

ARTICLE IV. WAS ABOLISHED
IN ITS ENTIRETY BILL-22-224

APPLICABLE PROVISIONS
INCORPORATED IN CH. 2

APPLICABLE PROVISIONS
INCORPORATED IN CH. 30.

ARTICLE IV. BEAUTIFICATION COMMISSION

Sec. 19-200. Creation and establishment.

The Beautification Commission shall coordinate and promote projects for the beautification of the City. The Commission will also serve as the City Tree Board for the City of Lee's Summit, Missouri.

(Code 1988, § 19-200; Ord. No. 6336, § 1, 1-18-2007)

Commented [MP1]: Moved to Sec. 2-275

Sec. 19-201. Composition; qualifications of members.

The Beautification Commission shall consist of nine (9) members, citizens and residents of this City, who shall be appointed by the Mayor with the advice and consent of a majority of the Council.

(Code 1988, § 19-201; Ord. No. 6336, § 1, 1-18-2007; Ord. No. 6769, § 1, 2-19-2009)

Commented [MP2]: Moved to Sec. 2-277

Sec. 19-202. Term of office.

The terms of the nine (9) members shall be for three (3) years commencing from the date of appointment and until their successors are duly appointed and qualified.

(Code 1988, § 19-202; Ord. No. 6336, § 1, 1-18-2007; Ord. No. 6954, § 1, 7-8-2010)

Commented [MP3]: Moved to Sec. 2-277

Sec. 19-203. Compensation.

Members of the Commission shall serve without compensation.

(Code 1988, § 19-203; Ord. No. 6336, § 1, 1-18-2007)

Commented [MP4]: Not Applicable

Sec. 19-204. Duties and responsibilities.

It shall be the responsibility of the Commission to study, investigate, counsel and 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, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Lee's Summit. The Commission, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Code 1988, § 19-204; Ord. No. 6336, § 1, 1-18-2007; Ord. No. 6769, § 2, 2-19-2009)

Commented [MP5]: Moved to Sec. 2-278

Sec. 19-205. Operation.

The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Commented [MP6]: Moved to Sec. 2-279

(Code 1988, § 19-205; Ord. No. 6336, § 1, 1-18-2007)

Sec. 19-206. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator is defined as the administrator of the Parks and Recreation Department, as appointed by the Parks and Recreation Board. The Administrator shall have the authority to designate an employee of the Parks and Recreation Department to act in his behalf regarding the execution of the responsibilities of Sections 19-206 to 19-222.

Public trees are defined as trees and shrubs on land within the right-of-way of all streets, in all City parks and on all property owned by the City.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP7]: Not Applicable

Commented [MP8]: Moved to Sec. 2-276 AND Sec. 30-40

Sec. 19-207. Purpose and intent.

The purpose and intent of Sections 19-206 to 19-222 is to protect and encourage the protection of trees and shrubs; to provide for public health, safety and general welfare; to promote and preserve the City's aesthetic value; regulate and control the planting, maintenance and removal of trees and shrubs on and adjacent to public and private property, rights-of-way and within the City; and manage the City's community urban forest in a strong, healthy condition for today and for the future.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP9]: Moved to Sec. 30-41

Sec. 19-208. Enforcement.

It shall be the duty and responsibility of the Administrator to:

- A. Enforce Sections 19-206 to 19-222;
- B. Serve notice to any person in violation thereof or institute legal proceedings as may be required and the City Attorney is hereby authorized to institute appropriate proceedings to that end; and
- C. Supervise, direct and control the planting, pruning, maintenance and removal of trees and shrubs within the City pursuant to Sections 19-206 to 19-222 and as set forth in the Plan prepared by the Beautification Commission/Tree Board and approved by the Parks and Recreation Board.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP10]: Moved to Sec. 30-42

Sec. 19-209. Permission required.

- A. No person shall plant any tree or shrub on property owned by the City without first obtaining the permission of the Administrator.
- B. No person shall plant any public trees without first obtaining the permission of the Administrator and without complying with applicable City ordinances.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP11]: Moved to Sec. 30-43

Sec. 19-210. Existing public trees.

Any public trees planted and existing as of the date of this ordinance shall be allowed to remain in place unless the Administrator determines that a public tree presently does, or at maturity will, obstruct vision clearance areas, interfere with utilities or street lights, or otherwise presents a danger to the safety and/or welfare of the public.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP12]: Moved to Sec. 30-44

Sec. 19-211. Tree species.

The Administrator will maintain an extensive list of recommended trees for planting. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees may be updated periodically by the Administrator to reflect new developments or species that will affect the community urban forest.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP13]: Moved to Sec. 30-45

Sec. 19-212. Distance for planting.

A. No trees or shrubs may be planted within the vision clearance area as defined in the City's Unified Development Ordinance.

B. No trees or shrubs may be planted closer than:

1. Ten (10) feet from any fire hydrant/fireplug and storm box; and
2. Two (2) feet from any curb of a street.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP14]: Moved to Sec. 30-46

Sec. 19-213. Clearance over sidewalks, streets and alleys.

No person occupying, in charge or control of or owning any property in the City shall permit the trees or shrubs on such property to hang over so as to obstruct or interfere with the safe use of sidewalks, streets and alleys. The City shall have the right to trim any and all trees or shrubs and to remove any and all limbs or branches as necessary for the safe use of sidewalks, streets and alleys.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP15]: Moved to Sec. 30-47

Sec. 19-214. Utilities.

No trees, other than those species approved by the Administrator, may be planted under or within ten (10) feet from any overhead utility wire, or over or within five (5) lateral feet of any underground water, sewer, storm sewer, electric, telephone or other utility line.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP16]: Moved to Sec. 30-48

Sec. 19-215. Tree topping.

It shall be unlawful for any person to top any public trees. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this section at the determination of the Administrator.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP17]: Moved to Sec. 30-49

Sec. 19-216. Public tree care.

The Administrator shall have the right to plant, prune, maintain and remove trees and shrubs within the right-of-way of all streets and alleys and on property owned by the City, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such areas. The Administrator may remove or cause or order to be removed, any tree or shrub which are in an unsafe condition or which by reason of their nature are injurious to water, sewer, storm sewer, electric, telephone or other utility lines or other public improvements or are affected with an injurious fungus, insect or other pest. All tree pruning and removal will be done in accordance with the most current ANSI A300 Tree Shrub and Other Woody Plant Maintenance—Standard Practices.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP18]: Moved to Sec. 30-50

Sec. 19-217. Dead or diseased tree removal on private property.

The Administrator shall have the right to cause the removal of any dead or diseased trees or shrubs on private property within the City, when such trees or shrubs constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees or shrubs within the City.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP19]: Moved to Sec. 30-51

Sec. 19-218. Notice.

- A. The Administrator will notify the person occupying, in charge or control of or owning any property on which such tree or shrub is located that pruning, maintenance and/or removal pursuant to Sections 19-213, 19-214, 19-216 and/or 19-217 is to be done or is required, within the time specified in the notice. The notice shall also indicate whether the City or the person occupying, in charge or control of or owning the property will bear the expense of the work to be done.
- B. In the event of failure to comply with such notice, the City shall have the right and authority to prune, maintain and/or remove such trees or shrubs and charge the cost of removal to the person occupying, in charge or control of or owning the property on which such tree or shrub is located. Such notice shall be deemed properly served if a copy thereof is:
1. Delivered personally;
 2. Sent by certified or registered mail addressed to the person at the last known address with the return receipt requested; or
 3. Delivered in any other manner as prescribed by local law or posted upon the property.
- C. If the certified or registered letter is returned showing that the letter was not delivered, a copy of the notice shall be posted in a conspicuous place in or about the property. Service of such notice in the foregoing

Commented [MP20]: Moved to Sec. 30-52

manner upon the owner or upon the person in charge or control of the property shall constitute service of notice upon the owner.

(Ord. No. 6554, § 1, 12-20-2007)

Sec. 19-219. Imminent danger.

Notwithstanding any other provisions of this Code, whenever, in the opinion of the Administrator, there is an emergency or other condition which poses an imminent danger to life and/or property due to a tree or shrub, the Administrator shall order any necessary work to be done to abate the dangerous condition whether or not any notice or other procedure described herein has been instituted; and shall cause such other action to be taken as the administrator deems necessary to meet such emergency and/or abate the dangerous condition.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP21]: Moved to Sec. 30-53

Sec. 19-220. Interference with Administrator.

It shall be unlawful for any person to prevent, delay or interfere with the Administrator, or any of the Administrator's employees, contractors or agents, while engaging in and about the planting cultivating, mulching, pruning, spraying, or removing of any public trees or trees and shrubs on private property, as authorized in Sections 19-206 to 19-222.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP22]: Moved to Sec. 30-54

Sec. 19-221. Review by Parks and Recreation Board.

- A. The Parks and Recreation Board shall have the right to review the decisions of the Administrator.
- B. Any person aggrieved by a decision of the Administrator may appeal such decision by filing a written notice of appeal with the Parks and Recreation Board within ten (10) days following the date of the Administrator's decision. The written notice of appeal shall include all documentation which the aggrieved person believes relates to their appeal. If an aggrieved person fails to appeal the Administrator's decision within ten (10) days as set forth herein, the decision shall be final and no appeal shall be heard.
- C. The Parks and Recreation Board shall provide notice to the aggrieved person of the date, time and place of hearing, which shall be no later than thirty (30) days from the date of the filed notice of appeal (unless continued by mutual consent), where such person will have full opportunity to present evidence and testimony in support of the appeal. The hearing shall be conducted by the Parks and Recreation Board as a contested case under the provisions of Chapter 536 RSMo, and the Parks and Recreation Board shall issue a final decision within ten (10) days of the hearing date. The decision shall include written findings of fact and conclusions of law.
- D. Subject to Section 8.5 of the Lee's Summit Charter, the decision of the Parks and Recreation Board shall be final for purposes of appeal pursuant to Chapter 536, RSMo.

(Ord. No. 6554, § 1, 12-20-2007)

Commented [MP23]: Moved to Sec. 30-55

Sec. 19-222. Penalty for violation.

Any person violating any provision of Sections 19-206 to 19-222 or who fails to comply with any notice issued there under, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days or both such fine and imprisonment.

Commented [MP24]: Moved to Sec. 30-65

(Ord. No. 6554, § 1, 12-20-2007)

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