

Ordinance 764
Amending Algoma Municipal Code 8.09 Tree Planting Maintenance and Removal

WHEREAS, the Common Council of City of Algoma feels that it is imperative for the effective and efficient management of the urban forest and public works department that changes need to be made to the Municipal Code regarding tree planting, maintenance, and removal.

WHEREAS, the City of Algoma believes that the Director of Public works should be the individual responsible for the maintenance of the city's urban forest working with both the Tree Committee and the Public Works Committee. The Committees will have an advisory role in tree management.

The Common Council of the City of Algoma does ordain as follows:

1. The following provisions of 8.09 Tree Planting Maintenance and Removal are amended as follows:

- (1) It is the policy of the City to regulate and control planting, maintenance, removal and protection of trees, shrubs and plants within all public areas in order to:
- a.) Establish and maintain the amount of tree cover on public lands in the city in accordance with all existing and future planning documents.
 - b.) Eliminate and guard against dangerous conditions that may result in injury to persons using the streets, sidewalks or other public areas.
 - c.) Prohibit the undesirable and unsafe planting of trees and shrubs located in public areas.
 - d.) Protect all City Trees and shrubs, both public and private, against the spread of disease, insects or pests.
 - e.) Permit only those trees to be planted on public lands that are approved by the City.
 - f) It is the purpose of the Tree Management Committee to promote and preserve the urban forest within the City of Algoma; which includes trees, shrubs and plants in the streets, and parks. This is accomplished by working on fund raising for public trees, public relations, Arbor Day workshops and presentations regarding urban trees, shrubs and plants and also applying for grants to promote, improve and protect Algoma's urban forest. It is also the purpose of the Tree Management Committee to make advisory recommendations to the Public Works Committee on removals and planting maintenance other than listed under 8.09(3).

(2) The provisions of this section shall apply to all trees, shrubs and plants growing or hereafter planted within public areas and also to all trees, shrubs and plants growing or to be planted on private premises which shall threaten the life, health, safety or welfare of the public or of any public area.

(3) The Department of Public Works shall have jurisdiction over the administration of planting, maintenance, and removal of any tree, shrub or plant in and upon public

property as deemed necessary.

A. All risk trees, shrubs or plants.

B. Removal of trees, shrubs or plants resulting in a utility dig.

C. Removal or maintenance of dead trees, shrubs or plants.

Any person who requests the removal of healthy trees, shrubs, or plants on public property will contact the Public Works Director. The Public Works Director will notify the Tree Management Committee to review and offer recommendations to the Department of Public Works.

(4) Any person who shall deface, injure, destroy, cut, trim or remove any tree, shrub or plant on any public property shall be subject to the penalty provisions as provided in Section 20.04 of this Code.

(5) a) Trees to be planted shall be not less than 1-1/2" in trunk diameter measured At one foot above the ground.

(5) b) No tree shall be planted within 25' of the intersection of 2 or more streets as measured from the adjacent intersecting property lines. Hedges, trees, shrubs or other growth shall not be maintained, planted or permitted to remain on any private or public premises situated at the intersection of 2 or more street or alleys in the City which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection. This vision clearance triangle is the section that is joined by the curb lines of the intersecting rights-of-way and a third line connecting specified points and those curb lines as determined by the Public Works Committee. In the vision clearance triangle growth shall not exceed 36" in height above a street grade.

(5) h) Trees Prohibited: Please contact the Public Works Director for the approved tree list.

(6) In cases where public improvements (street construction, curb and gutter, sanitary and storm sewers, water installation or other public construction) are involved, the Public Works Committee along with advisory input from the Tree Management Committee will have jurisdiction over plants, shrubs and trees in and upon public property in the project area.

(7) The Public Works Committee may order the removal of the wires temporarily or shut off the electricity on the lines for the protection of life or property when such wires or electric current would cause a hazard while pruning or removing trees on or in public property.

(12) Enforcement: The Public Works Director is hereby charged with the responsibility of this ordinance and may serve notice to any person in violation thereof or institute legal proceeding as may be required. The City Attorney is hereby authorized to institute appropriate proceedings to that end.

(13) Appeals: Appeals from the decision of the Public Works Director may be made to the City Administrator in writing for a review and decision.

(14) This section is repealed.

2. All other sections of the Algoma Municipal Code Section 8.09 Tree Maintenance Planting and Removal remain in full effect.

THEREFORE BE IT ORDAINED that the Common Council of the City of Algoma adopt the changes in this ordinance and authorize the Mayor and City Clerk to execute any documents necessary to carry out the establishment of this ordinance.

Adopted this 7th day of January, 2013 by a vote of 8 for and 0 opposed.

Approved: Wayne R. Schmidt
Wayne R. Schmidt, Mayor

Attest: Tom Reynolds
Tom Reynolds, Administrator/Clerk-Treasurer

Moved by: Beyer
Second by: Charles

Date Adopted: 1-07-13
Date Published: _____
Effective Date: _____