Definitions: **Street Trees:** Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on public right-of-way lying between property lines on either side of all streets, avenues, or ways within the Town. **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 Town, or to which the public has free access as a park.

15-1-2 Duties and Responsibilities: It shall be the responsibility of the Town Council to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be reviewed annually by the Town Council and upon approval shall constitute the official comprehensive Town tree plan.

The Town Council shall promote and supervise the establishment of a tree inventory for Street and Park Trees. The inventory shall be updated with the results of ground inspections every three years.

15-1-3 Tree Species to be Planted: The Alberton Town Council develops and maintains a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of trees not suitable for planting will also be created by the Town Council.

15-1-4 Spacing: The spacing of street trees will be in accordance with the three species size classes listed in Section 3 of this ordinance, and no trees may be planted closer together than the following: small trees – 15 feet; medium trees – 25 feet; and large trees – 35 feet; except in special plantings designed or approved by a landscape architect.

15-1-5 Distance from Curb and Sidewalk: The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 3 of this ordinance, and no trees may be planted closer than 2 feet for small trees and 3 feet for medium or large trees to any curb or sidewalk.

15-1-6 Distance from Street Corners and Fireplugs: No Street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curb lines. No street tree shall be planted within 10 feet of any fireplug.

15-1-7 Utilities: No street trees other than those species accepted as small trees by the Town Council may be planted under, or within 10 feet of any overhead utility wire.

15-1-8 Public Tree Care: The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Town Council may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 15-3 through 15-7 of this ordinance.

15-1-9 Pruning Standards: All tree pruning on public property shall conform to the ANSI A300 standards for tree care operations.

15-1-10 Tree Topping: It shall be unlawful as a normal practice for any person, firm, or Town 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 inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. 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 ordinance at the determination of the Town Council.

15-1-11 Pruning and Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable

franchise agreements. A utility tree trimming policy must be reviewed by the utility company and Town Council prior to any trimming by the utility company.

15-1-12 Dead or Diseased Tree Removal on Private Property: The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease, which constitute a potential threat to other trees within the Town. The Town Council will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

15-1-13 Removal of Stumps: All stumps of street and park trees shall be removed below the surface of the ground so that the tip of the stump shall not project above the surface of the ground.

15-1-14 Protection of Trees: In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

Trees removed by decision of the Town Council or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year. The location and species of any replacement tree shall be determined by the Town Council.

Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

15-1-15 Interference with Town: It shall be unlawful for any person to prevent, delay or interfere with the Town Council, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

15-1-16 Arborists License and Bond: It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$300,000.00 for bodily injury and \$100,000.00 property damage indemnifying the Town or any person injured or damaged

resulting from the pursuit of such endeavors as herein described. Insurance amounts may vary in different states.

15-1-17 Review by Town Council: Any person may appeal any ruling or order concerning trees to the Town Council, who may hear the matter and make final decisions.

15-1-18 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 \$1,000.00.

PASSED AND ADOPTED by the Town Council of the Town of Alberton, Montana, on the 1st day of May, 2003, and approved by the Mayor thereof on the same day.

