

ORDINANCE NO. 934

AN ORDINANCE REGULATING TREES ABUTTING OR LOCATED IN THE PUBLIC RIGHT-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLSVILLE, KANSAS, AMENDING SECTION 13-307 OF THE CODE OF THE CITY OF WELLSVILLE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS:

SECTION 1. REPEAL OF SECTION 13-307. Section 13-307 of the City Code of the City of Wellsville is hereby repealed in its entirety and the following is adopted in its place:

13-307 Trees abutting or located in the public right-of-way.

Private property owners shall be responsible for all aspects of tree care on private property and including trees that have been planted and maintained in the public right-of-way abutting their private property. Such responsibilities include, but are not limited to planting, watering, fertilizing, pruning, treating for infestation or disease, and removing dead limbs, trees and stumps.

- a. Trees shall be pruned/trimmed by property owners so as not to impede vehicular and pedestrian traffic on the public ways.
- b. In order to provide for unimpeded parking, safe passage of vehicles, and access by street maintenance equipment, no limbs shall be permitted over any streets less than fifteen feet (15') above the top of the curb/edges of pavement.
- c. No limbs shall be permitted to overhang any street in such a manner as to impede a vehicle operator's view of traffic signals, signs, or other such devices.
- d. No limbs shall obstruct the light from a street (illumination) lamp.
- e. In order to provide for safe pedestrian travel, no limbs shall be permitted over public sidewalks less than nine feet (9') above the surface of the sidewalk.
- f. Private property owners shall be responsible to remove limbs damaged by storms (hangers) in trees on their property and abutting the public ways, as such limbs may fall from the tree, becoming a hazard to the public.
- g. Private property owners shall be responsible for the disposal of branches, limbs, brush, etc. removed from the trees and shrubbery, from their private property or from the public right-of-way abutting their property at their expense.
- h. Private property owners shall be responsible for compliance with remediation requirements of the City of Wellsville in the event a tree is inspected and found to be infested, diseased or damaged, and the property owner is appropriately notified.

- i. Private property owners shall be responsible to locate utilities prior to digging. This can be accomplished by contacting one agency that notifies all registered public utilities. The “One Call” in Kansas should be made to 1-800-DIG SAFE (1-800-344-7233).
- j. Private property owners should plant trees appropriate for the restrictions of a particular site. The “Recommended Tree List” maintained by the City should be reviewed prior to planting to facilitate compliance with this provision

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED by the Council on the ____ day of _____, 2024.

APPROVED and signed by the Mayor on the ____ day of _____, 2024.

WILLIAM LYTTLE, Mayor

ATTEST:

TAMMY JONES, City Clerk