

## ORDINANCE NUMBER 1154

**AN ORDINANCE OF THE CITY OF KETCHUM IN BLAINE COUNTY, IDAHO, AMENDING TITLE 12, CHAPTER 36, KETCHUM CITY CODE, PROVIDING FOR THE GENERAL CARE AND PROTECTION OF PUBLIC TREES, BY AMENDING REGULATIONS AFFECTING WORK PERFORMED ON PUBLIC TREES AND BY PROVIDING FOR THE PLACEMENT OF THE PUBLIC WORKS DIRECTOR AS A MEMBER OF THE KETCHUM COMMUNITY FORESTRY DEPARTMENT IN PLACE OF THE STREET SUPERINTENDENT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Ketchum City Council has determined that it is in the public's best interest to amend the Community Forestry Management ordinance; and,

**WHEREAS**, the City Council desires to amend Title 12, Chapter 36, to provide for changes to regulations affecting work performed on public trees; and,

**WHEREAS**, the City Council desires to amend Title 12, Chapter 36, to provide for placement of the Public Works Director as a member of the Ketchum Community Forestry Department and removing the Street Superintendent; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

**SECTION 1.** That Title 12, Chapter 36 of the Ketchum Municipal Code, be and is hereby amended as follows:

### **12.36.033: KETCHUM COMMUNITY FORESTRY DEPARTMENT:**

- A. Establishment – There is hereby established a Ketchum Community Forestry Department.
- B. Duties – The department shall have the duty and responsibility to oversee the administration and implementation of this Chapter and such other activities as affect the Ketchum Community Forest.
- C. Department Members – The City Arborist, the Planning Director or department representative of his/her designee, the City Administrator, and the Public Works Director shall serve the department as members. Maintenance of the Community Forest assets will be an interdepartmental responsibility.
- D. Tree Appeals Board - The Planning Director or department representative of his/her designee, the City Administrator, and the Public Works Director shall serve the department as members of the Tree Appeals Board.

### **12.36.060 Enforcement.**

The City Arborist shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the City. The City Arborist shall approve, approve with conditions, or deny all public tree removal permit applications and public tree removal requests associated with planning and zoning permits.

### **12.36.070 Permits.**

- A. A Public Tree Removal Permit is required to remove any public tree.
- B. Public Tree Removal Permits shall be acquired from the City Planning Department and shall be approved, approved with conditions, or denied by the City Arborist.

### **12.36.080 Regulations for the General Care and Protection of Public Trees.**

- A. It shall be unlawful for any person to abuse, poison, destroy or mutilate any public tree. Under no circumstance shall any person cut, carve, transplant, top, or remove any public tree; attach any rope, wire, nails, advertising posters or other contrivance to any such tree; allow any gaseous, liquid, or solid substance which is harmful to trees to come in contact with them; or to set fire to burn when such fire or the heat thereof will injure any portion of the tree.
- B. Work performed on any public tree shall meet standards set forth by the American National Standards Institute (ANSI). Substandard work performed on public trees, as determined by the City Arborist, may result in penalties as outlined in the penalties section. Any decision of the City Arborist may be appealed to the Tree Appeals Board according to Subsection 12.36.100 (A) Appeals, of this Chapter.
- C. The City of Ketchum has the right to plant, maintain and remove any tree or shrub from the City ROW or other public property. The City of Ketchum may prune or remove any tree, branch, root or other part thereof, which is located within, on, over or under or which encroaches into, on, over or under any public street or other public property as said City may deem necessary, in its sole discretion.
- D. It shall be unlawful, as a normal practice, for any person to top any public tree.
- E. It shall be unlawful for any person to flush cut any branch on any public tree.
- F. It shall be unlawful for any person to leave branches and debris resulting from the pruning or removal of trees in the ROW or public property immediately upon completion of such pruning or removal. Exceptions may be allowed by the City Arborist.
- G. Public trees shall be pruned and maintained by trained City employees who are supervised or directed by the City Arborist, except in such cases where pruning of public trees is undertaken by utilities or professional tree care operators.

- H. Pruning of public trees undertaken by utilities, professional tree care operators or other persons shall be done under the supervision or direction of a certified arborist (ISA) or otherwise qualified person, as approved by the City Arborist. Compliance with this standard shall require the certified arborist (or otherwise qualified personnel, as approved by the City Arborist) to first visit the site of the work, to prescribe the pruning to be done and to actively monitor the pruning operation, all of which shall be in conformance with the requirements of this Chapter.
- I. Any person engaged in the business or occupation of application or removal of holiday lights shall apply holiday light strands in accordance with minimum care and safety standards of this chapter. Light strands shall be hung in such a manner as to not damage any part of the tree (i.e. loose around the trunk, stem, and/or branches, limited amount of strands as determined and approved by the City Arborist). All holiday light strands on public trees shall be installed no earlier than November 1<sup>st</sup> and removed prior to April 15<sup>th</sup> unless otherwise approved by the City Arborist. Light strands on public trees may be removed by the City, under its sole discretion, for the purposes of routine, demand, or emergency pruning activities.
- J. Snow and ice removal material shall not be placed within two (2) feet of any public tree trunk and shall never be placed in planting beds.
- K. No person shall excavate any ditches, tunnels, trenches, or lay any driveway within the radius of ten feet (10') from the dripline of any public tree.
- L. The City shall have the right to prune any tree or shrub if and when, in the opinion of the City, it interferes with visibility of any traffic control device or intersection, it interferes with snow removal activities, or it interferes with pedestrian or vehicular traffic. Vehicular and sidewalk clearance specifications shall follow those in Subsection 17.64.010 (I) of the Ketchum Municipal Code. A clearance of seven (7) feet above the sidewalk surface shall be maintained. A clearance of fourteen (14) feet above the street surface shall be maintained for snow removal purposes. If a tree or shrub is on private property, the City Arborist shall notify the property owner of the pruning necessity and options.
- M. It shall be unlawful for any person to remove or destroy any public tree, except upon prior written approval of the City Arborist. Exceptions of written permission by the City Arborist may be made in cases of emergency, where a public tree is severely damaged by storm or other cause, there is an immediate threat to public safety, or where other pruning alternatives are impractical due to utility lines or other obstructions or circumstances, and the City Arborist is unavailable. Prior to any public tree removal, a person shall make a separate written application to the Planning Department and the City Arborist shall review such request and approve, approve with conditions, or deny such application. The City Arborist shall issue a written decision of each application stating the facts and reasons upon which such decision is based. Any decision of the City Arborist may be appealed to the Tree Appeals Board according to Subsection 12.36.100 (A) Appeals, of this Chapter.

**SECTION 2. REPEALER CLAUSE.** All City of Ketchum ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of Ketchum this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF KETCHUM, IDAHO

\_\_\_\_\_  
Nina Jonas, Mayor

ATTEST:

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Sandra E. Cady, CMC  
Clerk/Treasurer