

BILL NO. 2349

ORDINANCE NO. 2349

AN ORDINANCE MODIFYING CHAPTER 102 – TREES AND LANDSCAPING, OF THE LADUE CODE OF ORDINANCES OF THE CITY OF LADUE

WHEREAS, Ordinance 2165 was adopted on November 20, 2017, by the City Council and established Chapter 102 – Trees and Landscaping, which replaced former Chapter 102 that pertained to trees and shrubs, and has been periodically updated since that time including to establish the Beautification, Open Space, and Tree Advisory Committee (BOSTA) and to modify requirements regarding tree removal permits in the City; and

WHEREAS, The City has been in receipt of feedback regarding tree removal permit requirements and modifications to the ordinance that have been made over the last year and after extensive review, such requirements could be construed to be burdensome to the residents of the community; and

WHEREAS, At the BOSTA meetings that were held on August 10, 2023, and September 14, 2023, these concerns were discussed, and a motion passed recommending modifications to the Code of Ordinances; and

WHEREAS, City Council, after careful review, desires to and finds it in the best interests of the community to modify certain portions of Chapter 102, Articles II & V; and

WHEREAS, A copy of this bill has been made available for public inspection prior to its consideration by the Council and read by title two times in an open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Ladue hereby modifies portions of Chapter 102 of the Code of Ordinances, as shown on the attached Exhibit A, which is incorporated herein by reference, with proposed new language depicted in red font and eliminated language depicted in red struck-through font. All other provisions within Chapter 102 not modified by Exhibit A shall remain in full force and effect.

SECTION 2. This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS 16TH DAY OF OCTOBER 2023.

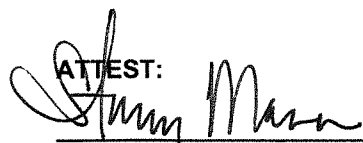


President, City Council

ADOPTED AND APPROVED THIS 16TH DAY OF OCTOBER 2023.



Nancy Spewak, Mayor

ATTEST:


Stacey Mann, City Clerk

Exhibit A

ARTICLE II. - REMOVAL AND REPLACEMENT OF TREES AND WOODLANDS

Sec. 102-10. - City arborist.

The city shall have a certified arborist either on staff or as appointed by the mayor for the purpose of reviewing tree removal permit applications and tree replacement plans. Any permit submitted with five (5) or more trees proposed for removal, when twenty (20) percent of the trees are proposed to be removed on the property, or when twenty (20) percent or more of any woodland is proposed to be cleared on the property, ~~or when any Landmark Tree is proposed for removal,~~ shall require the review of the Beautification, Open Space and Tree Advisory Committee in addition to the review by the city arborist. This section shall apply to public property, private property, or public right-of-way.

Sec. 102-11. - Tree removal permit, fee, and replacement requirements—Required.

- (a) No person shall remove, injure, damage, or cause the death of a living tree having a caliper of six (6) or more inches, or clear or cut within a woodland area any trees having a caliper of three (3) inches unless the person has first secured a permit from the city. Except that trees that are determined to be dead/dying shall not require a permit for removal. Such determination must be in writing and made by a certified tree professional. Additionally, the following trees shall not require a permit to remove: Ash, Tree of Heaven (Ailanthus), White Mulberry, and Callery Pear. Failure to obtain a required permit prior to tree removal will result in the requirement for tree replacement in accordance with the requirements below.

Sec. 102-15. - Exemptions.

- (a) The requirements of this article shall not apply to removal of tree(s) with less than a six-inch caliper in a non-woodland area or removal of a tree with less than a three-inch caliper in a woodland area as long as such removal does not constitute 25 percent or more removal of trees on the property or within the woodland area.
- (b) Tree removal shall be considered cumulative when successive tree removal applications are submitted to the city for review.
- (c) The requirements of this article shall not apply to removal of trees of the following species: Ash, Tree of Heaven (Ailanthus), White Mulberry, and Callery Pear.

ARTICLE V. BEAUTIFICATION, OPEN SPACE, AND TREE ADVISORY COMMITTEE

Sec. 102-28. Duties and responsibilities.

Duties shall include, but are not limited to:

- (1) Consider and make recommendations to the mayor, city council, and city staff regarding open space, parks, beautification, and forestry initiatives in the city.
- (2) Maintain connection with the garden clubs and beautification groups that are active in the city.
- (3) Advise and assist the mayor, city council, and city staff in the development and dissemination of information for the management, selection, planting, care, cultivation, pruning, and removal of trees and shrubs on both public and private property. Review and advise on tree removal applications when five (5) or more trees are being proposed for

removal from public property, public right of way, or private property, when twenty (20) percent of the trees are proposed to be removed on the property, and when twenty (20) percent or more of any woodland is proposed to be cleared on the property. ~~and when any Landmark Tree is proposed for removal.~~ The committee shall have thirty (30) business days to complete their review and make their recommendations.

- (4) Plan and coordinate an annual city Arbor Day observance event.
- (5) Assist the city in maintaining Tree City USA status with the National Arbor Day Foundation.
- (6) When requested then authorized, provide educational resources and engage the community in various events and efforts that promote the benefit and management of the urban forestry and the other initiatives of this committee.