

**BILL NO. 2313
ORDINANCE NO. 2313**

AN ORDINANCE MODIFYING CHAPTER 102, ARTICLE II – REMOVAL AND REPLACEMENT OF TREES AND WOODLANDS AND ARTICLE V – BEAUTIFICATION, OPEN SPACE, AND TREE ADVISORY COMMITTEE, OF THE LADUE CODE OF ORDINANCES

WHEREAS, Ordinance 2165 was adopted on November 20, 2017 by City Council and established Chapter 102 – Trees and Landscaping, which replaced former Chapter 102 which pertained to trees and shrubs; and

WHEREAS, Ordinance 2183 which was adopted in 2018, established Article V of Chapter 102, Beautification, Open Space, and Tree Advisory Commission including duties such as advising the City regarding tree related matters; and

WHEREAS, The City has been in receipt regarding concerns about excessive tree removal in addition to the process in which tree removal permits are reviewed which is addressed in Article II of the Chapter 102; and

WHEREAS, At the Beautification, Open Space, and Tree Advisory meeting that was held on August 23, 2022, 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 existing Articles II and V 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.

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

PASSED THIS 19TH DAY OF SEPTEMBER 2022.

President, City Council

ADOPTED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2022.

Nancy Spewak, Mayor

ATTEST:

Stacey Mann, City Clerk

EXHIBIT A

- **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 more than 5 trees proposed for removal, when 25 percent of the trees are proposed to be removed on the property, or when 25 percent or more of any woodland is proposed to be cleared on the property, shall require the review of the Beautification, Open Space and Tree Advisory Committee in addition to the review by the city arborist.

- **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 or more inches, or clear or cut within a woodland area any trees having a caliper of three inches unless the person has first secured a permit from the city. Failure to obtain a permit prior to tree removal will result in the requirement for tree replacement.

(b) No person shall remove, injure, damage, or cause the death of any living tree or other vegetation from the city's right-of-way unless the person has first secured a permit from the city.

(c) No person shall remove, injure, damage, or cause the death of any living tree within a stream buffer as outlined in [chapter 110](#), article IV.

(d) Tree replacement is required when 25 percent of the trees are proposed to be removed on the property or when 25 percent or more of any woodland is proposed to be cleared on the property. If 25 percent or more of the trees or woodlands on the property are removed, any tree scheduled for removal having a caliper of six inches or more shall be replaced by a tree having at least a six-inch caliper or with two three-inch caliper equivalent trees. At least half of the replacement trees must be canopy trees from the approved tree list and 25 percent of replacement trees must be a native species.

(e) The fee for the tree removal permit, for live trees, shall be \$135.00 to cover the costs incurred for tree removal permits that only involve staff review, in order for the city arborist to visit the site, review the plan, and inspect tree replacement. The fee for the tree removal permit, for live trees, shall be \$270.00 for projects that require the review of the Beautification, Open Space, and Tree Advisory Committee in addition to review by the city arborist. A \$100.00 deposit will be required prior to issuance of the permit for projects requiring tree replacement.

(f) Tree removal permits shall bear the original signature, printed name, and date of signature from a minimum of two (2) trustees of the respective subdivision certifying either compliance with the subdivision's restrictions or indentures or disapproval of such plans for failing to comply with the subdivision's restrictions or indentures. Provided, however, that if the applicant demonstrates to the satisfaction of the City that the subdivision does not have a sufficient number of trustees to secure the signatures of two (2) trustees at the time an application is made, then the plans submitted shall bear the original signature, printed name, and date of signature of one (1) trustee, if possible, and if not possible, the requirement of this Section shall be deemed satisfied. Provided, further, that if the applicant demonstrates to the satisfaction of the City that the plans submitted were submitted to the subdivision trustees and such trustees failed and/or refused to act upon such submission either by accepting such plans or rejecting them within thirty (30) business days of submission, the requirement of this Section shall be deemed satisfied. Plans shall not be accepted by the City and/or submitted to the Beautification, Open Space, and Tree Advisory Committee, if applicable until the applicant satisfies the requirements of this Section. The trustees' rejection of such plans evidenced by their signatures shall not constitute a failure or refusal to act on such plans as set forth herein. The City does not assume the enforcement of any restrictions placed upon such plans by subdivision trustees and shall review and act on submitted plans in accordance with the City's regulations and requirements regardless of any disapproval or approval notification from the trustees.

(g) In conjunction with issuance of the tree removal permit, the City will provide a tree removal permit card which must be displayed at the property during the tree removal process and shall not be removed until completion of the work.

- **Sec. 102-28. - Duties and responsibilities.**

(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 5 or more trees are being proposed for removal from public property, public right of way, or private property, when 25 percent of the trees are proposed to be removed on the property, or when 25 percent or more of any woodland is proposed to be cleared on the property. The BOSTA Committee shall have thirty working days to complete their review.**