

ORDINANCE NO. 208

AN ORDINANCE CONCERNING SPRAYING, CARING FOR AND REMOVAL OF TREES AND OTHER PLANTS WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUGAR CITY; PROVIDING FOR A SERVICE CHARGE FOR ~~SPRAYING~~ AND FOR ASSESSING THE COST OF OTHER TREE CARE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUGAR CITY:

SECTION 1. FORESTRY CONTROL:

(a) The Board of Trustees shall have the power to promulgate, amend, and repeal rules, regulations, and specifications for the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants within the Corporate Limits of the Town of Sugar City.

(b) The Board of Trustees shall have the responsibility to cause to be inspected all trees, shrubs, vines, hedges, or other plants upon any property within the Corporate Limits of the Town of Sugar City.

(c) The Board of Trustees of the Town of Sugar City hereby finds, determines, and declares that the existence within the Town of Sugar City of dutch elm disease and other tree diseases together with other insect pests or disease constitutes a threat to the forestry of the Town and endangers the health, safety, and welfare of all inhabitants of the Town of Sugar City. In order to control or eradicate said threat, the Town Superintendent shall make investigation and determination as the Board of Trustees shall deem necessary for the protection of all trees, shrubs, vines, hedges, or other plants upon any property within the Corporate Limits of the Town of Sugar City, and shall further spray or cause to be sprayed all trees, shrubs, vines, hedges, or other plants located upon any premises owned, controlled, or occupied by any person, firm, or corporation within the Town, including premises owned, controlled, or occupied by the Town of Sugar City or any other governmental agency with such material or materials in such manner or at such time or times, at least annually, or as may be determined by the Board of Trustees to be effective in the control of elm beetles, or any other pest or disease which may exist in or be a threat to the forestry of the Town.

(d) The Board of Trustees of the Town of Sugar City shall have the power to require the owner of any property or the owner of any property abutting on any street, alley, sidewalk, or other public place to:

- (1) Remove any dead or diseased tree, shrub, vine, hedge, or other plant on the premises of the owner or upon any street, alley, sidewalk, or other public place abutting the premises of the owner.
- (2) Remove any dead overhanging boughs determined to be dangerous to life, limb, or property located on the premises of the owner or upon any street, alley, sidewalk or other public place abutting the premises of the owner.
- (3) Trim, spray, prune, or remove any tree, shrub, vine, hedge, or other plant which may be determined to be a nuisance or to be dangerous to life, limb, or property located on the premises of the owner or upon any street, alley,



sidewalk or other public place abutting the premises of the owner; or which may be determined to interfere with or obstruct the movement of traffic or pedestrians, construction and maintenance of utility lines or obstruct the light from any street lamp.

(e) In the event that mandatory action is required pursuant to subsection (d) of this section the Board of Trustees of the Town of Sugar City shall cause notice to be given to the property owner which notice shall state the date of investigation, the person or persons conducting the investigation, the results thereof, and the mandatory action required to abate the nuisance or alleviate the danger. Such notice shall be sent in writing addressed to the owner at the owner's then current address, if known, but if not known then to the occupant, and if there be no occupant, then to the last known address of the last reported owner as shown by the records of the Crowley County Treasurer. Notice shall be sent certified, U.S. Mail, and shall be effective upon the date of mailing. Such notice shall grant a period of 20 days to accomplish the remedial action required.

(f) In the event the owner of any premises fails or neglects to comply with the notice provided herein, the Board of Trustees is authorized to take the action required by such notice at the expense of the owner of such property, which expense shall be collected as hereinafter provided.

(g) The costs of spraying and insect control incurred pursuant to subsection (c) of this section shall be defrayed by the assessment of a one dollar per month fee to be billed monthly in advance as a part of the water bill of each metered water recipient within the Corporate Limits of the Town of Ordway.

(h) The costs of other care incurred pursuant to subsection (d) of this section shall be and are hereby assessed upon the lots and tracts of land where the plants are located. After the completion of such other care, the Town Superintendent shall prepare and send to the Town Clerk a schedule showing the description of the lots and tracts of land upon which or abutting upon which the plants are located and cared for, the costs thereof, and the names of the owners thereof. Upon the receipt of the schedule, the Town Clerk shall assess costs of such care to the owner of the tract of land and the amount so assessed shall be a lien in the several amounts assessed against each lot or tract of land until the same is paid and the same shall have priority over other liens, except general taxes and prior special assessments. Such assessment must be paid within thirty days from the time the assessment is made.

(i) In case any assessment due and payable under this section, except that set forth in subsection (g) hereof, is not paid within thirty days from the date the assessment is made, the Town Clerk shall certify the same to the County Treasurer to be placed upon the tax rolls of the current year and to be collected in the same manner as other taxes are collected with ten percent (10%) penalty thereon to defray the cost of collection.

The Board of Trustees finds, determines, and declares that this action is necessary for the protection of the public peace, health, and safety and shall become effective immediately upon the final passage and publication thereof.

Introduced, read in full, passed, adopted, approved and ordered posted this 16th day of June, 1980.

  
Mayor.

Attest:

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Town Clerk.