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State: Missouri
Jurisdiction Type: Municipal
Municipality: City of St. Louis
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Community Type – applicable to: Urban; Suburban
Title: City of St. Louis Division of Forestry Ordinance
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Abstract

The St Louis Revised Code delineates requirements for a Division of Forestry and the roles and responsibilities that accompany such a Division. The Commissioner of Forestry's position is established here, as are his duties (which are to tend and monitor all publicly owned trees).

Resource



St. Louis City Revised Code Chapter 22.48
DIVISION OF FORESTRY

Sections:

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- 22.48.020 Employees.
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22.48.010 Commissioner of Forestry.

The Division of Forestry shall be in charge of a Commissioner of Forestry appointed by the Director of Parks, Recreation and Forestry. The Commissioner shall be responsible for the planting, trimming, and maintaining all City-owned trees along all public highways, streets, boulevards, and parkways; and for maintaining free of weeds all unimproved or unused plots of ground owned by the City. (Ord. 49772 § 2 (28), 1960: 1960 C. § 240.010.)

Charter:

Art. III § 14-B (d) Division of Forestry

22.48.020 Employees.

The Commissioner of Forestry is authorized to appoint and control the number of assistants and subordinate employees of the Commissioner of Forestry necessary to perform the duties of the Division of Forestry. (Ord. 49772 § 2 (29), 1960: 1960 C. § 240.020.)

22.48.030 Duties of Commissioner of Forestry.

The Commissioner of Forestry shall have full power and authority over trees planted and to be planted in the streets of the City. It shall be his duty to superintend, regulate and encourage the planting, culture and preservation of shade trees in the streets of the City: to prune, spray, cultivate and otherwise maintain such trees, and to direct the time and methods of trimming the same; to remove any tree that might interfere with the development of adjoining trees or with the free use of the public sidewalk or street, or any tree in a condition that could be considered a menace to the public using the public sidewalk or street; to advise the property owners regarding the kind of trees and the method of planting desirable trees on particular streets, to take such measures as may be deemed necessary to control all dangerous insect pests and plant diseases that may affect trees on the streets of the city, and to do such other acts and perform such other duties as the director of parks, recreation and forestry may direct. He shall have full power and

authority over trees planted and to be planted on city-owned property except that he shall act as a consultant only in regard to trees located in the public parks administered by the division of parks. (Ord. 49772 § 2 (30 part), 1960: 1960 C. § 240.040.)

City Counselor Ops.: 9167, 10493

McQuillin:

30.67 Control of trees by municipality

22.48.040 Reports of violations.

He shall report to the city counselor all cases which come to his knowledge of violations of ordinances respecting trees located in the streets of the city and shall, when requested by the city counselor, assist in the prosecution of persons charged with the violation of any such ordinances. (Ord. 49772 § 2 (30 part), 1960: 1960 C. § 240.050.)

22.48.050 Distances between trees and other objects.

Except upon written permit issued by the commissioner of forestry, no tree shall be planted in any street of the city at a distance of less than thirty-five feet from any other tree standing in the same street, or at a distance of less than eighteen inches from the established sidewalk line or the established curb line of the street or at a distance of less than six feet from any fireplug, gas or water valve box, sewer vent, or any other obstruction of a similar nature, or at a distance of less than twenty feet from a street corner or intersection, or at a distance of less than five feet from any driveway or alley. (Ord. 49972 § 2 (31), 1960: 1960 C. § 242.010.)

22.48.060 Permit to plant.

Except upon written permit issued by the commissioner of forestry, no person shall himself, or by another, plant or set any tree or shrub in any street or pull up, cut down, burn, destroy, remove, prune, paint, spray or in any manner interfere or tamper with any tree or shrub located in any public street of the city. The commissioner of forestry shall have full power and authority to determine the variety of any tree to be planted under the terms of this section except that the permittee may appeal from the decision of the commissioner of forestry as to the variety of tree to be planted to the board of public service whose decision in the matter shall be final. Any tree to be planted shall be free of infectious disease and shall measure not less than one and one-half inches in diameter as measured one foot from the ground at the time it is planted. (Ord. 49772 § 2 (32), 1960: 1960 C. § 242.020.)

V.A.M S.:

560.405 Malicious destruction of fruit and ornamental trees and other property

560.480 Cutting or destroying timber on another's land

City Counselor Ops.: 9268

McQuillin:

24.95 Offenses against property

22.48.070 Chemical injury.

No person shall permit any toxic chemical or other such injurious substance to seep, drain or be emptied on or about any tree in the streets of the city. (Ord. 49772 § 2 (33), 1960: 1960 C. § 242.030.)

22.48.080 Open space around trunk.

No person shall place any stone, cement or other substance about any tree in any street which shall impede the free entrance of water or air to the roots of such trees without leaving an open space of ground about the trunk of such tree of not less than four feet square. (Ord. 49772 § 2 (34), 1960: 1960 C. § 242.040.)

22.48.090 Damaging guard devices.

No person shall remove, damage, misuse or attach any foreign object to any guard or device placed or intended to protect any tree, plant or shrub now or hereafter growing in any street of the city. (Ord. 49772 § 2 (35), 1960: 1960 C. § 242.050.)

22.48.100 Attaching items to trees.

No person shall attach or place any rope, wire, sign, poster, handbill or other thing on any tree or shrub now or hereafter growing in any street or public highway of the city, nor on any guard or protection of such tree or shrub. (Ord. 49772 § 2 (36), 1960: 1960 C. § 242.060.)

22.48.110 Gas leaks near trees.

No person, owning, maintaining, or operating any gas pipe or main laid beneath the surface of any street shall permit any leak to occur in such pipe or main within a radius of forty feet of any tree now or hereafter growing in any street or public place. In the event that a leak exists or occurs in any such pipe or main, it shall be the duty of the person owning the defective pipe or main to repair the same immediately and to stop such leak in a manner to prevent recurrence of the same. If, after receiving a notice in writing from the commissioner of forestry calling the attention of the person to the fact that such leak exists or has occurred, the person

fails within five days after the receipt of the notice to stop the leak in a manner so as to prevent a recurrence thereof, the person shall be guilty of a misdemeanor. Should any tree growing in any street or public place be destroyed by reason of a gas pipe or gas main leak, the person in control of the defective pipe or main shall at his own expense cause the tree to be removed and a replacement tree to be planted in accordance with Section 22.48.060. (Ord. 49772 § 2 (37), 1960: 1960 C. § 242.070.)

22.48.120 Protecting trees during construction.

In the erection or repair of any building or structure the owner thereof shall place or cause to be placed guards around all nearby trees in the street as shall effectively prevent injury to them. (Ord. 49772 § 2 (38), 1960: 1960 C. § 242.080.)

22.48.130 Attaching wires.

No person shall, without written permit of the commissioner of forestry, attach any electric wire, insulator or any device for holding electric wire to any tree now or hereafter growing in any street or public highway. Every person having, owning, installing or operating any wire charged with electricity shall, whenever practicable, securely fasten the same so that the wire shall not come in contact with any tree in any street of the city. (Ord. 49772 § 2 (42), 1960: 1960 C. § 242.090.)

22.48.140 Moving buildings.

Every person who shall move any building or other large object along any street of the city may be required to furnish a bond or cash deposit in an amount sufficient to cover any damage to, or destruction of, trees along the streets of the city as a result of moving operations. Such person may, in addition, be required to hire a reliable tree surgeon to trim the trees along the moving route to prevent any damage or destruction thereto. The tree surgeon shall obtain a permit to do such work and shall be required to conform with standard tree trimming specifications provided by the commissioner of forestry. (Ord. 49772 § 2 (43), 1960: 1960 C. § 242.100.)

22.48.150 Interfering with care.

No person shall prevent, delay or in any way interfere with the commissioner of forestry or his subordinates in the planting, pruning, spraying, removing, cultivating or maintaining of any tree in any street of the city or in the removal of any stone, cement or other material about any such tree. (Ord. 49772 § 2 (44), 1960: 1960 C. § 242.110.)

22.48.160 Tree not to block street lighting.

The owner of every lot or parcel of land upon which a tree is standing in back of the lot or public easement line shall trim or cause to be trimmed the branches from such tree so that the same shall not obstruct the passage of light from any street light

located on any street or public place to the street or sidewalk adjacent. (Ord. 49772 § 2 (39), 1960: 1960 C. § 243.010.)

City Counselor Ops.: 10511

22.48.170 Branch clearances.

The owner under the provisions of Section 22.48.160, shall trim all branches which overhang any sidewalk or street so that there shall be a clear height of eight feet above the surface of the sidewalk and a clear height of ten feet above the surface of the street unobstructed by branches or leaves. (Ord. 49772 § 2 (40), 1960: 1960 C. § 243.020.)

City Counselor Ops.: 10511

22.48.180 Removal of dead branches and trees.

The owner under the provisions of Section 22.48.160 shall remove from such trees all dead, decayed or broken limbs or branches that overhang any street or public place, and the owner shall, when any of the trees is dead, remove the same so that the same cannot fall on the sidewalk or street. Any person who shall fail to comply with any of the provisions of this and Sections 22.48.160 and 22.48.170 within fifteen days after notice from the commissioner of forestry of the particular thing to be done under this section shall be deemed guilty of a misdemeanor. (Ord. 49772 § 2 (41), 1960: 1960 C. § 243.030.)

City Counselor Ops.: 10511

22.48.185 Removal of dead trees—Commissioner authority.

A. All dead, defective, diseased or decayed trees found within the City of St. Louis on any lot or parcel of land are hereby deemed to be a public nuisance.

B. The Commissioner of Forestry is authorized to order the removal or pruning of any dead, defective or decayed tree which is located on any lot or parcel of land within the City of St. Louis. Any owner of a lot or parcel of land upon which a dead, defective or decayed tree is found who fails to comply with an order of the Commissioner of Forestry to remove or prune such tree within 30 days of the notice ordering such removal or treatment shall be deemed to be in violation of this section.

C. The Commissioner of Forestry is authorized to order the treatment of any tree or shrub located on any lot or parcel of land in the City of St. Louis which in the opinion of the Commissioner is diseased or infected or infested by any parasite or insect pest in order to prevent the breeding or scattering of such parasite or insect pest to other trees or shrubbery. Any owner of a lot or parcel of land upon which a diseased

or infected or infested tree is found who fails to comply with an order of the Commissioner of Forestry to treat or remove such tree within 30 days of the notice ordering such treatment or removal shall be deemed to be in violation of this section.

D. Any order of the Commissioner of Forestry issued under the provisions of this ordinance may be appealed to the Board of Public Service. Any appeal from an order of the Commissioner must be filed within 15 days of receipt of such order on such forms as may be determined by the Board of Public Service.

E. The Commissioner of Forestry is authorized to enter upon any lot or parcel of land within the City of St. Louis to remove or treat a dead, defective, decayed or diseased tree if the owner of such lot or parcel fails to comply with an order of the Commissioner and the Commissioner believes that such tree presents an immediate health or safety hazard to any person who resides on such lot or parcel or to any member of the general public.

F. The Commissioner of Forestry shall bill the owner of any lot or parcel of land on which the City removes or treats a dead, defective, decayed or diseased tree under this ordinance for the cost of such removal or treatment. Any such bill which is unpaid ninety (90) days after it is first mailed may be to a collection agency for collection and shall bear interest at the rate allowed by law for judgement in civil action. Any such bill for the removal or treatment of a dead, defective, decayed or diseased tree which the Forestry Commissioner has been unable to collect within one hundred and eighty (180) days after it is first mailed shall be certified to the comptroller who shall notify the collector of revenue. The collector of revenue shall include the certified cost in the annual real estate tax bill for the property and the certified cost shall be collected in the same manner and procedure for collecting real estate taxes.

G. All such money collected as provided for in subsection F of this section shall be transmitted daily to the Treasurer of the City of St. Louis in the form and manner prescribed by the Comptroller of the City of St. Louis. The Comptroller shall hold all such money collected pursuant to this section in a special fund. Funds received pursuant to this ordinance shall be used only to pay for the removal of trees as provided by the provisions of this section. All expenditures from such fund shall be appropriated in accordance with applicable law.

H. Any person found to be in violation of this ordinance shall be subject to a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars or to imprisonment for not more than ninety (90) days or to both a fine and imprisonment. (Ord. 64804 §§ 1 — 8, 1999.)

22.48.190 Shade trees—Plan—Preparation.

Whenever in the judgment of the commissioner of forestry it is necessary or desirable that shade trees be planted along any street or part of any street or public place in the city, he shall, with the approval of the director of parks, recreation and forestry, prepare plans therefor, and with the approval of the director of parks, recreation and forestry shall submit the same to the board of public service. (Ord. 49772 § 2 (45 part), 1960: 1960 C. § 241.010.)

McQuillin:

30.66, 30.68 Right of abutting owners as to planting and maintenance

22.48.200 Shade trees—Plan—Hearing.

The Board of Public Service shall consider such plans and, if the board deems the improvement proper, it shall approve or amend the plans and shall thereupon designate a time on which it will consider the projected planting of trees on the street or part thereof or the public place and shall give ten days notice in the paper doing the city's publishing, of the time, place, and matter to be considered, and of the cost of the trees to be planted. The plans adopted by the board of public service shall show the place where it is proposed to plant the trees, the kind of trees selected, the approximate size and number, and the cost of the trees and of the work of planting the same and of other expenses incidental thereto. Within three days after the aforesaid hearing by the board of public service is concluded, the board shall file in its office its decision approving the plans of the commissioner of forestry, or its approval thereof as amended by the board and showing definitely the place where the trees are to be planted, the kind of trees to be planted, their approximate size and number, and the total cost of the entire work determined upon. If no such work is determined upon, the board's decision shall so state. (Ord. 49772 § 2 (45 part), 1960: 1960 C. § 241.020.)

McQuillin:

30.66, 30.68 Right of abutting owners as to planting and maintenance

22.48.210 Shade trees—Remonstrance.

In case of a decision by the board that the planting or any part thereof shall be done, the owners of the greater area of the land in the district affected by the proposed ordinance may within three days file in the office of the board of public service their written remonstrance against the proposed planting, and the board, if such remonstrance be duly filed, shall at its next meeting reconsider and either reverse or abide by its decision. Should no remonstrance be filed or should the board abide by its decision that the planting or any part thereof shall proceed, the board shall thereupon transmit to the board of aldermen, a proposed ordinance authorizing the proposed planting together with the remonstrance. (Ord. 49772 § 2 (45 part), 1960: 1960 C. § 241.030.)

McQuillin:

30.66, 30.68 Right of abutting owners as to planting and maintenance

22.48.220 Shade trees—Appropriation.

The proposed ordinance shall provide an appropriation for doing the planting and the cost thereof shall be divided pro rata by the board of public service among the several owners in front of which the trees are planted, the division to be made in the proportion that the cost of each tree planted bears to the total cost of all the trees planted in such district in accordance with such ordinance. (Ord. 49772 § 2 (45 part), 1960: 1960 C. § 241.040.)

McQuillin:

30.66, 30.68 Right of abutting owners as to planting and maintenance

22.48.230 Shade trees—Special tax bill.

The board of public service shall prepare a special tax bill against each lot or parcel of real estate in front of which trees have been planted by the city in accordance with the ordinance mentioned in Sections 22.48.210 and 22.48.220 for the cost of the trees chargeable as aforesaid to the lot or parcel of real estate, which bill shall be collected by the license collector with other taxes assessed against the property, and each of the bills shall be a lien on the property affected thereby until paid. (Ord. 49772 § 2 (46), 1960: 1960 C. § 241.060.)

Charter:

Art. XXV § 3 Assessments for planting shade trees

22.48.240 Shade trees—Planted by city on property owner's request.

The commissioner of forestry is authorized to plant trees in the streets of the city upon the written application of a property owner who shall pay ten dollars for every tree planted. The city will guarantee the life of the tree planted, for a twelve-month period following the date of planting and will replace same at no additional cost to the property owner provided that, in the opinion of the commissioner of forestry, the tree is dead and the property owner has provided a reasonable amount of care in regard to the watering and cultivation of the tree. (Ord. 49772 § 2 (47), 1960: 1960 C. § 241.070.)

22.48.250 Replacement of trees in public places.

Whenever the commissioner of forestry shall remove any tree in any public place, public easement, or public right of way, he shall plant a new tree on such public

place, public easement, or public right of way within fifty feet of the location of the removed tree and within twelve months of the removal of any tree. This replacement requirement may be waived by the board of public service for specific locations only if there is scheduled any public or private development in the area which might cause the removal of the new tree or in connection with any planned replanting or landscaping of any public park, parkway, or any other public place. Every tree planted under the terms of this provision shall satisfy the requirements of Section 22.48.060. The cost of any and all trees planted under this provision shall not be assessed against any abutting property but shall be included in the general appropriation for the operation of the division of forestry. (Ord. 56447 (part), 1973: 1960 C. § 241.080.)