

ORDINANCE NO. 123

AN ORDINANCE TO ESTABLISH A TREE BOARD AND THE BOARD RESPONSIBILITIES.

BE IT ORDAINED by the Town Council of the Town of Sheridan, Montana, that :

The Town Council, in recognizing the importance of trees to the quality of life, has created a tree ordinance. In the creation of this ordinance, the Town Council has also created a tree board and selected three (3) members to serve on this board.

Membership

Section 1. Eligibility: A board member shall be a property owner of the Town and shall be genuinely interested in the development and improvement of the town's tree program, and

Section 2. Appointment: The board shall consist of three (3) members appointed by the Town Council.

Section 3. Term: Each member shall serve a three (3) year term following the initial term of one, two (2) and (3) years respectively, and

Section 4. Compensation: Members of the board shall receive no compensation.

Duties

The tree board, hereinafter called the board, will concern itself primarily with the following:

Section 5. Planting, Maintaining and Removing: Planting, maintaining and removing trees and other vegetation on public and municipal property within the town limits of Sheridan.

Section 6. Distance from Curb, Sidewalks, Street Corners and Fire Hydrant

The distance trees may be planted from curbs and curb lines and sidewalks will be 2 feet for bushes/shrubs, 3 feet for trees. No trees or large shrubs shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs and curb lines. No trees or large shrubs shall be planted within 10 feet of any fire hydrant.

Section 7. Educational Materials: Providing educational materials to anyone requesting assistance in choosing tree species for planting in the area, methods of trimming, and general care.

Section 8. Planting Assistance: Requesting planning assistance from state and federal agencies as well as independent professionals in the field of urban forestry.

Section 9. Appreciation of Trees: Promoting appreciation of trees through annual Arbor Day observances as well as other activities.

Section 10. Maintenance Plans: Recommending and approving plans for maintenance of trees on town property.

Section 11. Review by Town Council. The Town Council shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board, to the Town Council who may hear the matter and make decisions.

Absolute Liability

Section 12. It is the legislative purpose of the Sheridan Town Council, pursuant to the provisions of 452104 M.C.A., to impose absolute liability for the misdemeanor offenses(s) enacted by and set forth in this ordinance. Those offenses shall not require proof of the mental status described in 452101, M.C.A.

Repealer

Section 13. All resolutions, ordinances, and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability

Section 14. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Effective Date

Section 15. This ordinance shall be in force and effective thirty (30) days after passage on second reading.

PASSED AND ADOPTED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 13th day of February, 2012.

Dean Derryberry, Mayor

ATTEST:

Gail Leary, Town Clerk

PASSED AND ADOPTED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 12th day of March. 2012.

Dean Derryberry, Mayor

ATTEST:

Gail Leary, Town Clerk

