

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1614

AN ORDINANCE ESTABLISHING THE TOWN OF ST. JOHN TREE BOARD AND TREE ORDINANCE, PROVIDING DUTIES AND RESPONSIBILITIES OF THE TOWN RELATING TO THE PLACEMENT, PLANTING, AND CARE OF TREES WITHIN THE TOWN, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana (hereinafter the "Town Council"), has been informed and advised that it is important for a Tree Board and regulations for same to be established to review and monitor the trees being planted, maintained and removed on public property within the Town; and

WHEREAS, the Town Council has been further informed and advised that established rules and regulations will achieve a number of functional and environmental objectives to sustain Town-wide green infrastructure, including, but not limited to:

- A. Conserve existing Tree vegetation throughout the Town;
- B. Avoid conflicts with overhead and underground utilities;
- C. Protect trees from unnecessary damage during construction;
- D. Require sufficient mitigation of tree loss within the Town;
- E. Require proper tree planting, pruning and other related maintenance; and
- F. Promote treatment of storm-water runoff through the use of trees; and

WHEREAS, the Town Council now seeks to establish a Tree Board which will have the sole duty and responsibility of review and monitoring tree planting, maintenance, and removal of trees within the Town so as to promote healthy and continued growth trees within the Town; and

WHEREAS, the Town Council now concurs upon its review that it is advisable, necessary, and in the best interests of the residents of the Town of St. John to establish a Tree Board and regulations pertaining to trees in the Town of St. John.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: Creation and Establishment of Tree Board.

There is hereby created and established a Tree Board for the Town of St. John, Lake County, Indiana. The Tree Board shall be comprised of not less than three (3), and not more than seven (7) Members, appointed by the Town Council in conformance with applicable law. Initially, Members shall be appointed for one (1) year terms. Thereafter, Members shall likewise be appointed for one (1) year terms. In the event of a vacancy, the Town Council shall appoint a replacement Member to serve for the remainder of the unexpired term. Meetings of the Tree Board shall occur on the third Friday of each month, unless and until the Tree Board establishes

a modified meeting schedule. Members may be removed for any cause deemed sufficient by the Town Council.

SECTION TWO: Tree Board Operation.

The Tree Board shall elect its own Officers, make its own rules and regulations governing its policies and procedures, and keep meeting minutes of its proceedings, provided that the rules and regulations adopted are consistent with applicable Indiana law. A majority of the Members then appointed shall constitute a quorum for the transaction of business.

SECTION THREE: Duties and Responsibilities.

It shall be the responsibility of the Tree Board to study, investigate, counsel, 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 located within the Town, along public streets, and in other public areas. Such plans will be presented annually to the Town Council, and upon the Town Council's acceptance and approval, shall constitute the Official Comprehensive Town Tree Plan. Any recommendations by the Tree Board related to a specific tree or trees shall be presented on an as-needed basis to the Town Council.

It shall be the duty and responsibility of Members of the Tree Board to be familiar with the Town Zoning Ordinance as it relates to landscaping. At all times, the Tree Board shall not make any plans and recommendations, or effectuate any action for planting and locations of trees, which are inconsistent with the existing Town Zoning Ordinance, as the same is amended from time to time, as it relates to landscaping regulations, and the like.

The Tree Board may also provide assistance to the Town in the following areas:

- A. Assist with technical standards concerning tree/ shrub care, preservation, selection, installation, pest abatement, maintenance and removal located on Town-owned property;
- B. Make recommendations to the Town Plan Commission on submitted landscaping plans prior to approval;
- C. Recommend to the Town Council annual forestry expenditures that equal or exceed \$2.00 per capita by spending funds on those eligible expenditures as recommended by Indiana Tree City USA and the Indiana Department of Natural Resources;
- D. Participate in annual Arbor Day event and ensure reading of proclamation;
- E. Ensure minimum standards and annual submissions to maintain Tree City USA status;
- F. Assist the Town with public tree inventories, as needed;
- G. Participate in volunteer tree planting and maintenance events as requested by the Town Parks Department;
- H. Apply for tree-related grants;
- I. Provide comments on subsequent revisions to this Ordinance, as needed;
- J. Meet on a monthly basis and maintain meeting minutes for the record; and
- K. Make recommendations to the Town Council regarding specific maintenance of trees in Town and removal of dead and/or diseased trees on private property.

SECTION FOUR: Tree Topping.

It shall be unlawful, as a normal practice, for any person, firm, or Town Department to top any tree located on public property. Topping is defined as the cutting back of limbs to 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. 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 recommendation by the Tree Board to the Town Council.

SECTION FIVE: Dead or Diseased Tree Removal on Private Property.

The Tree Board shall have the right to recommend the removal of any dead and/or diseased trees on private property within the Town 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 Town. Prior to recommendation to the Town Council for removal of the aforementioned trees, the Tree Board shall notify, in writing, the owner of such trees. The notice shall state that removal of both tree and stump shall be done at the owner's expense within sixty (60) days after the owners receive the notice. In the event that the owner does not remove such tree and stump, then the Town shall have the authority to remove such trees and charge the cost of removal to the private property owner.

SECTION SIX: Tree and Stump Removal.

Any trees that are removed either at the request of the Tree Board, or by the Town without the recommendation of the Tree Board, existing on public property, shall have the remaining stump removed so that the stump does not project above the surface of the ground.

SECTION SEVEN: Exemptions.

Nothing in this Ordinance shall prevent the Town from taking action to remove and/or cut trees, prior to the recommendation of the Tree Board, in emergency situations when a tree has been damaged by storms or other causes if the tree is deemed to be a danger to Town residents. The removal or cutting of the tree that has not been recommended by the Tree Board shall be reported to the Tree Board for record keeping and annual reporting purposes by the Tree Board.

SECTION EIGHT: Appeal.

Any person owning property with trees already in the ground or with issues or conditions concerning trees that are proposed, to whom any provision of this Ordinance has been applied, may appeal in writing, no later than thirty (30) days after the action or decision being appealed from, to the Tree Board. Such appeal shall identify the matter being appealed and the basis for the appeal. The Tree Board shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed.

SECTION NINE: Penalty.

It shall be unlawful for any person or entity to prevent, delay, or interfere with the Tree Board, or any of its agents, while engaging in its official duties pursuant to this Ordinance, as amended from time to time. Any person or entity interfering with the Tree Board and/or violating any other provision of this Ordinance shall be subject to a minimum fine of \$25.00, and not more than \$2,500.00, each day, for each separate offense. Each day of a violation of this Ordinance, as amended from time to time, constitutes a separate offense for provisions of the Penalty terms herein.

SECTION TEN: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION ELEVEN: That if any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION TWELVE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 27th DAY OF August, 2014, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA. 2013

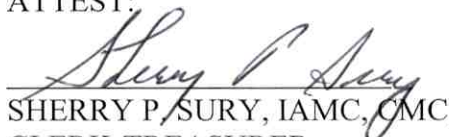
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL


MICHAEL S. FORBES, President


LARRY BUSTAMANTE, Vice President


MARK BARENIE, Member

ATTEST:


SHERRY P. SURY, IAMC, OMC,
CLERK-TREASURER


GREGORY J. VOLK, Member


KENNETH D. GEMBALA, Member