

Ordinance No. 5878

**AN ORDINANCE TO EXPAND THE DEFINITION OF
HAZARDOUS TREES ON PRIVATE PROPERTY BY AMENDING
SECTION 12.32.100 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the Common Council has adopted an ordinance related to the inspection and removal of hazardous trees on private property in RCMC 12.32.100; and

WHEREAS, the definition of hazardous trees is currently limited to trees that are entirely dead or diseased; and

WHEREAS, often trees which are a hazard to life or property are not dead or diseased and thus do not violate RCMC 12.32.100 as written; and

WHEREAS, often trees which are a hazard to life or property are only partially dead or diseased and thus do not violate RCMC 12.32.100 as written;

WHEREAS, the Common Council desires to expand the definition of hazardous trees to include trees that are partially dead or diseased and trees that have obvious visible defects that render them hazardous;

WHEREAS, the Common Council of the City of Rapid City deems it in the best interests of the City and in the best interest of the health, safety and welfare of the community to amend Section 12.32.100 of the Rapid City Municipal Code with regard to hazardous trees on private property.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 12.32.100 of the Rapid City Municipal Code is amended to read in its entirety as follows:

A. The city shall have the right to inspect and cause the removal of any ~~dead or diseased trees~~ tree, or any part thereof, on private property within the city if the trees or any part thereof

1. is dead, diseased, or has obvious visible defects; and

2. either

a. constitutes a hazard to life or property, or

b. harbors pests which constitute a threat to other trees within the city.

B. The city shall notify the owners of such trees, in writing, to remove the trees within such reasonable time as shall be determined by the Urban Forester. Removal shall be made by the owners at their own expense. In the event of failure of owners to comply with the provisions, the city shall have the authority to remove the trees and charge the cost of removal to the owners or to assess the costs thereof against the property.

BC. Any person claiming an interest in any tree ordered to be removed under subsection AB. of this section may appeal the order to the Urban Forestry Board within 7 days of the date of the order.

D. Obvious visible defects include, but are not limited to, dead limbs greater than 6 inches in diameter, an unseasonable lack of leaves, visible decay, lightning damage, and perilously leaning trunks.

E. This provision shall not be construed to relieve from liability any party owning land on which a hazardous tree or any part thereof is located for damages to persons or property caused by the hazardous tree. This provision shall not be construed as imposing upon the city any liability or responsibility resulting from damage caused by any tree located on private property, nor shall the city or its employees be held as assuming any liability or responsibility by reason of an authorized inspection under this section.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)