

TITLE THIRTEEN TREES AND NOXIOUS VEGETATION

Chapter 13-1
Chapter 13-2

Municipal Tree Regulations
Noxious Weeds

CHAPTER 13-1 MUNICIPAL TREE REGULATIONS

13-1-1

TITLE

This chapter shall be known and may be cited as the Municipal Tree Regulations of the City of Brandon, Minnehaha County, South Dakota.

Legislative History:

1990 Revisions
Ordinance #600, 03/18/20

13-1-2

DEFINITIONS

- A. "Street Trees" are herein defined as the trees and all other wood vegetation on land lying between the right of way lines of all streets, avenues, alleys or other public right of way within the City.
- B. "Park Trees" are herein defined as trees and all other wood vegetation in public parks, playgrounds and all other areas owned by the City, or to which the public has free access as a park or playground.
- C. "Parkway or Boulevard" are herein defined as the paved or unpaved strip of land adjacent to the roadway and located between the roadway and the sidewalk area or the property line and in the right of way.

Legislative History:

1990 Revisions.
Ordinance #600, 03/18/20

Authority:

SDCL § 50-10-1.

13-1-3

GENERAL AUTHORITY OF CITY

The City of Brandon may provide for the necessary attention or action insofar as trees, brush, wood, shrubbery or debris:

- A. Infected with any major disease or pest; or
- B. In the right of way.

Legislative History:

1990 Revisions.
Ordinance #600, 03/18/20

Authority:

SDCL § 9-45-1.

13-1-4

AUTHORITY ADMINISTRATION; PLANTING, MAINTENANCE AND REMOVAL OF TREES, PUBLIC SAFETY

The Mayor and City Council of the City of Brandon, through its Superintendent of Parks, has the authority to:

- A. Administer the provisions of this chapter, unless otherwise specifically provided;
- B. Study the problems and determine the needs of the City;
- C. Determine the type and kind of trees to be placed upon all municipal public streets or parts of public streets or in parks;
- D. Assist in the dissemination of news and information regarding the selection, planting

and maintenance of trees, shrubs and bushes within City limits or within the area over which the municipal officials have jurisdiction, whether the same be on private or public property;

- E. Regulate the planting, maintenance and removal of trees on streets and other publicly owned property to insure safety or preserve the aesthetics of such public sites.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-5

PRUNING TREES, THE MINIMUM CLEARANCE

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians or bicyclists on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection, except where such services are provided for by utility firms or the City.

The minimum clearance for any overhanging portion thereof over a sidewalk shall be ten (10) feet whenever practicable, and shall be twelve (12) feet over all streets except truck thoroughfares when the clearance shall be from fourteen (14) to sixteen (16) feet, unless otherwise designated by the City Council.

Legislative History:
1990 Revisions.
Ordinance #449, 06/03/09
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-6

HARMFUL ACTIVITIES TO TREES PROHIBITED

Unless otherwise specifically authorized by the City Council or Park Superintendent, no person shall intentionally damage or carve any boulevard tree, attach any rope, wire, nails, advertising posters or other contrivances to any boulevard tree; allow any gaseous liquid or solid substance which is harmful to such boulevard trees to come in contact with them; or to set fire or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL §§ 22-34-1, 9-45-1.

13-1-7

SAFETY HAZARDS TO THE PUBLIC, DISEASES

No tree, shrub or brush shall be allowed to harbor any safety hazard to the general public, whether that tree, shrub or bush be public or private, or to harbor any insect, disease or other pest that would be injurious or fatal to any tree, shrub and bush in the City. Such trees, shrubs and bushes include those injurious to sewer, water, electrical, telephone or gas lines, and those interfering with traffic and traffic control devices and signs, those obstructing light from any street light and those that are dead or have broken or dead limbs that are unsafe.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-8

NUISANCES; NOTICE TO OWNERS; NOTICE CONTENT; PREMISE INSPECTIONS

As to any Street, Parkway or Boulevard Tree, any hazard as described in Section 7 shall be declared a nuisance by the City Council and, except as otherwise provided herein, within thirty days of written notice of said nuisance, the same shall be corrected by the responsible owner or person in possession of said tree.

As to any Tree on private property that is a hazard as described in Section 7, Brandon Ordinance 7-2 shall be followed.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL §§ ~~9-29-34~~ 9-32-12, 34-16-19
and 34-16-20.

13-1-9

REMOVAL COSTS; COLLECTION OF

The cost of any abatement of a hazard related to Street, Parkway or Boulevard Tree shall be borne by the City. The cost related to a hazard on private property shall be borne by the property owner. In the event owner, occupant or person fails to comply with removal of a hazard, abatement procedures as set forth in Brandon Ordinance 7-2 shall be followed with collection of costs expended by the City to be collected as set forth by law.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20
Cross Reference: Ordinance 13-1-2(c).

Authority:
SDCL Ch. 21-10.

13-1-10

WOOD STORAGE AND SALES

No wood from any tree known to be a carrier for any serious disease or pest may be stored in piles or in any other place within the City or be sold within the City. Any qualifying wood must be immediately shredded, buried or burned.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-21-31.

13-1-11

COST ASSESSMENTS; RECORDS

The Finance Officer shall keep an account of all costs of tree removals and other nuisances abated under this chapter in the event assessments are necessary.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL Ch. 21-10 generally.

13-1-12

INTERFERENCE BY INDIVIDUALS

It shall be unlawful for any person to hinder, prevent, delay or interfere with the City Council or any member thereof or the Park Superintendent or any other representative of said City Council, whomsoever that might be, while engaged in carrying out the execution or enforcement of this chapter, provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Municipality.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-29-31.

13-1-13

BUILDING BESIDE TREES

No person shall deposit, place, store or maintain upon any public place of the City 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 growing therein, except by written permit of the City Council or Park Superintendent.

Legislative History:
1990 Revisions.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-14

PLANTING TREES IN BOULEVARD, TREE PERMIT REQUIRED

No person may plant, transplant or move any tree or shrub in the boulevard of a public street or on any public grounds without first obtaining a written "tree permit" from the City of Brandon to do such work. A tree permit fee will be determined by the Brandon City Council. The tree permit shall reflect at least the following information: name and address of the owner of the property, the name and address of the person doing the work, the type and location of the tree to be planted.

Legislative History:
1990 Revisions
Ordinance No. 321, 10//7/02.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-15

TYPE OF TREES ALLOWED IN THE STREET BOULEVARD

The Brandon City Council shall establish a list of approved trees that may be planted in the street boulevard and other public grounds.

Legislative History:
1990 Revisions
Ordinance No. 321, 10//7/02.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-16

REGULATION FOR PLANTING TREES IN THE BOULEVARD

After a permit has been obtained, the planting shall be completed in accordance with the following regulations.

- A. No tree or planting shall be planted or permitted to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the curb lines of such corner lots and a line joining points along said street lines forty (40) feet from the point of intersection as stated in Brandon Municipal Code 15-14-1.
- B. No tree shall be planted where the distance from the sidewalk to the back of the curb is less than five (5) feet.
- C. No tree shall be planted closer than three (3) feet from the back of the curb.
- D. Trees shall be planted a minimum of 30 feet apart unless with prior written approval from the City of Brandon.
- E. The expense for planting and care of trees shall be the responsibility of the owner of the adjacent property.
- F. Only designated trees from the City's approved list shall be planted on the boulevard.
- G. The owner of property shall locate all utilities by placing a call to South Dakota One Call prior to planting.
- H. Trees shall be placed at least 10 feet from a fire hydrant.
- I. Trees shall be placed at least 15 feet from a street light.

- J. Trees shall be placed at least 20 feet back from a stop/yield sign.
- K. No trees shall be placed on any property line.

Legislative History:
1990 Revisions
Ordinance No. 321, 10//7/02
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-17

TREE BOARD

There is hereby created and established a Tree Board for the City of Brandon, which shall consist of the members of the City's Brandon Park Advisory Committee and one member of the City Council. Vacancies on the Tree Board shall be filled as consistent with vacancies on the Brandon Park Advisory Committee.

Legislative History:
Ordinance No. 420, 4/20/08.
Ordinance No. 560, 3/20/18.
Ordinance #600, 03/18/20

Authority:
SDCL § 9-45-1.

13-1-18

TREATMENTS

Any treatments of boulevard trees for disease or pest must be registered with the City and marked with tags approved by the City. Any tags shall be placed on the street side of the tree in such a way that they are visible from the adjacent roadway and shall be affixed to the tree for at least 730 days after treatment. All costs for treatments shall be the responsibility of the adjacent property. All treatments of boulevard trees must be done with a City licensed entity from the City's approved list.

Legislative History:
Ordinance #600, 03/18/20

13-1-19

REMOVALS

Any removal by a property owner of any Street, Parkway or Boulevard Tree for reasons other than disease, pest, visibility or safety hazards must first be approved by the City.

Legislative History:
Ordinance #600, 03/18/20