

**City of Sedgwick
City Council Meeting
June 19, 2024**

TO: Mayor and City Council

SUBJECT: Ordinance 903

INITIATED BY: Administration

AGENDA: New Business

Background: During the 2019 codification process, Chapter 13 Article 3 was erroneously created to address trees within the city limits of Sedgwick. This code is currently outside of the normal practice for dealing with dead and diseased trees and requires an amendment to align it with current practices.

Analysis: Prior to the 2019 codification, dead and diseased trees ordered for removal on any property constituted the costs of removal be borne to the property owner. During the 2019 codification process, language was erroneously introduced shifting that burden to the city for trees in the public right-of-way.

Through Ordinance 903, an amendment to Chapter 13 Article 3 of the municipal code of the City of Sedgwick, this language would be corrected to include current business practices.

Financial Considerations: Due to the absence of definition on official municipal maps regarding public rights-of-way, there is not an effective way of determining ownership of the trees, thus leaving the city open to potentially covering the cost of removal.

Recommendations/Actions: Approve Ordinance 903 as presented.

Attachment: Ordinance 903

ORDINANCE NO. 903

AN ORDINANCE OF THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, AMENDING ORDINANCE NO. 887, CODIFIED AS CHAPTER 13, ARTICLE 3 OF THE CODE FOR THE CITY OF SEDGWICK, AN ORDINANCE AND ARTICLE OF THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, APPROVING SPECIFIC MODIFICATIONS TO FEE LICENSURE APPLICABLE TO AND FOR CONTRACTORS WITHIN THE CITY OF SEDGWICK, KANSAS; AND REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

SECTION 1. Amendment to Ordinance No. 887, Codified as Chapter 13, Article 3 of the Code for the City of Sedgwick, Kansas: Chapter 13, Article 3, Section 06 shall be amended in its entirety to read as follows:

Article 3. Trees and Shrubs

13-306. Dead and dangerous trees.

- (a) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of 14 feet above the surface of the street or right-of-way. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the Street from a street light, or interferes with visibility of any traffic control device or sign.
- (b) The city shall have the right to cause the removal of any dead or diseased trees within the city, wheresoever located including, but not limited to private or public property, street right of way or public easement within the jurisdictional limits of the City of Sedgwick, Kansas, when such trees constitute a hazard to life and property. The city will notify in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) calendar days after the date of service notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice.

SECTION 2. Repeal of Section 13-307 of Chapter 13, Article 3 of the Code for the City of Sedgwick, Kansas: Chapter 13, Article 3, Section 13-307 shall be repealed, in its entirety, and Section shall remain unassigned at this time until further modification thereof.

SECTION 3. Other ordinances or portions thereof in conflict herewith, are hereby repealed.

SECTION 4. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS, THIS 19th DAY OF JUNE, 2024.

Bryan Chapman, Mayor

ATTEST:

Shelia Agee, City Clerk

(SEAL)