

**ORDINANCE NO. 5778**

**AN ORDINANCE TO ADD A TIME FOR REMOVAL OF MOUNTAIN PINE BEETLE INFESTED TREES BY ADDING SECTION 12.40.105 TO THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City has adopted an ordinance relating to trees in the City of Rapid City and creating an Urban Forestry Board to make recommendations on city tree plans developed, created or approved by the city's Planning Department and/or the City's Parks Department; and

WHEREAS, the Board, when requested by the City Council or the City's Parks Department, shall consider, investigate and make findings, reports and recommendations upon any special matter or question coming within the scope of its work; and

WHEREAS, pursuant to SDCL 9-29-13, the City has the authority shall declare what constitutes a public nuisance and prevent, abate and remove the same; and

WHEREAS, the Black Hills are currently facing an epidemic outbreak of mountain pine beetle infestations; and

WHEREAS, the mountain pine beetle outbreak has reached the City of Rapid City;  
and

WHEREAS, mountain pine beetles cause the death of trees they infest; and

WHEREAS, the massive kill off of infested trees not only impacts the forests asthetic beauty, it increases the risk of wild fire and the likely hood that the trees will collapse resulting in the potential for loss of life and property damage; and

WHEREAS, if infested trees within the City are not removed or otherwise treated, the infestation will continue to spread and impact neighboring properties; and

WHEREAS, for every infested tree that is removed, eight to ten trees can be saved;  
and

WHEREAS, the City Council has passed a resolution declaring the mountain pine beetle infestation a public nuisance and an imminent threat to the City's health, safety and welfare; and

WHEREAS, the City Council finds it is in the best interest of the public to amend the language in Chapter 12.40 to include a timeframe for the removal of Mountain Pine Beetle infested trees.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Section 12.40.105 of the Rapid City Municipal Code be added to read as follows:

#### **12.40.105 Requirement for Removal of Mountain Pine Beetle Infested Trees.**

Trees infested with mountain pine beetle ~~infested trees~~ are declared a public nuisance. If a property contains trees infested with mountain pine beetle the City shall notify the owner in writing. Infested trees must be removed by the property owner within sixty (60) days after notification. Upon written request, the Director of Parks and Recreation or his designee may provide an extension not to exceed an additional thirty (30) days. Infested trees identified between June 1st and September 1<sup>st</sup> of any year shall be removed as soon as possible. The City's Urban Forester shall have discretion to impose a time frame for removal that is less than 60 days for infested trees that are discovered between these dates. If the tree(s) are not removed within the timeframe allowed, the trees may be abated or otherwise removed pursuant to state law and/or Chapter 8.16 of the Rapid City Municipal Code (RCMC). ~~and the failure to remove the tree(s) will result in action being taken by the City's code enforcement office to remove the tree(s). The cost of the work, including administrative costs, by special assessment against the property~~ The City may defray the cost of abating or removing this nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. Any person violating this provision may also ~~shall~~ be subject to the general penalty provision as set forth in § 1.12.010 of the RCMC.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: