

ORDINANCE 148

WHERE AS, IT IS THE PURPOSE OF THIS ORDINANCE TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROVIDING FOR THE REGULATION OF THE PLANNING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS, AND OTHER PLANTS WITHIN THE CITY OF PECK; PROVIDING FOR REPEAL OF ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PECK, IDAHO, AS FOLLOWS:

Section 1: Definitions

Public nuisance: any tree/shrub or limb(s) which obstruct or pose a potential for obstruction of street lights, traffic signs, the free passage of pedestrians or vehicles, or a threat to public safety.

Section 2: Authority and Power The Peck City Council has hereby authorized the formation of a Peck Tree Board for the City of Peck, which shall consist of five (5) members, citizens and residents of this community of which the board will secure with city council approval. Members of the board shall keep record of meetings, current projects and review this ordinance annually or as needed to recommend any updates to be presented at the City Council meeting. Members will serve without compensation and are volunteers.

Section 3: Term of Office The term of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

Section 4: Applicability This ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the city; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described under section 1, *public nuisance*.

Section 5: Insurance Where as, for reasons of liability, the City of Peck shall only enter into contracts with a licensed or certified arborist who can produce evidence of possession of worker compensation and liability insurance in the minimum amount of \$1,000,000 for bodily injury or death and \$100,000 property damage indemnifying the City of Peck or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

Section 6: Tree Planting, Maintenance and Removal The Peck Tree Board shall follow National Arborist Association standards of practice for tree planting, maintenance and removal of hazardous trees in public right of ways.

Section 7: Adjacent Land Owner Responsibility No person shall plant, remove or cut above the ground or disturb any tree on any street, park, or other public place without first

obtaining written permission from the city council, with recommendation from the Peck Tree Board. The person receiving the permission shall abide by the standards set forth in this ordinance.

Section 8: Tree Protection Upon discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees or threatens to spread disease or insect infestations, the Peck Tree Board shall inform the public so as to assist in controlling the problem to the best ability possible, by posting information and recommendations in a public message board; and to make efforts to inform any owner of the property upon which a diseased or infested tree is situated.

Section 9: Enforcement If any tree/plant on private property poses a threat of bodily harm in public right of ways, the Tree Board will seek to find solutions with the property owner to resolve the safety issue. The Peck Tree Board has authority to prune or remove any tree, shrub, plant or plant part that is deemed to be a public nuisance as defined in section 1 in respect to public safety and is an obstruction to public right of ways, if an acceptable solution cannot be ascertained first.

Section 10: Penalties and Claims (1) Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provision of the ordinance, upon being found guilty of the violation, shall be subject to a criminal misdemeanor fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six (6) months, or to include both a fine and imprisonment for each offense committed. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense.

(2) If, as the result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on city-owned property is caused, the Tree Board with City Council approval may require the cost of repair or replacement or the appraised dollar value of such tree, shrub, or other plant, to be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens*, as published by the International Society of Arboriculture.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

CITY OF PECK: August 31, 2005

CITY OF PECK, IDAHO

By Sarah Walz, Mayor
Sarah Walz,
Mayor

ATTEST:

Tami Firzlaff
Tami Firzlaff,
City Clerk



CITY OF PECK

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The Peck City Council approved in the Spring of 2004, the formation of a tree committee for the purpose of pursuing the planting of trees through Main St. via seeking grants. As of August 31, 2005, the City of Peck has officially adopted Ordinance # 148 allowing a Tree Board to oversee the care and maintenance of the city's trees. Please Refer to Ordinance # 148 for policy regarding term of office and board member responsibilities.

Peck Tree Board Members include:

Name/Title:	Starting Term	Term Ends
Marcie Hussey, Chair	6/01/04	6/01/07
Sarah Walz, Project Manager	6/01/04	6/01/09
Linda Carpenter	6/01/04	6/01/06
Dale Wheeler	8/01/05	6/01/08
Brian Palmer	8/01/05	6/01/08
Lou Gardner	6/01/04	6/01/05
Marilyn Walker	6/01/04	6/01/05

Bold indicates former tree board members.


Sarah Walz, Mayor of Peck


Tami Firzlaff, City Clerk