



Bill No. 5034

Ordinance No. _____

INTRODUCED BY
ALDERMEN FINLEY, JUDD, HAUG, GRAY, FLEMING, WEAVER, SIEGEL, LEHMKUHL

AN ORDINANCE AMENDING SECTION 29-1 OF THE MUNICIPAL CODE OF THE CITY OF BALLWIN PERTAINING TO STREET TREES.

WHEREAS, the City of Ballwin wishes to clarify and make certain changes to its ordinance pertaining to street trees, including a change which would permit but not require a property owner or occupant of a property to prune and maintain trees which are located within a City right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: Chapter 29, Sec. 29-1 is hereby amended to read as follows:

CHAPTER 29 – WEEDS, VEGETATION, AND OTHER NUISANCES

SEC. 29-1. - WEEDS AND DEBRIS TO BE REMOVED.

- (a) Any parcel or contiguous parcels of land outside of an enclosed building, or areas visible within a carport, gazebo, porch or other structure (the interior of which is visible from the outside) shall be declared a public nuisance if it has the presence of, vegetation cuttings, dead vegetation, cut and/or fallen trees and shrubs, overgrown vegetation, invasive plants and noxious weeds which are six inches or more in height; refuse; lumber or other construction materials not piled or stacked 12 inches off the ground; broken concrete, rocks or bricks; metal; parts of vehicles or machinery; construction machinery or equipment; broken, non-useable or non-functional furniture, appliances and equipment; any flammable material which may endanger public safety, drainage devices or pipes that daylight in the public right-of-way (or within ten feet thereof unless the discharge can safely be absorbed or directed away from sidewalks and public streets) or any other material which endangers public health and safety. The storage of such materials within a building such as a carport, gazebo, porch or other structure where the interior of which is visible from the outside, in a manner that such materials remain visible from surrounding properties and rights-of-way may be allowed if such materials are screened 100 percent from view from surrounding properties and rights-of-way. Such screening shall not include tarpaulins or similar temporary flexible coverings, shall be permanent in nature, structurally sound and erected in accordance with all regulations of the City of Ballwin.

When a public nuisance as described above exists, the building inspector or other designated person shall so declare and give written notice to the owner of the property by personal service or by regular mail directed to the property address and the owner's taxing address and by conspicuously posting notice upon the property. Such notice shall, at a minimum:

- (1) Declare that a public nuisance exists;
- (2) Describe the condition which constitutes such nuisance;
- (3) Order the removal or abatement of such condition within seven days from the date of service of such notice;
- (4) Inform the owner that he or she may file a written request for a hearing before the building inspector or other designated person on the question of whether a nuisance exists upon such property; and
- (5) State that if the owner fails to begin removing the nuisance within time allowed, or fails to pursue the removal of such nuisance without unnecessary delay, the building inspector or other designated person shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.

If the owner of such property fails to begin removing the nuisance within the time allowed, or fails to pursue the removal of such nuisance without unnecessary delay, the building inspector or other designated person shall cause the condition which constitutes the nuisance to be removed. If the building inspector or other designated person causes such condition to be removed or abated, the cost of such removal shall be certified to the Director of Finance who shall cause the certified cost to be included in a special tax bill in accordance with section 29-3. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

If weeds are allowed to grow, or if debris or refuse is allowed to accumulate, on the same property in violation of this ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in this section.

- (b) No owner of a contiguous tract of land of more than three acres shall allow weeds, grass and/or similar vegetation to grow to a height in excess of 12 inches upon any right-of-way adjoining such tract or upon such tract within 100 feet of a right-of-way or within 100 feet from any adjoining tract on which there is a building used for human habitation, with the exception that portions of such land with a slope steeper than 3:1 or portions of such land being too rough to mow due to rock outcroppings or similar physical limitations shall be exempt from this provision.
- (c) Parcels of land that are inaccessible to mowing equipment due to topography or land platting constraints or cannot be mowed due to exceptional roughness or slope steepness may be planted in ground covers that are listed by the University of Missouri Extension as being suitable for the St. Louis Metropolitan region provided that the ground cover constitutes more than 90 percent of the vegetation growing in the planted area. Failure to meet this standard will result in the site being held to the applicable standards of subsections (a) or (b) of this section.
- (d) Under no circumstances shall vegetation in portions of the public right-of-way be exempt from the vegetation height regulations of (a) and (b).
- (e) Parcels of land in a wooded state are not required to meet the vegetation height requirements outlined in (a) and (b) above.
- (f) All common ground or other parcels of land permanently dedicated as open areas or green space by deed or plat, or parcels of land in excess of 5,000 square feet in area may be returned to a wooded state provided they are planted with native trees or trees that are demonstrated to be healthy and acclimatized to the region. Such trees shall be planted at the rate of one tree per 650 square feet of gross land area intended to be returned to a wooded state. Such trees shall have a trunk caliper of two inches or greater when measured at a height of four inches above the ground. Such trees shall be monitored and guaranteed to live for five years by the property owner. The failure of the property owner to replace trees that do not survive will result in the area no longer being considered in a wooded state and no longer exempt from the vegetation height regulations of this chapter.
- (g) Definition of Street Tree and Park Tree. For the purposes of this section, "street tree" shall be defined as any tree which lies entirely or partially within a city right-of-way, and "park tree" shall be defined as any tree within a park, as the term "park" is defined in section 1-2 of this Code.
- (h) The director of parks and recreation shall develop and maintain a list of trees suitable for planting within city right-of-way as street trees in three size classifications: small, medium and large. A list of trees not suitable for planting as street trees shall also be created. These

lists shall be made available to the public upon request and may be amended and updated from time to time as judged necessary by the director of parks and recreation without notice. Property owners within Ballwin may plant trees in adjoining city right-of-way from the list of trees authorized in this subsection. Property owners shall obtain approval from the director of parks and recreation prior to planting a tree in the city right-of-way.

- (i) It shall be unlawful for any person or firm to remove a street or park tree without first obtaining a Street Tree Removal Permit from the department of public works or a Park Tree Removal Permit from the department of parks and recreation. In the event that said permit is granted, said removal shall be conducted in line with all relevant arboricultural standards as laid out in American National Standards Institute (ANSI) A300, and shall not be conducted in a way that poses a threat to the health and safety of any person or property.
- (j) Topping of street or park trees by any person or firm is prohibited, except when conducted by the city when a determination has been made by the City Administrator that it is necessary for safety or arboricultural purposes. Unauthorized removal or topping of street or park trees shall be a violation of this chapter.
- (k) The city shall plant, prune, maintain and/or remove vegetation within parks and public grounds as may be necessary to ensure public health; to preserve or enhance the symmetry and beauty of such plantings or grounds; to eliminate an unsafe condition; to eliminate hazards to persons and property; to eliminate a condition that, by reason of its nature or location, is injurious to channels, sewers, drainage ways, utility lines, roadways, sidewalks or other improvements within public jurisdiction; or to remove specimens afflicted with any injurious fungus, infestation or other pest.
- (l) The city shall plant, prune, maintain and/or remove street trees within public rights-of-way located between the street pavement and any adjacent sidewalk and/or within 12 feet of the street pavement where no sidewalk is installed as resources permit and pursuant to the priority determination of the director of public works.
- (m) A property owner and/or occupant of a property on whose property lies a street tree is permitted to perform pruning and maintenance of said street tree for the following purposes:
 - (1) To provide appropriate clearance above and along sidewalks or streets;
 - (2) To maintain appropriate sight distance along or near driveways, streets, and intersections; or
 - (3) To remove diseased or dead limbs or branches from the street tree.

All pruning and maintenance of a street tree which is undertaken by an owner/occupant pursuant to this subsection shall be conducted in line with all relevant arboricultural standards as laid out in American National Standards Institute (ANSI) A300 and shall not

be conducted in a way that poses a threat to the health and safety of any person or property.

- (n) The owner and/or occupant of every property within the city shall maintain all vegetation in adjoining rights-of-way with exception to street trees, which the owner/occupant is permitted but not required to maintain in compliance with the requirements of 29-1(m) as stated above; shall maintain such vegetation appropriately pruned, trimmed or removed so as to avoid hazards to persons and property using the streets, sidewalks and public rights-of-way and shall prevent such vegetation from obstructing vehicular and pedestrian views of any street or sidewalk intersection or approach and all streetlights and traffic control devices. The building commissioner, city engineer or director of parks and recreation or their designees shall notify the property owner and/or occupant and/or agent, in writing or by posting the property, of vegetation that is in violation of this section and creating a hazard to persons and property using the streets, sidewalks or rights-of-way. Such property owner, and/or occupant and/or agent shall remove, trim or prune the vegetation included in such notice within ten days of the mailing or posting of the notice on the property, or appear before the city administrator within such period and show cause why the vegetation should not be removed, trimmed or pruned.

Managed stands of native plants, ornamental grasses, or shrubs, and cultivated agricultural crops, vegetable gardens or flower gardens exceeding six inches in height are permitted provided they are maintained free of turf weeds and grasses, nuisance plants, volunteer trees, invasive plants and noxious weeds, are kept at least four feet from a property line, and do not impair sight distance, or constitute a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants in the immediate vicinity.

The following vegetation conditions shall be deemed a public nuisance and a hazard to persons and property:

- (1) Appear dead, diseased, insect-infested, damaged, decayed, dangerous or likely to fall.
- (2) Are not pruned to a height of 14 feet above the street surface or to a height of eight above the sidewalk surface.
- (3) Obstruct a curb, gutter, channel, sewer, drainageway, street, alleyway, sidewalk, streetlight, utility line or other public improvement within the right-of-way.
- (4) Obstruct the view of drivers or pedestrians of roadway and sidewalk intersections, and their approaches so as to constitute a hazard.



Bill No. 5034

Ordinance No. _____

- (5) Introduction and/or maintenance of the following noxious weeds and invasive plants listed in appendix A, section 29-6 as may be amended from time to time.
- (o) It shall be unlawful for any person to prevent, delay or interfere with the city or any of its agents while engaging in and about the maintenance, planting, cultivating, mulching, pruning, spraying or removal of any vegetation addressed in this chapter.

Section 2: This ordinance shall be in full force and effect from its passage and approval pursuant to law and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this 27th day of October, 2025.

MARK R. STALLMANN, MAYOR

APPROVED this 27th day of October, 2025.

MARK R. STALLMANN, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR