

**ORDINANCE NO. 303
CITY OF BALTIC, SOUTH DAKOTA**

AN ORDINANCE AMENDING THE BALTIC, SOUTH DAKOTA ORDINANCES REGARDING TREES ON OR NEAR PUBLIC PROPERTY WITHIN THE CORPORATE LIMITS OF BALTIC, SOUTH DAKOTA

WHEREAS, the City Council of Baltic has determined that the public peace, health, and safety would be promoted by enacting certain ordinances regarding trees on boulevards adjacent to or adjoining the streets within the corporate limits of the City of Baltic, South Dakota;

BE IT ORDAINED BY THE CITY COUNCIL OF BALTIC, SOUTH DAKOTA:

Section 1. **PURPOSE.**

The purpose of this ordinance is to amend the existing ordinances regarding trees on boulevards adjacent to or adjoining the streets and alleys within the corporate limits of the City of Baltic, South Dakota.

Section 2. **EFFECT.**

Title IX: General Regulations, Chapter 93: Trees On Or Near Public Property, of the Revised Ordinances of the City of Baltic is hereby to read as follows:

§ 93.21 PLANTING.

No person shall plant any trees on any public ground ~~or boulevard~~ without the prior or approval of the City Tree Board. The Tree Board shall have the power and authority to approve or disapprove such planting, designate the species to be planted in a designated public area, **and** designate the location and method of planting. Once planted, the Tree Board shall continue to have jurisdiction of the tree and area planted.

(A) *Boulevard trees.* The care, maintenance, pruning, and removal of **existing** trees planted on any boulevard (see § 93.02) ~~after the planting thereof has been approved by the City Tree Board,~~ shall continue to be the responsibility **of the owner of the real property that is abutting or adjoining the boulevard.** ~~private property owner or his or her successor who has planted the tree.~~ While the Tree Board has jurisdiction over such trees, the cost ~~of planting,~~ care, pruning, removal, and the like is the responsibility of the ~~private property~~ owner **of the real property that is abutting or adjoining the boulevard.** **No person shall plant any new tree or replace any existing tree on any boulevard.**

(B) *Distances.* Trees planted on or near public ground ~~and boulevards~~ shall comply with the following distance regulations:

- (1) No tree shall be planted where the distance between any two human-made improvements, such as curb and sidewalk, is less than four feet;

- (2) No tree shall be planted or permitted to grow so close to any curb, sidewalk, **alley**, or public structure or improvement, such that it interferes with vehicular traffic or parking, pedestrian movement along the walkway, or such that it touches or crowds the public structure or improvement;
- (3) No tree shall be planted within 50 feet of the center of any intersection
- (4) No tree shall be planted within ten feet of any fireplug or water hydrant;
- (5) No tree shall be planted so that its natural growth will eventually interfere with any above ground utility wire; and
- (6) No tree shall be planted within five feet of any underground water, sewer, or other utility line.

(Ord. 303, passed 9-13-2022)

Section 3. VALIDITY.

All Ordinances or parts of Ordinances in conflict with the foregoing are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

Section 4. ORDINANCE IN FORCE.

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Adopted this 13th day of September, 2022.

First Reading:	August 9, 2022
Second Reading:	September 13, 2022
Passage and Adoption:	September 13, 2022
Publication:	September 23, 2022
Effective Date:	October 12, 2022

Mayor

(SEAL)

ATTEST:

Finance Officer