

**ORDINANCE NO. O2019-01**

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 8-2 OF THE MITCHELL CITY CODE REGARDING TREES AND SHRUBS.

**BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:**

Section 1.

That Section 8-2-1 of the Mitchell City Code be AMENDED to read as follows:

The park and recreation board shall determine which species of tree are permitted to be planted as a street tree and may also designate certain species as not permitted. The park and recreation board may also determine the variety of such trees to be so planted and the spacing thereof. No person or entity shall plant a street tree until the proposed street tree's location and species has been approved by the Park and Recreation Director in writing.

Section 2.

That subsection (B) of Section 8-2-3 of the Mitchell City Code be AMENDED to read as follows:

All large established trees shall be trimmed to a sufficient height to allow free passage of pedestrians and vehicular traffic and in such manner so as to allow:

- A. eight feet (8') clearance over all sidewalks;
- B. twelve feet (12') clearance over all local streets and alleys; and
- C. fifteen feet (15') clearance over all arterial and collector streets.

Section 3.

That Section 8-2-4 of the Mitchell City Code be AMENDED to read as follows:

- A. The owner of any property upon which there is any tree constituting a hazard to persons or property shall remove the same at his own expense. In case such owner shall neglect or refuse to remove such a tree upon notice by the park and recreation board, the same may be removed by the board, and the cost thereof shall be collected from such owner.
- B. In the case of a tree constituting a hazard to persons or property which is located between a property owner's property and the centerline of the adjoining street, the City shall notify the property owner that the hazardous tree requires removal. Upon receiving notice, a property owner may choose to have the tree removed at the property owner's sole expense. In the event such hazardous tree is not

removed within the time designated in the notice, the park and recreation department may proceed with the removal of said hazardous tree. The property owner shall be responsible for the costs of such removal according to rates established by the park and recreation board.

- C. For the purposes of this section, a tree constituting a hazard is one that is dead, dying, infected, damaged, or is otherwise in a condition which poses an unreasonable risk to the health and safety of persons or property.

Section 4.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Robert B. Everson, Jr. – Mayor

Attest:

(seal)

\_\_\_\_\_  
Michelle Bathke – City Finance Officer

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adoption: \_\_\_\_\_

Published: \_\_\_\_\_