

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE RELATING TO ADVISORY PARK BOARD AND TREE ORDINANCE PROVISIONS**

WHEREAS, the Board of Aldermen deem it appropriate to amend certain Municipal Code provisions pertaining to the Park Board, including renaming such to Advisory Park Board; and

WHEREAS, there is a need to restore Tree Ordinance provisions which had previously been in place but were repealed in error.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

**SECTION 1:**

Chapter 2, Article V of the Municipal Code is hereby repealed in its entirety, and a new Article V is hereby enacted in lieu thereof which shall read as follows:

**ARTICLE V  
Advisory Park Board**

**Section 2-85. Establishment.**

There is hereby established an Advisory Park Board for the City to consist of nine (9) members.

**Section 2-86. Appointment and Term of Office.**

The Mayor shall appoint, with the approval of the Board of Aldermen, a total of nine (9) Advisory Park Board members. No such appointee shall be a member of the municipal government. Each year, the Mayor shall appoint, with the approval of the Board of Aldermen, Advisory Park Board members as required depending upon the expiration of the respective terms of office, each of whom shall hold office for three (3) years.

**Section 2-87. Duties Generally.**

There shall be no regular Advisory Park Board meetings held. As deemed necessary by the Mayor, Board of Aldermen or appropriate City staff, members may periodically be solicited to participate on various committees to provide feedback or input relating to specific City programs, events or projects. Members may also be asked to volunteer as available to assist with the operation of certain park programs, activities and events, and to report any park system issues they may observe.

**Section 2-88. Compensation.**

Advisory Park Board members shall receive no compensation.

**Section 2-89 through Section 2-100. (Reserved)**

**SECTION 2:**

A new Chapter 2, Article VI of the Municipal Code of the City of Eureka, Missouri, entitled Eureka Tree Ordinance is hereby enacted which shall read as follows:

**Article VI  
Eureka Tree Ordinance**

**Section 2-101. TITLE.**

This ordinance shall be known and may be cited as the "Eureka Tree Ordinance" of the City of Eureka.

**Section 2-102. PURPOSE AND INTENT.**

**Purpose.** 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 planting, maintenance and removal of trees, shrubs and other plants within the City of Eureka.

**Intent.** It is the intent of the Board of Aldermen that the terms of this ordinance shall be construed so as to promote:

(1) The planting, maintenance, restoration and survival of desirable trees and shrubs that are on public property within the City of Eureka.

(2) The protection of community residents from personal injury and property damage, and the protection of the City of Eureka from property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the community.

**Section 2-103. DEFINITIONS.**

**COMMUNITY FOREST MANAGER.** The official Parks and Recreation Department designed by the City Administrator given responsibility for administration of the community forestry program.

**PARK TREES.** Trees, shrubs, bushes and all other woody vegetation in public parks.

**PRIVATE COMMUNITY FOREST.** All trees within the municipal boundaries of the City but not owned by the City.

**PUBLIC COMMUNITY FOREST.** All street and park trees, and other trees owned by the City.

**STREET TREES.** Trees, shrubs, bushes and all other woody vegetation on land lying between

property lines on either side of all streets, avenues or ways within the City.

*TREE TOPPING.* The severe cutting back of limbs in stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Section 2-104. CREATION AND ESTABLISHMENT OF EUREKA FORESTRY DEPARTMENT.**

There is hereby created and established a Forestry Department for the City, which shall consist of the appropriate Parks and Recreation staff.

**Section 2-105. FORESTRY DEPARTMENT COMPENSATION.**

No Forestry Department worker shall receive compensation for services performed on behalf of the City except as it relates to this tree ordinance.

**Section 2-106. DUTIES OF THE FORESTRY DEPARTMENT.**

The Forestry Department shall have the following duties:

(a) Review and approve policies and procedures for the planting, maintenance, preservation and removal of trees and shrubs on City rights-of-way and property.

(b) Review and recommend to the Mayor and Board of Aldermen a budget for the planting, management, preservation and removal of trees and shrubs on City rights-of-way and property.

(c) Review and submit to the Mayor and Board of Aldermen an annual report with recommendations for the management of trees and shrubs on City rights-of-way and property.

(d) Perform such other duties as may be requested by the Mayor and approved by a majority of the members of the Board of Aldermen.

**Section 2-107. DESIGNATION OF COMMUNITY FOREST MANAGER.**

The City Administrator may designate an individual to serve as the Community Forest Manager and to perform the duties and exercise the authority conferred upon him by City ordinance. This person's duties will be to execute the management plan for the planting, care, cultivation, pruning and removal of trees, shrubs and plants to be planted, preserved and removed or replaced for the City.

**Section 2-108. STREET TREE SPECIES TO BE PLANTED.**

The City shall maintain an extensive list of recommended trees for planting in public areas. The purpose of this listing will be to maintain diversity in the total tree population. This list shall

be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically by the Community Forest Manager to reflect new developments or species that will affect the population of the community forest.

**Section 2-109. PUBLIC TREE CARE.**

The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the rights-of-way or bounds of all streets, alleys, lanes, squares, and public grounds, as may be necessary to ensure public safety. All work done on public trees will be consistent with the most current American National Standards Institute A300 Tree Shrub and Other Woody Plant Maintenance - Standard Practices.

**Section 2-110. DISTANCES AND CLEARANCES FOR PLANTING.**

No street tree shall be planted that the Community Forest Manager deems to present an unsafe, hazardous or unlawful location due to the proximity to streets, sidewalks, curbs, street corners, fire hydrants or utilities.

**Section 2-111. TREE TOPPING.**

It shall be unlawful as a normal practice for any person, or City department to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this section at the determination of the Community Forest Manager.

**Section 2-112. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Forestry Department will notify in writing the owners of such trees. Said owners at their own expense shall perform the removal within sixty (60) days after the date of service notice. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of the removal on the owners' property tax notice, or directly bill the owner.

**Section 2-113. ENFORCEMENT.**

The Community Forest Manager or his designee is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person, firm or corporation in violation thereof or institute legal proceedings as may be required and the City Attorney is hereby authorized to institute appropriate proceeding to that end.

**Section 2-114. VIOLATIONS OR PENALTIES.**

Any person who violates or causes a violation of any provision of this article shall be

punishable, upon conviction, in accordance with Section 1-7 of this Code, and each day such violation continues shall be deemed a separate offense. Any charge brought under this section shall be brought by the City, at its option, to the Associate Circuit Court of the City or the Circuit Court of the County. The municipal prosecutor may bring an action in the name of the municipality, to restrain or prevent a violation of any provision of this article or any continuance of any such violation.

SECTION 3:

Section 15-4.1(c) of the Municipal Code is hereby repealed in its entirety, and a new Section 15-4.1(c) is hereby enacted in lieu thereof which shall read as follows:

(c) In the event, in its discretion, the Board of Aldermen from time to time may deem it appropriate for the purposes of special events and/or various seasonal recreational activities, the Board may adjust on a temporary basis the closing and opening times of City parks.

SECTION 4:

Section 20A-6(k)(1)(a)(3) of the Municipal Code is hereby repealed in its entirety, and a new Section 20A-6(k)(1)(a)(3) is hereby enacted in lieu thereof which shall read as follows:

3. Development of parks and recreational facilities within the subdivision or development.

The method(s) selected shall be reviewed by the Planning and Zoning Commission and the Board of Aldermen of the City prior to acceptance of the final subdivision plat or site plan; but in any event final acceptance or rejection shall be by resolution of the Board of Aldermen.

SECTION 5:

Section 20A-6(k)(2)(b)(5) of the Municipal Code is hereby repealed in its entirety, and existing subsections (6) and (7) shall be renumbered as subsections (5) and (6).

SECTION 6:

Section 20A-6(k)(3)(b) of the Municipal Code is hereby repealed in its entirety, and a new Section 20A-6(k)(3)(b) is hereby enacted in lieu thereof which shall read as follows:

b. Are reviewed by the Planning and Zoning Commission and the Board of Aldermen, and must be approved by the Board of Aldermen.

SECTION 7:

The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

SECTION 8:

All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

SECTION 9:

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Sean M. Flower, Mayor

ATTEST:

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Julie Wood, City Clerk