Chapter 18.01

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18.01.010 Purpose and Intent

The purpose of the Dillon Tree Board is to protect and enhance the quality of our community forest by:

* setting standards to protect the health, safety and welfare of the public citizenry and the City of Dillon,
* establishing standards for pruning, planting and removal of trees,
* developing a maintenance program for pruning and removing trees,
* promoting educational opportunities for the public on correct methods of pruning, planting, and selecting the correct tree for the location,
* encouraging civic groups and public citizenry to be vested in the continual improvement of our community forest.

Enc Ord 432 April 4, 2012

18.01.020 Definitions

1. *Community Forest Management Plan*: The Community Forest Management Plan is defined as the development of a progressive, long range urban and community forestry maintenance program based on research, inventory and study which will provide a foundation for an ongoing program that will result in a healthier and safer community forest in Dillon.
2. *Tree*: A perennial woody plant usually having a main trunk and reaching a height of at least 15 feet.
   1. *Shrub:* A woody plant branched from the base, usually less than 15 feet tall.
   2. *Park Trees*: Park trees are defined as trees in public parks and all areas owned by the City of Dillon, or to which the public has free access.
   3. *Public Boulevard/Street Trees*: Boulevard or street trees are defined as trees and shrubs in public streets, roads, alleys, avenues or other rights-of-way.
3. *Specimen*: a tree which displays full development of the characteristics of its species and/or cultivar and which is inherently more valuable for use in a landscape because of that development.
4. *Topping*: Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within a tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.
5. *Tree Inventory*: The Tree Inventory is a list of all Boulevard/Street and Park trees in the City of Dillon.
6. *Tree List:*
   1. *The Recommended Tree List* shall be a list of trees by genus, species and cultivar which shall be recommended for use on private property within the City of Dillon.
   2. *The Required Tree List* shall be a list of trees by genus, species and cultivar which shall be approved for use as public boulevard/street or park trees by the City Council

Enc Ord 418 September 17, 2008, Renumbered, Amended Ord 432 April 4, 2012

18.01.030 Creation and Establishment of the Dillon Advisiory Tree Board.

The Tree Advisory Board for the City of Dillon shall consist of five (5) to seven (7) members as hereby created and established. The members of the Dillon Tree Board shall be appointed by the Mayor and approved by the City Council.

One member shall be appointed by the Mayor from the membership of the City Council. All other appointees are citizen members which can include one employee of the City.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.040 Term of Office

1. The term of office for members of the Dillon Tree Board shall be for two (2) years.
2. The terms of the members shall be staggered.
3. Members may be re-appointed to the Dillon Tree Board as is deemed appropriate by the Mayor and with approval of the City Council.
4. Members may not serve more than four (4) consecutive terms.
5. Members serve at the pleasure of the City Council and may be removed by a vote of ⅔ majority of the sitting council members.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.050 Compensation

Members of the Dillon Tree Board shall serve without compensation.

Enc Ord 418 September 17, 2008, Renumbered Ord 432 April 4, 2012

18.01.060 Duties and Responsibilities.

1. Development and Adoption of a Community Forest Management Plan.

It shall be the responsibility of the Dillon Tree Board to study, investigate, counsel, develop, and administer the Community Forest Management Plan. They may make recommendations for the care, preservation, pruning, planting, removal or disposition of public trees and shrubs in parks, along streets, and other public areas. Such a plan shall be presented to the City Council by resolution and upon its adoption shall constitute the official Community Forest Management Plan. The Dillon Tree Board shall from time to time present appropriate amendments to the Community Forest Management Plan that in the judgment of the Dillon Tree Board shall be necessary to carry out its responsibilities under this ordinance.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

1. Tree Inventory.

The Dillon Tree Board shall promote and supervise the establishment of a tree inventory of public boulevard/street and park trees. The tree inventory shall be updated as deemed necessary but at least every five (5) years.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

1. Special Matters.

The Dillon Tree Board, when requested by the Administration or City Council, shall consider, investigate, make a written report and make recommendations upon any special matter or question coming within the scope of its duties. If a violation is reported by anyone to a City Council member it shall be referred to the Dillon Tree Board for investigation as required by this section.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

1. Technical Tree Manual.

These specifications are to serve as a standard for all plantings and treatments of public trees. They will apply whether work is performed contractually, by the city or by private individuals or firms. The Technical Tree Manual shall be adhered to at all times, but may be amended by the Dillon Tree Board at any time that experience, new research, or laws indicate improved methods, or whenever circumstances make it advisable. Exceptions to the Technical Tree Manual must be made by written approval of the City of Dillon Director of Operations.

Enc Ord 432 April 4, 2012

18.01.070 Administrative Matters.

1. Officers.

The Dillon Tree Board shall elect a chairman, vice-chairman, and secretary/treasurer annually in January.

1. Meetings and Office

The official office of the Dillon Tree Board will be the City of Dillon office at 125 N. Idaho St. Dillon, Mt. 59725.

1. The Dillon Tree Board shall meet at such time as determined by the Dillon Tree Board, which shall be at least every two months.
2. Quorum.

A quorum of the Dillon Tree Board shall be a majority of the appointed board members. The Dillon Tree Board shall act only upon the majority vote of the members of the Board present.

1. Rules of Procedure.

The Dillon Tree Board shall determine its own rules and order of business and shall provide for the keeping of the minutes of its proceedings. All meetings shall be open to the public in keeping with the law of the State of Montana. Agendas shall be posted a minimum of 48 hours prior to any meeting. All documents and records of the Dillon Tree Board shall be public records and shall be made available for examining or copying according to the policies of the City of Dillon.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012, Revised Ord 450 December 7, 2016

18.01.080 Tree Species.

1. Required public boulevard/street and Park Tree Species.

The Dillon Tree Board shall develop and maintain a list of public boulevard/street and park trees. The list of desirable trees for planting along public boulevards/streets and parks will be listed in size classes based on mature height: small (15-25 feet), medium (20-40 feet) and large (40-60 feet).

1. Recommended Trees for Private Properties.

The Dillon Tree Board shall develop and maintain a list of Recommended Trees suitable for planting on private property within the City of Dillon.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.090 Adoption of Tree Regulations.

The Dillon Tree Board shall adopt regulations for park and public boulevard/street trees concerning tree size (caliper), spacing between trees and distance from curbs, sidewalks, street corners, fireplugs and utilities. These regulations shall take effect when approved by resolution passed by the City Council.

Enc Ord 432 April 4, 2012

18.01.100 Visibility at Corners and Intersections; Obstruction of City Sidewalks.

1. The Tree Board will follow Street Visibility Triangle Standards established in Title 17 Zoning Regulations, Chapter 17.12 General Standards.
2. No tree, shrub, or other vegetation shall be planted in a manner which will obstruct visibility at any corner or street intersections or obstruct any sidewalk in the City of Dillon.

Enc Ord 432 April 4, 2012

18.01.110 Clearance Dimensions

1. Every owner of any tree, shrub or other vegetation overhanging any street, right-of-way or sidewalk within the City of Dillon shall prune the tree, shrub or other vegetation in a manner consistent with pruning requirements adopted under this ordinance so that the overhanging tree, shrub or other vegetation shall not obstruct:
   1. light from any street lamp; or
   2. the view of any street intersection; or
   3. any sidewalk.
2. All trees on public boulevards/streets or alleys, avenues, lanes, squares and public right-a-ways will be fourteen feet (14) feet above the street surface or eight (8) feet above the surface of the sidewalk as stated in the (Guidelines for Location, Placement and Spacing of Landscape Trees).
3. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a hazard to the safety of the public.

Enc Ord 432 April 4 2012

18.01.120 Care of Park and Street Trees

1. Planting and Maintenance.

The City of Dillon shall have the right to plant, prune, maintain and remove trees, shrubs or other vegetation 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, and for the compliance with city ordinances and resolutions.

1. Spacing and Location Requirement

The spacing of street trees will be in accordance with the three species size classes listed in Section 18.01.080: Tree Species.

* 1. Tree Spacing. No trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed and/or approved by City of Dillon Director of Operations.
  2. No tree planting is permitted where the distance between a curb and detached sidewalk is less than 3 feet.
  3. Trees will always be planted in the center of the planting strip when detached sidewalk is present or when sidewalk plans call for a detached sidewalk.
  4. Whenever a sidewalk is attached to or abutting the curb the tree must be at least 3 feet from the sidewalk.
  5. No tree or shrub shall be planted within 5 feet of any driveway or alley, within 15 feet of any street light, utility pole, or street sign or within 10 feet of any fire hydrant.
  6. No tree is to be planted within 5 feet of any building or structure.
  7. Spacing of trees between curb and sidewalk depends on the size of the tree to be planted. A small tree requires a width of 3 feet or greater, a medium tree requires a width of 7 feet or greater and a large tree requires a width of 10 feet or greater.

Enc Ord 432 April 4, 2012

1. Unsafe Conditions.

The City of Dillon may remove or cause or order the removal of any public tree, shrub or other vegetation, or any 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, other public improvements, or is infected with any injurious fungus, insect or other pest.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

1. Utility Company Responsibilities.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of any conductors by the electric utility company in compliance with any applicable utility safety standards and franchise agreements.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.130 Pruning Standards

1. All pruning of street and park trees shall conform to the American National Standards Institute (ANSI) A300 Standards for the Professional Arborist for Tree Care Operations, parts 1-7, as currently in force and as may be amended from time to time.
2. It shall be the responsibility of the Dillon Tree Board to keep a current copy of the ANSI A300 standards and make them available for inspection at City Hall.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.140 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 city property. Crown reduction by a qualified arborist may be substituted where appropriate. 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 section at the determination of the City of Dillon.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.150 Dead or Diseased Trees on Private Property

1. The City of Dillon shall have the right to cause the removal of any dead or diseased tree, shrub or other vegetation on private property within the City when such tree, shrub or other vegetation constitutes a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees, shrubs, or other vegetation within the City of Dillon.
2. Owner Notification.

The City of Dillon shall notify the property owner of such trees, shrubs or other vegetation and of the necessity of removal in writing by Certified Mail.

1. Removal by Owner’s Expense Voluntary Abatement

Removal shall be done by the owner at their own expense within thirty (30) days after the date of service of the notice.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

1. Failure to comply with Notice and Voluntary Abatement Process

In the event of failure of an property owner to comply with the provisions of this section, the City of Dillon shall notify the property owner that the City has the authority by this ordinance to remove such tree, shrub or other vegetation and charge the cost of removal to the owner of the property.

Enc Ord 432 April 4, 2012

1. Removal Expenses.

The Dillon Tree Board will obtain two estimates from qualified contractors to abate the hazardous condition. The Dillon Tree Board will provide the estimates to the Director of Operations who will send the estimates to the property owner with second request to voluntarily abate the condition within ten (10) days. If volunteer abatement is not accomplished the City shall proceed with removal of the hazardous condition under the supervision of the Director of Operations.

Enc Ord 432 April 4, 2012

1. The property owner will be sent an itemized report of all expenses incurred by the City by Certified letter with a request for payment within forty-five (45) days. If the assessment is not paid it shall become a lien upon the property and is enforceable in the same manner as nonpayment of taxes.

Enc Ord 432 April 4, 2012

18.01.160 Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the soil so that the top of the stump does not project above the surface of the soil.

Enc Ord 418 September 17, 2008, Renumbered Ord 432 April 4, 2012

18.01.170 Protection of Trees.

1. Tree Replacement and/or Conservation. In order to maintain and increase the overall numbers of trees in the City of Dillon, any public tree which is removed shall be replaced with an appropriate tree, as defined in 18.01.090, unless the Dillon Tree Board finds that replacement would be impossible.

Enc Ord 432 April 4, 2012

1. Protection during construction.

Specimen trees, trees of desirable species as set out pursuant to 18.01.170 above, and trees in good health shall be protected during construction, sidewalk repair, utility work above and below ground and other similar activities. The zone of protection shall include the area beneath the canopy of a tree. Nothing herein shall prevent a private land owner from removing a specimen tree or a tree of desirable species from their property.

Enc Ord 418 September 17, 2008, Renumbered Ord 432 April 4, 2012

1. Vandalism or damage to woody vegetation.

It is unlawful for any person to abuse, injure, mutilate, destroy, or kill any tree, shrub or plant growing in the public right-of-way or to permit any animal under his control to do so. Unlawful conduct shall include but not be limited to permitting any fire to injure any portion of any tree or shrub; permitting any toxic chemical to seep, drain, or be emptied on or around any woody vegetation; permitting the storage of any stone, brick, sand concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing herein; permitting any wire charged with electricity to come in contact with any tree or shrub, located within any public area, or any general destruction or mutilation by whatever means. The party responsible for any such act shall bear the cost of repairing or replacing the tree or vegetation pursuant to the determination of the Tree Board and Administration of the City of Dillon.

Enc Ord 432 April 4, 2012

18.01.180 Interference With the City of Dillon.

It shall be unlawful for any person to prevent, delay or interfere with the City of Dillon, or its agents, while engaging in and about the planting, cultivating, mulching, pruning, or removing of any street trees or park trees as authorized by this Ordinance.

Enc Ord 418 September 17, 2008, Renumbered Amend Ord 432 April 4, 2012

18.01.190 Arborists License and Bond.

1. All pruning of public street/boulevard and park trees shall conform to National Standards Institute (ANSI) A300 Standards for Professional Arborist for Tree Care Operations, parts 1-7, as currently in force and as may be amended from time to time.
2. Incorporated contractors in the State of Montana shall provide the Certificate showing the agent of record with authority to sign contracts.
3. Contractors will provide state registration number.
4. All entities contracting work on street/boulevard or park trees or public right-a-ways shall sign a contract with the City which will include a hold harmless provision. All entities shall provide proof of liability insurance in the amount of One Million Dollars ($1,000,000.00) for bodily injury and One Hundred Thousand ($100,000.00) property damage and the City shall be named as an Additional Insured on the policy. Proof of workers compensation, automobile insurance and bond shall be provided to the City.
5. It shall be unlawful for any entity to engage in the business or occupation of pruning, treating, or removing street and park trees within the City of Dillon without a satisfying the provisions of 18.01.090.
6. Public service companies and utilities and their agents and contractors or city employees doing such work in pursuit of their public service endeavors are not required to sign a contract or provide insurance information to the City.

Enc Ord 432 April 4, 2012

18.01.200 Appeals

An aggrieved entity shall have the right to appeal decisions of the Dillon Tree Advisory Board. An appeal shall be filed on an application provided by the City within forty-five (45) business days from notice of a decision by the Tree Board. The appeal will be on the agenda and reviewed by the City Council at a regular council meeting within thirty days (30) and written decision shall be provided the aggrieved entity.

Enc Ord 432 April 4, 2012

18.01.210 Conflict of Laws

1. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances or whenever there is an internal conflict within this title the more restrictive requirements or that imposing the high standard, shall govern.
2. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

Enc Ord 432 April 4, 2012

18.01.220 Penalty.

Any person violating any provision of this Ordinance shall upon conviction or plea of guilt be subject to fine not to exceed Five Hundred Dollars ($500).

Enc Ord 418 September 17, 2008, Renumbered Ord 432 April 4, 2012