

City of St. Louis – Vegetation and Tree Ordinance - 2008

ARTICLE I. IN GENERAL

Sec. 70-1. Definition of public highway.

For the purpose of this chapter the words "public highway" shall mean all of the land lying between property lines on either side of all the public streets, boulevards and alleys in the city.

(Code 1955, § 5401.2)

Sec. 70-2. Authority of department of public works.

The department of public works shall have control over all trees, shrubs and plants planted or to be planted in the public highways, parks or other public places of the city. The department of public works shall have the power to plant, prune, spray and otherwise maintain trees, plants and shrubs and to determine the type or kind of trees to be planted.

(Code 1955, § 5401.1)

Sec. 70-3. Damaging trees and shrubs on public property without permission prohibited.

No person shall cut down, deface, destroy, damage, or injure any trees, shrubs or plants upon the public places of the city without first obtaining permission from the department of public works.

(Code 1955, § 5402.1)

State law references: Destruction of trees and shrubs, MCL 750.382.

Sec. 70-4. Fastening wires to trees and shrubs without permission prohibited.

No person shall fasten any wire, rope, chain, or cable to any tree or shrub on public property for the purpose of anchorage without a written permit from the department of public works.

(Code 1955, § 5402.2)

Sec. 70-5. Placing posters on trees prohibited.

No person shall nail, tie or in any other manner fasten any cards, signs, posters, boards or other articles to any tree, shrub or plant growing upon any public highway, park, or other public place in the city.

(Code 1955, § 5402.3)

Sec. 70-6. Permission required to plant on public property.

No tree, shrub or plant shall be planted in any public street, park, or public place except under the supervision of the department of public works and in accordance with the provisions of this article.

(Code 1955, § 5406.1)

Sec. 70-7. Certain trees prohibited.

No poplar, box elder or willow tree shall hereafter be planted in the public highways, parks or other public places of the city.

(Code 1955, § 5406.2)
Secs. 70-8--70-17. Reserved.

ARTICLE II. DANGEROUS TREES AND NOXIOUS WEEDS

Sec. 70-18. Trimming and removal of certain trees and shrubs required; declared a nuisance; failure to comply.

(a) The owner of any tree, shrub or plant overhanging the streets or highways within the city shall trim the branches so that the branches do not obstruct the light from any street lamp, or obstruct the view of any street intersection, and so that there shall be a clear space of 12 feet above the surface of the street or highway.

(b) All bushes, shrubs or plants located on any corner lot within the city shall not be permitted to grow to a height of more than three feet above the surface of the roadway, in order that the view of the driver of a vehicle approaching the street intersection shall not be obstructed.

(c) All dead, diseased, or dangerous trees, or broken or decayed limbs of trees or other trees, shrubs or plants which endanger public property or the health or safety of the public or which constitute a menace to the safety of the public shall be removed by the owner thereof.

(d) Any condition which exists in violation of this section is hereby declared to be a public nuisance.

(Code 1955, §§ 4110.2, 5403.1, 5403.2, 5404.1, 5405.1)

Cross references: Nuisances generally, § 38-1 et seq.

Sec. 70-19. Duty of owner to cut noxious weeds; noxious weeds enumerated; declared a nuisance.

(a) The owner or occupant of any property within the city shall cut down all noxious weeds on his property or on that portion of the public highway or alley abutting his property and bounded by the established curb or gutter line as often as necessary to prevent the noxious weeds from going to seed. Noxious weeds shall include, but not be limited to ragweed, Canada thistles, milkweed, wild carrot, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial saw thistles and hoary alyssum.

(b) All noxious weeds are hereby declared to be a public nuisance.

(Code 1955, § 4110.1)

Cross references: Nuisances generally, § 38-1 et seq.

State law references: Control and eradication of noxious weeds, MCL 247.61 et seq.

Sec. 70-20. Notice to remove or trim.

When any tree, shrub, plant or weed is found to be a public nuisance, the city manager shall give notice to the owner or occupier of the premises upon which the nuisance is located, to remove, trim or dispose of the same within five days after service of the notice, which shall be given in accordance with section 1-12.

(Code 1955, § 4110.2)

Sec. 70-21. Failure to comply with notice to remove or trim.

(a) Failure to remove, trim or dispose of the noxious weeds within five days after service of the notice received pursuant to 70-20 shall constitute a civil infraction

subjecting the owner or occupier to the fines and penalties enumerated in sections 2-216 through 2-221 of this Code.

(b) In addition to the remedies listed above, the city manager or his or her designee may carry out the requirements of the notice described in section 70-20 by causing the nuisance to be abated by the city, the cost of which shall be the responsibility of the owner or occupier.

(Code 1955, § 4110.3; Ord. No. B-176, §§ 1, 2, 9-7-04)

Sec. 70-22. Report of city manager to council.

The city manager shall keep an accurate account of the expenses incurred in carrying out the provisions of section 70-21, with respect to each parcel of land entered upon therefore. The amount of such expenses incurred and the destruction of such weeds or the removal or trimming of such trees or shrubs shall constitute a debt due the city by the persons so failing to comply with this article and the city manager shall file a report with the city council specifying the land or lands upon which the city incurred costs in abating nuisances or hazards, the costs incurred for each parcel of land, and the name and address of the last owner of said land as the same shall appear on the assessment rolls of the city.

(Ord. No. B-53, § 1, 6-27-83)

Sec. 70-23. Special assessment roll--Preparation.

The city council shall by resolution direct the city assessor to make a special assessment roll of the costs to be born by the land's benefit as a result of the nuisance abatement and the costs to the city and to report the same to the council.

(Ord. No. B-53, § 2, 6-27-83)

Sec. 70-24. Same--Filing, notice.

When the report of the city manager and the special assessment roll have been reported to the council, they shall order the same filed in the offices of the city clerk for public examination along with a report of the city manager, and shall fix a date, time and place when the council shall meet and review said special assessment roll. The city clerk shall give notice of the meeting of the council to review said special assessment by first class mail to each property owner as shown by the current assessment rolls of the city, at least ten days prior to the time of said hearing, said notice to be mailed to the addresses as shown on the current assessment rolls.

(Ord. No. B-53, § 2, 6-27-83)

Sec. 70-25. Same--Review.

The council shall meet and review said special assessment roll at the time and place appointed or at an adjourned meeting thereof, and shall consider any objections thereto. The council may correct said roll as to any assessment or description of any lot or parcel or other errors appearing therein. Any changes made in such rolls shall be noted in the council's minutes. After such hearing and review, the council may confirm said special assessment roll at such directions as it may have made, if any, or may refer back to the city assessors for a revision, or may annul it or any proceedings in connection therewith.

(Ord. No. B-53, § 2, 6-27-83)

Sec. 70-26. Same--Final and conclusive after confirmation.

Such rolls shall be, upon confirmation, final and conclusive.

(Ord. No. B-53, § 2, 6-27-83)

Sec. 70-27. Special assessments, lien on premises.

All special assessments contained in the special assessment roll shall from the date of confirmation of such roll constitute a lien upon the respective lots or parcel of land assessed and until paid shall be charged against the respective owners of the several lots and parcels of land of the same character and effect as a lien created by the City Charter for city taxes and shall include accrued interest and fees.

(Ord. No. B-53, § 2, 6-27-83)

Sec. 70-28. Collection; statements, mailing.

When the special assessment roll shall be confirmed and be payable, council shall direct the city clerk to transmit the said assessment roll to the city treasurer for collection. The city treasurer shall mail statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records of the city assessor, stating the amount of the assessment and the manner in which it may be paid; provided, however, that failure to mail any such statements shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

(Ord. No. B-53, § 2, 6-27-83)

Sec. 70-29. Payment; collection fees.

The whole or any part of any assessment may be paid at any time after the confirmation of the special assessment roll until January 10 of the next succeeding year. After the special assessment has been billed the same shall be collected by the city treasurer with the same rights and remedies as provided in the charter for the collection of taxes. On January 10 of the next succeeding year, the city treasurer shall add to all assessments paid on such day and thereafter a collection fee of four percent of the amount of the assessment or installment and on the first day of each succeeding month he shall add an additional one-half of one percent as a collection fee. All collection fees shall belong to the city collectable in the same manner as the collection fee for city taxes.

(Ord. No. B-53, § 2, 6-27-83)