

ORDINANCE NO. 588
An Ordinance Pertaining to Trees and Shrubs within the City of Buhler

Be it ordained by the governing body of the City of Buhler, Kansas:

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, avenues, and alleys within the city.

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

Section 2. Public tree care

The city or its designated agent shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, avenues, alleys, and public grounds as may be necessary to insure safety when servicing utilities or to preserve the symmetry and beauty of public grounds. The city may remove or cause or order to be removed, any tree or part thereof which is 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 pest.

Section 3. Dead or diseased trees

The city shall have 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 or property, or harbor insects or disease which constitutes a threat to other trees within the city. The city clerk will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of the notice. The owners, within 30 days of the notice, may request a hearing with the governing body concerning the ordered removal. In the event of the failure of the owners to comply with the removal notice, the city shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice.

Section 4. Costs on tax Rolls

The city clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs for treatment or removal performed under the authority of Section 3, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the general fund or other proper fund of the city

Section 5. Fire hydrants, Plantings adjacent to

No person shall plant or cause to be planted nor allow to grow upon property owned by him or her any shrubs, trees, or planting of kind within 10 feet of a fire hydrant in the city, in order that every fire hydrant shall be in full view day or night, to fire apparatus approaching from any direction.

Section 6, Pruning, Sidewalk and Street Clearance

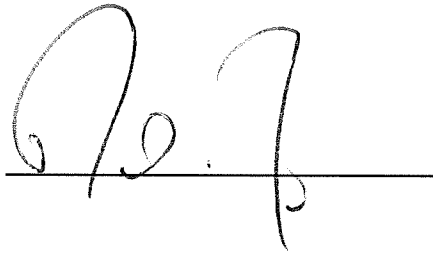
Every owner of any tree overhanging any street or right-of-way with the city shall prune the branches so that such branches will not obstruct the light for a street lamp, obstruct the view or be a physical obstruction of any street or street intersection and so that there will be a clear space of eight feet (8') above the surface of the sidewalk and a clear space of fourteen feet (14') above the surface of the street, from gutter line to the opposite parallel gutter line.

Section 7, Prior ordinances

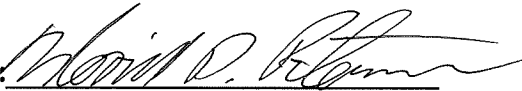
That Ordinance No. 528 and all prior adopted ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED BY THE GOVERNING BODY this 28th day of September, 2010.

(seal)

A handwritten signature in dark ink, appearing to read 'D. P. Friesen', written over a horizontal line.

Daniel P. Friesen, Mayor

Attest: A handwritten signature in dark ink, appearing to read 'Merrill D. Peterson', written over a horizontal line.

Merrill D. Peterson, CMC, City Clerk