

ORDINANCE NO. 130

AN ORDINANCE RELATING TO TREES AND CITY TREE BOARD

BE IT ORDAINED by the City Commission of the City of Washburn, State of North Dakota.

Section 1. Definitions

Street Trees: "Street Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenue, or ways within the City.

Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Washburn, State of North Dakota, which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the Commission.

Section 3. Terms 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 a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation.

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Commission and

Plan for the City of Washburn, State of North Dakota. The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of questions coming within the scope of its work.

Section 6. Operation.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Public Tree Care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

Section 8. Tree Topping.

It shall be unlawful as a normal practice for any person, firm or city department to top any Street Tree, Park Tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

Section 9. Review by City Commission.

The City Commission shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Commission who may hear the matter and make final decision.

Section 10. Effective Date.

This Ordinance shall be in full force and effect from and after its final passage and publication.

CITY OF WASHBURN

Approved: *Denny Olson*
President, City Commission

Attest: *Clayton E. Carr*
City Auditor

First Reading: April 5, 1993

Second Reading: April 19, 1993

Final Passage: April 19, 1993



BE IT RESOLVED BY THE CITY OF WASHBURN AS FOLLOWS:

That Ordinance No. 129 shall be amended to add the following:

That any license holder shall be entitled to a Sunday alcohol beverage permit provided that they meet the definition of a "qualified alcoholic beverage licensee" upon payment of a fee of NONE.

No person may dispense or permit the consumption of alcoholic beverages on licensed premises after 1:00 o'clock a.m. or before 12:00 noon on Sundays.

This change shall be in full and effect from and after its final passage and publication.

CITY OF WASHBURN

Approved: *Denny Ober*
President, City Commission

Attest: *Clayton E. Carr*
City Auditor

First Reading: August 16, 1993

Second Reading: September 7, 1993

Final Passage: September 7, 1993

