

April 28, 2015

Dear City Administrator, Mayor McConnell and members of the Assembly,

The passage of Sitka Tree Ordinance has been a goal of the Tree and Landscape Committee for many years. The Sitka Urban Forest Management Plan (accepted by the Assembly 7/13) has the establishment of an ordinance as a key component of good urban forest management. The Committee members have spent considerable time reviewing other municipality's ordinances and crafting an ordinance that they believe matches both CBS's and community's interests, financial and personnel resources as well as political and public acceptance.

In recognition of the many benefits conveyed by trees, many local governments adopt tree ordinances that, for the most part, apply to publicly owned trees and hazardous trees on private property. Properly applied ordinances are tools that help communities protect trees and preserve green space.

Tree ordinances reflect the values of a community and the worth of its trees. An ordinance encourages tree maintenance to secure air purification, noise and dust abatement, storm water management, water quality, property value enhancements, beautification, public health, safety and other benefits trees provide.

The Tree Ordinance and Sitka Urban Forest Management Plan (an Assembly accepted plan completed in 2012) will be integrated into the overall management strategy for public trees. This Tree Ordinance provides the city an opportunity institute regulation and levels of authority that the Tree and Landscape Committee members have tailored to community capacity and CBS resources. It provides clear authorization for CBS to manage public trees.

This ordinance has been reviewed by CBS staff, including Chris Brewton, Utility Director; Michael Harmon, Public Works Director, Mark Gorman, Municipal Administrator and Robin Koutchak, Municipal Attorney as well as the staff at the Alaska Community Forestry Program.

The Tree Ordinance doesn't include any fiscal obligation.

Thank you for your careful consideration of Ordinance 2015-34 amending the Sitka General Code at Title 23 to add Chapter 23.40 titled "Municipal Trees and Landscaping".

Sincerely,

Joe D'Arienzo  
Chair, Sitka Tree and Landscape Committee

Attachments:  
Sitka Tree Ordinance No.2015-34

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015 -34

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE TITLE 23 "PARKS AND RECREATION" BY ADDING A NEW CHAPTER 23.40 ENTITLED "MUNICIPAL TREES AND LANDSCAPING"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. INTRODUCTION. Urban trees and forestlands are essential to the health and sustainability of the community. The intent of this ordinance is, through the preservation, protection, and planting of trees, to:

- a. Protect vital water resources and reduce storm water runoff;
b. Provide for healthy salmon fisheries and wildlife habitat;
c. Foster additional retail activity;
d. Improve community health;
e. Improve air and water quality;
f. Reduce crime;
g. Increase property value;
h. Counter climate change;
i. Improve local food security with use of edible plantings;
j. Ensure roadway safety by traffic calming and
k. Enhance Sitka as an attractive visitor destination which will lead to better visitor experiences.

3. PURPOSE. This ordinance adds a new chapter to the SGC at Title 23 regarding "Parks and Recreation." This is chapter 40, entitled "Municipal Trees and Landscaping."

The purpose of this ordinance is to promote and protect the public health, safety and general welfare by managing trees on municipal property and to maximize their benefits while reflecting the values of the community. The ordinance establishes standards and guides the planting, pruning, removal, and maintenance of trees, shrubs and other plants within municipal parks and rights-of-way and on other municipal land.

Further, the ordinance supports implementation of the "Sitka Urban Forest Management Plan" and maintaining Sitka's status as a Tree City USA.

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47 Responsible Official  
48 The Sitka Park and Recreation Division exercises jurisdiction over all trees, shrubs, other  
49 plants, and landscaping in municipal parks and rights-of-way and other lands owned and  
50 managed by the City and Borough of Sitka.

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52 The Public Works Director is designated as the official responsible for municipal  
53 landscaping. The Public Works Director may designate an employee to perform the  
54 duties of administering the program.

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56 The Public Works Director or designee regulates the planting, pruning, removal,  
57 replacement and maintenance of all trees and shrubs within the City right-of-way and  
58 properties and is the main point of contact.

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60 The Public Works Director or designee shall determine whether a tree within City right-of-way  
61 or land is contagiously diseased, dead, or hazardous, obstructing the right-of-way or posing a  
62 threat to public safety and has the right to take samples from trees and shrubs for laboratory  
63 testing.

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65 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly  
66 of the City and Borough of Sitka that Chapter 40 entitled “Municipal Trees and Landscaping” is  
67 added to SGC at Title 23 which concerns Parks and Recreation:

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69 Title 23  
70 **PARKS AND RECREATION**  
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73 **Chapter 23.40**

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75 **MUNICIPAL LANDSCAPING AND TREES**

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77 **Sections:**

- 78 **23.40.010 Definitions.**
- 79 **23.40.020 Purpose.**
- 80 **23.40.030 Requirements.**
- 81 **23.40.040 General Tree and Landscaping standards.**
- 82 **23.40.050 Installation of landscaping for municipal projects.**
- 83 **23.40.060 Tree planting recommendations and guidelines.**
- 84 **23.40.070 Municipal tree care.**
- 85 **23.40.080 Tree removal and tree topping on municipal property.**
- 86 **23.40.090 Tree pruning on municipal property or right-of-way.**

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89           **23.40.010 Definitions.**

90           The terms and phrases used in this chapter shall have the following meanings:

- 91           A.    "Landscaping" means an area in which plants and/or landscape features or  
92           hardscape elements have been placed or constructed, and may include mounds  
93           and berms but doesn't include turf.  
94           B.    "Roadways" means any highway, street, alley, or lane.  
95           C.    "Urban forest or street tree" means trees, shrubs, bushes and all other woody  
96           vegetation located in named municipal parks and rights-of-way and on municipal  
97           building grounds and/or identified in the Parks Division's tree inventory.  
98           D.    "Woody vegetation" means a plant that produces wood as its structural issue. It  
99           may have one or many hard, woody stems and includes trees, shrubs or bushes.  
100          E.    "Turf" means a surface layer of soil containing a dense growth of grass and its  
101          matted roots, including sod or lawn.  
102          F.    "Right-of-way" means the land covered by and adjacent to the roadway that the  
103          municipality maintains, is used as legal access and is reserved for the purposes of  
104          maintenance or expansion of existing services. This also includes easements on  
105          lands over which power lines and other utilities extend (e.g. utility easements).  
106          G.    "Tree topping" means removal of the leader stem of a tree or the severe cutting  
107          back of limbs larger than three inches in diameter within the tree's crown to stubs  
108          to such a degree so as to remove the normal canopy and disfigure the tree.  
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118           **23.40.020 Purpose.**

119           The purpose of this ordinance is to guide the planting and maintenance of trees and  
120           landscaped areas in the City and Borough of Sitka's urban forest. The ordinance  
121           establishes guidelines and standards for the care of and the installation of trees and  
122           landscape materials on municipal projects.  
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124           **23.40.030 Requirements.**

125           Tree and Landscape planting requirements shall be based on standards set out in this  
126           chapter and shall apply to new or existing landscaping and any associated with publicly  
127           accessible municipal buildings that are constructed or renovated.  
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**23.40.040 General Tree and Landscaping Standards.**

- A. Trees and landscaping for municipal projects shall be planned in consultation with Parks and Recreation Division staff. Installation and maintenance shall be directed by the Public Works Director or designee and according to The Sitka Urban Forest Management Plan and associated best management practices and standards for tree planting and care outlined in this document.
- B. The municipality shall encourage at least one staff person to be a certified arborist.

**23.40.050 Installation of landscaping for municipal projects.**

Consultation with municipal Parks and Recreation Division staff will occur during project planning and implementation including changes. Landscaping and turf for municipal projects shall be installed according standards established in the *Sitka Urban Forest Management Plan* and industry standard best management practices.

**23.40.060 Tree planting recommendations and guidelines.**

Tree planting on municipal lands shall conform to the Sitka Urban Forest Management Plan and industry standard best management practices.

**23.40.070 Municipal tree care.**

The Municipality shall have the right to plant, prune, maintain and remove trees, plants and shrubs along all roadways and on municipal land as may be necessary to ensure public safety and for municipal purposes. Consultation with the Parks and Recreation Division staff should occur prior to removal of any urban tree, insofar as practicable.

**23.40.080 Tree removal and tree topping on municipal property.**

- A. The City and Borough of Sitka will continue to maintain ROW and utility easements to ensure public safety and to protect CBS infrastructure which at times does include removal of hazardous trees.
- B. Tree Topping. Tree topping on municipal property is not permitted.

**23.40.090 Tree pruning on municipal property or right-of-way.**

Pruning shall be conducted according to this chapter.

- A. Tree pruning on municipal property shall conform to standards established in the Sitka Urban Forest Management Plan for tree care operations and under the general supervision of the Parks and Recreation Staff who is a certified arborist.
- B. No one other than qualified utility employees or contractor shall prune any plant within ten feet (10') of an overhead utility line.

- 177 C. Any person growing a tree adjacent to municipal roadways, sidewalks or within
- 178 an access rights-of-way is:
- 179 1. Responsible for removing all dead, diseased or dangerous trees, or broken or
- 180 decayed limbs, which constitute a menace to the safety of the public.
- 181 D. The Municipality shall have the right to prune any tree or shrub on private
- 182 property when it interferes with visibility of any traffic control device or
- 183 intersections or to ensure public safety.
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185 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day

186 after the date of its passage.

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188 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and

189 Borough of Sitka, Alaska this day of 9<sup>th</sup> day of June, 2015.

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Mim McConnell, Mayor

193 **ATTEST:**

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197 Sara Peterson, CMC

198 Municipal Clerk