

PARKS, RECREATION & TREE COMMISSION AGENDA

16 MAR 2020

Start: 6PM | End: 7PM

Purpose: Coordinate & plan activities/assignments for upcoming season

Review: (20 minutes)

- Approve Minutes
- Marketing/ Branding update
- City Code Tree Plan 2020 review/adopt
- Champion Tree Winner & Poster Contest winner Council presentation Wed, Apr 15
- 2020 PRT Event Calendar review
- PRT Policy review/ renewal
- Tree ID plaques

Discussion: (35 minutes)

- Mohawk Park Design renderings
- Adopt-A-Park Activity (clean up, update Treekeeper, etc)
- Discuss Calendar of Events- Mission Family Picnic, Easter prep, Bunny Eggstravaganza volunteer times, Arbor Day event w/ 2gr, Notify Shawnee Mission Post re: Arbor Day event, Order the tree for planting, Trail Talk, Trail Connectivity, Tree Plan budget request

Upcoming notes & meetings: (5 minutes)

- **Tue, Mar 24:** 6-8PM Public Mtg @ PCC re: Mohawk Park M Plan
- **Wed, Apr 15:** 7PM Council Spec Pres re: Poster & Champ Tree
- **Mon, Apr 20:** 6-7PM PRT Mtg

Assignments for next meeting:

- **Review PRT Calendar of Events**

Mark Raduziner - Chairperson
Powell Community Center

6200 Martway St.

913-722-8200

Tree Plan 2020 of the City of Mission, Kansas

This Plan, originally adopted by the Tree Board on September 17, 2007, is in compliance with Chapter 230 of the Mission Municipal Code and promotes beautification and environmental sustainability to the City of Mission, Kansas, through:

1. Proper development and maintenance of trees on City-owned property,
2. Continuing education of the City of Mission staff and residents on the importance of trees in reducing energy consumption and enhancing environmental well-being for the entire community,
3. Maintenance of standards of achievement worthy of continued Tree City USA recognition by the National Arbor Day Foundation for the City of Mission, Kansas.

MISSION STATEMENT:

The Parks, Recreation & Tree Commission is committed to maintaining and promoting healthy ecosystems which are the cornerstone of our community's vitality, longevity and ecological well-being.

INTERFACE WITH GOVERNING BODY and CITY STAFF

1. Bi-annually in even numbered years, or as needed, the Parks, Recreation & Tree Commission will make recommendations of suggested updates to Chapter 230 of the Mission Municipal Code, the Tree Plan, and Parks, Recreation & Tree Commission Rules and Regulations. These recommendations will include any needed additions or deletions to the list of allowable and prohibited trees included in Chapter 230 and will be submitted to council for consideration.
2. Annually, by April 1, the Parks, Recreation & Tree Commission will submit their annual budget request for the next calendar year to the City Administrator. The budget shall include monies specifically "earmarked" for tree removal and replacement.
3. All plans and supporting pertinent information for landscaping improvements on commercial and City owned property may be submitted to the Park, Recreation & Tree Commission for their review and recommendation to ensure all trees and shrubs comply with the area and enhance the environmental well-being of the community.
4. The Parks, Recreation & Tree Commission will create, with the Public

Works Superintendent and properly certified private contractors hired by the City, a reasonable timetable, based upon the order of importance, for the trimming, pruning and removal of all existing hazardous, dead, diseased or injured trees on City property. Removal of dead trees will include a cut flush with the ground and evaluation for replacement, in the next appropriate planting season, of a tree of at least 1 ½ inch in caliper in the same relative location. The Parks, Recreation & Tree Commission will submit to the Governing Body a recommended timetable and order of importance for the annual and/or biannual trimming and pruning of all trees on City property and recommendations, based on the 10% Rule, for species of the mandatory replacement trees. The 10% Rule insures the future health of the landscape from infestations and disease epidemics in that no one tree, species or variety of species should be more than 10% of the total population. The 10% Rule further develops a landscape which provides for spring, fall and winter interest through a total inventory consisting of 30% evergreen trees and 70% deciduous trees with 10% of these being spring flowering, 15% providing spectacular fall foliage and 5% winter interest with berry or spectacular bark.

- a. Continuing education and support for training of the Public Works personnel responsible for tree maintenance will be provided. Annually a Parks, Recreation & Tree Commission member will meet with the Public Works Superintendent and personnel responsible for grounds maintenance and verify that trucks are equipped with the proper equipment to perform trimming and pruning and personnel are instructed in the proper procedures for maintaining a healthy landscape, including watering, trimming, pruning, shaping and mulching of the trees, mowing and trimming areas abutting and adjacent to the trees and completing any basic first-aid to damaged and injured trees. This support will include review of and compliance with procedures for reporting problem trees to the Public Works Superintendent who will investigate and report to the Parks, Recreation & Tree Commission any action taken.

INTERFACE WITH THE LANDSCAPE

1. The Parks, Recreation & Tree Commission members will report at their scheduled meetings any update to the tree-risk inventory of trees located on City property, and of any trees on residential property which can be identified from the street, as hazardous, dead, diseased or injured, or which could cause harm to the tree or human populations in Mission. Parks, Recreation & Tree Commission members are not authorized to go on residential property to perform this function. However, trees needing attention located on residential

properties will be documented on Tree City USA report forms, and in the minutes of the meeting. This information for Code Enforcement review will be given to the city's Department of Neighborhood Services. Action will be taken by the Neighborhood Services Officer for any violations of the Municipal Code.

2. Periodically, as needed, the Parks, Recreation & Tree Commission will engage the Kansas State Forester or another certified arborist with the approval of the City Administrator, to conduct a tree inventory on City owned property. The City shall be divided into 4 quadrants. On a rotating basis, modified for storm damage or natural disaster, the selected quadrant will be inventoried identifying trees by species and variety. The inventory will further identify any dead, diseased, injured or hazardous trees, trees in need of pruning, stump removal and any new plantings that may be necessary. A member of the Parks, Recreation & Tree Commission will accompany the arborist during this inventory. The inventory will be provided to the Governing Body.
3. Recommendations made to the Governing Body for replacement of trees will be considerate of the existing landscape and comply with the Kansas State University Extension Office 10% Rule. The Parks, Recreation & Tree Commission will develop recommendations being mindful of using environmentally sustainable landscaping as barriers to traffic sound and screening from commercial sites without restricting visibility for safe pedestrian and vehicular traffic. The recommendations will also be mindful of reducing energy consumption and enhancing environmental well-being of the entire community.

INTERFACE WITH THE COMMUNITY

1. As a means of educating and serving the community, the Parks, Recreation & Tree Commission will provide to the City's website manager for publication, references of useful and pertinent information relative to maintaining a healthy, aesthetically attractive and environmentally sustainable landscape.
2. The Parks, Recreation & Tree Commission will submit timely information regarding trees and tree care to be published in the Mission Newsletter.
3. The Parks, Recreation & Tree Commission will coordinate community activities in observance of Arbor Day, such as the City's official proclamation, tree planting, and community education throughout the year, and the Kansas Forest Service Poster Contest.

4. The Parks, Recreation & Tree Commission will correspond annually, or as needed, with merchants, commercial property owners and management companies in the City of Mission reminding them of their obligation to comply with Chapter 230 of the Mission Municipal Code which requires landscaping approved in their Final Plan be maintained including removal of hazardous, dead, diseased, or damaged landscaping and replacement with landscaping as necessary.

Adopted and approved by the Mission City Council this 15th day of April 2020.

Ronald E. Appletoft, Mayor

ATTEST:

Martha Sumrall, City Clerk

City of Mission, KS
Wednesday, February 5, 2020

Chapter 230. Parks and Recreation

Article I. Parks, Recreation and Tree Commission

Section 230.010. Commission Established — Membership.

[CC 2000 §12-101; Ord. No. 1017 §12-101, 8-22-2001; Ord. No. 1216 §1, 11-8-2006; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017; Ord. No. 1452 § I, 3-15-2017; Ord. No. 1458 § I, 4-19-2017; Ord. No. 1497, 4-17-2019]

In order to provide citizen input and interaction with City services, the City of Mission Parks, Recreation, and Tree Commission is hereby established. The Parks, Recreation, and Tree Commission shall consist of eleven (11) members, one (1) of whom may be a non-resident of the City of Mission; two (2) of whom may be youth members. At least one (1) member shall be from each ward. The Mayor, with the consent of the Council, shall appoint the members of the Parks, Recreation, and Tree Commission. Members shall be appointed for terms of two (2) years each except youth members who shall be appointed for one (1) year and except otherwise herein provided. Vacancies shall be filled by appointment for the unexpired term only. The number of members may not be reduced unless a vacancy exists or unless the reduction takes effect at the end of a term. Members of the Parks, Recreation, and Tree Commission shall be appointed at the first regular meeting of the Governing Body in January. Members shall serve without compensation.

Section 230.020. Commission Function.

[CC 2000 §12-102; Ord. No. 1017 §12-102, 8-22-2001; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017]

The Parks, Recreation, and Tree Commission shall meet on a monthly basis. Times of meetings shall be posted publicly and open to members of the public. Meetings shall be held in City/public facilities. A majority of the members shall constitute a quorum in order to transact or conduct business. A record of all proceedings shall be kept.

Section 230.030. Annual Review.

[CC 2000 §12-103; Ord. No. 1017 §12-103, 8-22-2001; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017]

- A. The Parks, Recreation, and Tree Commission will assess needs and make recommendations regarding recreation programs, facilities and equipment, and will conduct an annual review of the budget, making recommendations for capital improvements to be presented to the Governing Body for consideration.
- B. It shall be the responsibility of the Parks, Recreation, and Tree Commission to study, investigate, counsel and develop a written tree plan to provide a guide for the proper development and maintenance of the trees on City-owned property, including the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. It

shall further be the responsibility of the Parks, Recreation, and Tree Commission to direct tree care and landscaping in all City parks and to recommend the location for planting.

- C. The Parks, Recreation, and Tree Commission will be responsible for the completion of a tree plan, which shall be presented to the Governing Body for approval. Thereafter, the Commission shall review and consult with a contracted arborist and update the plan as necessary with same submitted to the Governing Body prior to April 1 in even numbered years. The Parks, Recreation, and Tree Commission shall recommend budget allocations necessary to accomplish agreed-upon projects, including projects recommended for inclusion in the City's five-year Capital Improvement Program.
- D. In accordance with the approved tree plan, the Parks, Recreation, and Tree Commission shall control planting, pruning and removal of all trees located within the street rights-of-way, easements, alleys and parks of the City. Any owners of land abutting such rights-of-way, easements, alleys and parks may, when acting within the provisions of this Chapter and the approved plan, prune, spray, plant or remove trees in that part of such street rights-of-way, easements and alleys abutting his/her land not used for public travel. Any owner of property intending to deviate from the provisions of this Chapter must first secure written approval from the Parks, Recreation, and Tree Commission.

Section 230.040. Officers.

[Ord. No. 1017 §12-104, 8-22-2001; Ord. No. 1216 §2, 11-8-2006; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017; Ord. No. 1497, 4-17-2019]

The Parks, Recreation, and Tree Commission shall consist of eleven (11) members from which a Chair and Vice Chair shall be elected. The Chair shall conduct and chair all meetings. The Vice Chair shall act in the absence of the Chair. Officers shall be elected at the first regularly scheduled meeting after the Governing Body has appointed new members at the first regularly scheduled meeting in January.

Section 230.050. Member Removal.

[Ord. No. 1017 §12-105, 8-22-2001; Ord. No. 1305 §1, 10-21-2009]

Any members of the Commission may be removed or replaced by a vote of the majority of the Governing Body at any regularly scheduled meeting of the Governing Body.

Section 230.060. (Reserved)

- [1] *Editor's Note: Former Section 230.060, Quorum For Business, which derived from Ord. No. 1017 § 12-106, 8-22-2001; Ord. No. 1305 § 1, 10-21-2009, was repealed 3-15-2017 by § I of Ord. No. 1452.*

City of Mission, KS
Wednesday, February 5, 2020

Chapter 230. Parks and Recreation

Article III. General Regulations For Parks/Park Areas/Playgrounds

Section 230.080. Definition — Operation Hours of Parks/Park Areas/Playgrounds.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-201]

- A. As used in this Section, the term "*park*" shall include all parks, fitness courses, walking trails and athletic fields owned or operated by the City for use by the public.
- B. All parks shall be open for use by the public between the hours of 6:00 A.M. to 10:00 P.M.
- C. All parks shall be closed for use to the public between the hours of 10:00 P.M. to 6:00 A.M. or during such other hours as the Governing Body has established. At these times, the City parks shall be deemed closed to the public and all persons, other than Law Enforcement Officers and personnel, Firefighters and authorized City employees and authorized personnel, shall remain off of the public parks of the City; however, parks may be closed temporarily or opening hours extended temporarily in case of emergency, special events, adverse weather conditions or unusual circumstances as determined and ordered by the Chief of Police or the Director of Parks and Recreation.

Section 230.090. Fitness Courses, Hiking and Walking Trails.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-202]

Any paved trail within a park shall only be used by pedestrians. On hiking trails, only pedestrians shall be allowed. Fitness courses shall be used only for walking, running and exercising.

Section 230.100. Dogs, Cats and Other Animals.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-203]

All dogs, cats and other domesticated animals shall be leashed and kept under control while in a park or park area. Owners must remove feces or waste from their animals.

Section 230.110. Alcoholic Liquor, Cereal Malt Beverages, Illegal Substances.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-204]

No person shall possess, consume or drink any alcoholic liquor, cereal malt beverage or other illegal substances within the boundaries of any park.

Section 230.120. Firearms and Weapons.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-205]

Except as provided in this Subsection, no person shall discharge, use or carry within the boundaries of park facilities any firearm, air gun, spring gun, blank gun, slingshot or any other weapon in which force is used to propel projectiles. This Section shall not apply to Law Enforcement Officers who are authorized by law to carry a firearm.

Section 230.130. Refuse Disposal/Littering.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-206]

While in a park it is unlawful for any person to dump, deposit or leave bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse other than in receptacles provided for that purpose. No person shall transport any refuse into any park for the purpose of disposal therein.

Section 230.140. Amplified Sound.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-207]

Only those persons who possess a permit from the City and who are acting in conformity with the terms and conditions of the permit or otherwise have permission of the City shall be allowed to emit amplified sound within the boundaries of a park. No unreasonable noise shall be emitted in uses of the park.

Section 230.150. Signage.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-208]

Posting of signs shall be prohibited except in accord with the provisions of any permit issued by the City.

Section 230.160. Solicitations.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-209]

No person shall solicit or advertise for sale within the boundaries of any park any product, item or service except as provided under the terms and conditions of a permit issued by the City.

Section 230.170. Demonstrations, Exhibitions, Special Events.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-210]

Demonstrations, exhibitions and special events must be approved by City Council or its designated representative pursuant to policies duly adopted by the City prior to their occurrence. Written application must be made to the City at least seven (7) days in advance of the proposed demonstration, exhibition or special event. If the event is approved and requires an extra demand on City services, the applicant will be assessed such fees payable before the activity occurs.

Section 230.180. Reservation Permit.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-211]

All park facilities, including, but not limited to, playing fields, picnic shelters and gazebos, shall be subject to use by reservation permits issued by the City and any person or group holding a valid

reservation permit shall have the right of usage of the facility designated by the permit over any person or group without such a permit. A refundable cleanup deposit of fifty dollars (\$50.00) may be required for groups of twenty-five (25) or more. This deposit will be refunded if the facility is left clean and undamaged.

Section 230.190. Application For Permit.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-212]

Applications for permits shall be made to the City of Mission Parks and Recreation Department. No permit shall be issued if the application is made more than ninety (90) days or less than seven (7) days in advance of the date requested.

Section 230.200. Revocation of Permit.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-213]

The City shall have the right to suspend or revoke any permit issued under the authority of this Section when any person or group holding a permit engages in misconduct at the park facility or when unforeseen events or maintenance needs arise. The Director of Parks and Recreation and/or the Director of Public Works shall render the final decision on all applications and revocations.

Section 230.210. Injuring Property or Removing Equipment Prohibited.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-214]

It is unlawful for any person to mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, flowers, shrubbery, grass, trees, statues, posts or other boundary markers or other structures or equipment, facilities or park property or other property under the ownership, jurisdiction or control of the City; however, nothing contained herein shall prevent any person or persons from moving any portable table or bench which has been placed in the park for use by the public to an adjoining or nearby table within the immediate location of the temporary table or bench; however, no temporary table or bench shall be moved from its original location in such a manner that it is disassociated from the use and the area for which it was first placed in the park. No equipment of any kind shall be removed from park premises. No connection to any public utility is permitted without authorized permission.

Section 230.220. Vehicle Restrictions and Prohibitions.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-215]

- A. Motor vehicles are specifically prohibited from operation within any City parks except parking lots, access drives to parking lots and park streets, or areas specifically established by the Chief of Police for motor vehicle use.
- B. The presence of motor vehicles in parking lots, parking access drives and park streets is prohibited when parks are closed.
- C. Parking for special events, organized activities, etc., may be designated to a specific location by the City.

Section 230.230. Campfires and Burning Materials Prohibited — Exception.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-216]

- A. No person shall build or attempt to build a fire in any park area except barbecues which will be limited to grills or areas specified by the City. No open fires will be permitted. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
- B. No overnight camping without specific written permission will be allowed within the parks.

Section 230.240. Restroom Maintenance.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-217]

No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

Section 230.250. Use of Playgrounds and Equipment.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-218]

- A. Playground equipment is designated and intended for the use of children under the age of fourteen (14).
- B. Children under the age of five (5) years must be supervised by an adult.
- C. It is unlawful for any person to use or occupy playgrounds or playground equipment other than the purpose intended.
- D. Destruction of any public property or playground equipment is a violation of City ordinance.

Section 230.260. Use of Parks/Restrictions.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-219]

- A. The following restrictions are placed on the use of all City parks:
 - 1. Bicycles, skateboards, roller blades, roller skates, motorized vehicles or other wheeled vehicles, with the exception of wheelchairs, are prohibited on trails designated as walking trails. This restriction does not apply to strollers or young children accompanied by adults.
 - 2. Glass bottles and glass containers are not allowed in parks.

City of Mission, KS
Monday, October 28, 2019

Chapter 240. Tree Board, Trees and Shrubs

Section 240.010. Definitions.

[Ord. No. 1044 §13-501, 8-14-2002]

For purposes of this Chapter, the following definitions shall apply to the listed terms:

PARK TREES

Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

SMALL TREES

Trees, shrubs and other woody vegetation with a potential mature height of no more than twenty-five (25) feet.

STREET TREES

Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

Section 240.020. Authority To Regulate.

[Code 1974 §15-101; CC 2000 §13-501; Ord. No. 1044 §13-502, 8-14-2002]

The City is hereby authorized to regulate the planting, maintenance, treatment and removal of trees and shrubbery upon all streets, alleys, avenues, boulevards and parks within the City.

Section 240.030. through Section 240.060. (Reserved)

[1] *Editor's Note: Former Section 240.030, Creation and Establishment, 240.040, Duties and Responsibilities, 240.050, Advisors, and 240.060, Meetings, Rules and Regulations, which derived from Ord. No. 856 § 1, 2-10-1993; Ord. No. 1044 §§ 13-503 – 13-506, 8-14-2002; Ord. No. 1122 § 1, 7-28-2004; Ord. No. 1388 § 1, 9-18-2013; Ord. No. 1436 § 1, 3-16-2016, were repealed 3-15-2017 by § I of Ord. No. 1453.*

Section 240.070. List of Permissible Street Trees.

[Ord. No. 1044 §13-507, 8-14-2002; Ord. No. 1188 §1, 12-14-2005; Ord. No. 1436 §2, 3-16-2016; Ord. No. 1453 § I, 3-15-2017]

- A. *Official Street Tree Species To Be Planted.* The following is a list of street trees species for Mission, Kansas. The Parks, Recreation, and Tree Commission is authorized to adopt regulations providing procedures and criteria for the approval of the planting of other species. These regulations may authorize, without specific written permission of the Commission, the planting of certain trees under specified conditions. The planting of any species not listed in this Section or those regulations shall be prohibited unless prior written authorization of the Commission is obtained.

Street Trees For Mission

Common Name	Growth Rate	Size	Shape	Remarks
Maple, Norway Crimson Sentry (<i>Acer platanoides</i>)	Medium	35 feet height, 10 — 12 feet spread	Upright oval	Good maple for restricted spaces.
Maple, Columnare Norway (<i>Acer platanoides</i>)	Medium	40 feet height, 15 — 18 feet spread	Upright oval	Prefers moist, deep soil. Good for restricted spaces.
Maple, Amur Flame (<i>Acer ginnala</i>)		15 — 25 feet height	Upright oval	Excellent for small lots. Bright red foliage. Hardiness to cold temperatures.
Linden, "American Redmond" (<i>Tilia americana</i>)	Medium	60 — 70 feet height	Pyramidal to oval	Drought tolerant. Recommended buffer strips along highways or large parking lots. Excellent shade tree.
Linden, "Chancellor" Little Leaf (<i>Tilia cordata</i>)	Medium	30 — 40 feet height, 15 — 20 feet spread	Fastigate to pyramidal	Exposed-moist well drained soil, excellent for paved areas. Pollution tolerant. Does well in difficult sites.
Linden, "Greenspire" Little Leaf (<i>Tilia cordata</i>)	Medium	50 — 70 feet height, 35 — 40 feet spread	Fastigate to pyramidal	Exposed-moist well drained soil, excellent for paved areas, streetside and mall area. Pollution tolerant. Does well in difficult sites.
Western Soap Berry (<i>Sapindus drummondii</i>)	Medium	40 — 50 feet height, 25 — 30 feet spread	Round	Residential street tree. Good in poor drainage area. Pollution tolerant.
Oak, "Chinkapin" (<i>Quercus Muehlenbergii</i>)	Medium-fast	35 — 40 feet height, 40 — 60 feet spread	Oval to rounded	Strong. Mildew can be a problem. Adaptable to soil conditions.
Oak, "Shingle" (<i>Quercus imbricaria</i>)	Medium	50 — 60 feet height, 40 — 60 feet spread	Pyramidal to upright oval	Excellent shade tree. Well adapted to Kansas soil.

Street Trees For Mission

Common Name	Growth Rate	Size	Shape	Remarks
Oak, "English" (<i>Quercus robur</i>)	Slow	60 — 80 feet height, 40 — 60 feet spread	Densely oval	Excellent shade tree. Majestic. Usually disease and pest free.
Ginkgo (<i>Ginkgo biloba</i>)	Medium-slow	50 — 60 feet height, 25 — 40 feet spread	Columnar to pyramidal	Slow grower, but long lived. Fan- shaped leaves. Pollution tolerant. Suitable as a street tree.
Bald Cypress (<i>Taxodium distichum</i>)	Medium	40 — 50 feet height	Pyramidal	Excellent for park areas. Absorbs water well.

Section 240.075. List of Prohibited Street Trees.

[Ord. No. 1436 §3, 3-16-2016]

A. The following is a list of tree species that are prohibited as street trees.

1. *Abies* spp. (Fir).
2. *Acer saccharinum* (Silver Maple).
3. *Albizia julibrissin* (Mimosa).
4. *Diospyros virginiana* (Persimmon).
5. *Elaeagnus angustifolia* (Russian Olive).
6. *Fraxinus* (entire genus of Ash).
7. *Maclura pomifera* (Osage Orange fruited/thorned varieties).
8. *Morus* spp. (Mulberry).
9. *Picea* spp. (Spruce).
10. *Pinus* spp. (Pine).
11. *Platanus acerifolia* (London Plane-tree).
12. *Occidentalis* (Sycamore).
13. *Populus* spp. (Cottonwood).
14. *Pyrus calleryana* "Bradford" (Bradford Pear).
15. *Salix* spp. (Willow).
16. Edible fruit trees.

Section 240.080. Prohibited Trees.

[Ord. No. 1044 §13-508, 8-14-2002; Ord. No. 1388 §2, 9-18-2013]

- A. The following is a list of tree species that may not be planted or grown within the corporate limits of the City of Mission, Kansas:
1. *Ulmus* spp. (elms except for *Ulmus parvifolia* and *Ulmus americana*).
 2. *Ailanthus altissima* (tree of heaven).
 3. *Acer negundo* (Boxelder).
 4. *Fraxinus* (entire genus of ash).

Section 240.090. Distance From Paved Surface.

[Ord. No. 1044 §13-509, 8-14-2002; Ord. No. 1453 § I, 3-15-2017]

No tree or shrub shall be planted within three (3) feet from any paved surface unless authorized by the Parks, Recreation and Tree Commission.

Section 240.100. Planting Near Overhead Utilities — Prohibited Trees.

[Ord. No. 1044 §13-512, 8-14-2002; Ord. No. 1436 §4, 3-16-2016^[1]; Ord. No. 1453 § I, 3-15-2017]

- A. Unless authorized by the Parks, Recreation, and Tree Commission, no trees other than those species defined as small trees in Section **240.010** may be planted or allowed to grow under or within ten (10) lateral feet of any overhead primary or secondary utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. No tree of the following species shall be planted or allowed to grow under or within thirty (30) lateral feet of any overhead primary or secondary utility wire:
1. *Acer saccharinum* (Silver Maple).
 2. *Fraxinus* (entire genus of Ash).
 3. *Populus* spp. (Cottonwood).
 4. *Platanus* spp. (Sycamore and London Planetree).

[1] *Editor's Note: Section 4 also redesignated prior Section 240.120 to be Section 240.100. History was retained from prior designation.*

Section 240.110. Sight Distance — Fireplugs.

[Ord. No. 1044 §13-510, 8-14-2002; Ord. No. 1436 §5, 3-16-2016^[1]]

- A. No landscaping, tree, shrub, fence, wall or similar item shall be placed in zones of ingress or egress at street corners, or in the intersection of a public right-of-way, that the City determines is an obstruction to visibility or is otherwise a traffic hazard.
- B. No tree, shrub or woody vegetation shall be planted within a distance of ten (10) feet from any fireplug.

[1] *Editor's Note: Section 5 also redesignated prior Section 240.100 to be Section 240.110. History was retained from prior designation.*

Section 240.120. Residential Traffic Islands, Thoroughfare Rights-of-Way, Planting Restrictions.

[Ord. No. 1044 §13-511, 8-14-2002; Ord. No. 1436 §6, 3-16-2016^[1]; Ord. No. 1453 § I, 3-15-2017]

No trees, shrubs, woody vegetation or other landscape improvements over two (2) feet in height will be permitted on residential traffic islands or thoroughfare rights-of-way unless approved by the Parks, Recreation, and Tree Commission.

[1] *Editor's Note: Section 6 also redesignated prior Section 240.110 to be Section 240.120. History was retained from prior designation.*

Section 240.130. Interference With Parks, Recreation, and Tree Commission.

[Ord. No. 1044 §13-513, 8-14-2002; Ord. No. 1453 § I, 3-15-2017^[1]]

It shall be unlawful for any person to prevent, delay or interfere with the Parks, Recreation, and Tree Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds as authorized in this Chapter.

[1] *Editor's Note: Ord. No. 1453 also changed the title of this Section from "Interference With City Tree Board" to "Interference With Parks, Recreation, And Tree Commission."*

Section 240.140. Tree Service License and Bond.

[Ord. No. 1044 §13-514, 8-14-2002; Ord. No. 1388 §3, 9-18-2013]

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the City of Mission without first applying for and procuring a license. The license fee shall be ten dollars (\$10.00) annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of twenty-five thousand dollars (\$25,000.00) for bodily injury and ten thousand dollars (\$10,000.00) property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Each applicant shall also possess any other insurance required by State law.

Section 240.150. Review By City Council.

[Ord. No. 1044 §13-515, 8-14-2002; Ord. No. 1453 § I, 3-15-2017]

The City Council shall have the right to review the conduct, acts and decisions of the Parks, Recreation, and Tree Commission. Any person may appeal any ruling or order of the Commission to the City Council who may hear the matter and make final decisions. The Parks, Recreation, and Tree Commission shall be represented and heard at the time of appeal.

Section 240.160. Rights of Property Owners Over Plants in Parking Areas.

[Code 1974 §15-102; Ord. No. 1044 §13-516, 8-14-2002]

The owners of property abutting on streets, alleys, avenues and boulevards shall have such title to and property in growing trees and shrubbery in the parking in front or to the side of such real estate between the curb line and the property line as to enable the owners in case of injury to or destruction

of such trees, shrubbery and parking to recover from the person causing said injury or destruction the full damage which the abutting property in front of which they are situated may sustain by reason thereof and such abutting property owners shall all have the right of action in any court of competent jurisdiction to enjoin injury to or destruction of such trees, shrubbery and parking, except that no recovery or injunction shall be had against the City in the making of public improvements or in any other reasonable exercise of its authority over such streets, alleys, avenues or boulevards or over the trees and shrubbery located thereon.

Section 240.170. Injuring Trees.

[Code 1974 §15-103; Ord. No. 1044 §13-517, 8-14-2002; Ord. No. 1436 §7, 3-16-2016; Ord. No. 1453 § I, 3-15-2017]

It shall be unlawful for any person to cut, girdle, destroy or in any manner injure any shade tree or fruit tree standing or growing, wholly or partly, in or on any street, alley, or within any public park without the consent of the abutting landowner and the Parks, Recreation, and Tree Commission.

Section 240.180. Duty To Trim Trees and Shrubs On or Near Streets, Sidewalks.

[Code 1974 §15-104; Ord. No. 1044 §13-518, 8-14-2002]

The owners, occupants or persons in charge of real estate in the City abutting public streets and avenues are required to cause all trees and shrubs growing and situated in front of such real estate, but within the boundary line of the streets or avenues and within the curb line thereof, and all trees and shrubs or branches or limbs thereof growing or situated on any such real estate which overhang any such street or avenue to be properly trimmed so as not to interfere with public travel upon the streets and sidewalks in front or abutting upon any such property. Trimming shall be done in a proper and scientific manner by an arborist as described in Section **240.140** of this Chapter or by a property owner or his/her agent. Any trees, shrubs or limbs projecting beyond the back of the curb line or the usual location thereof at a point less than twelve (12) feet above the street level are hazardous and interfere with the use of the streets and avenues. Any trees, shrubs or limbs projecting over any sidewalk or usually traveled pedestrian way, at a point less than eight (8) feet above the level thereof, are hazardous and interfere with the use of sidewalks and usually traveled pedestrian way.

Section 240.190. Removal of Dead Trees, Shrubs, Limbs.

[Code 1974 §15-105; Ord. No. 1044 §13-519, 8-14-2002; Ord. No. 1453 § I, 3-15-2017]

The owners, occupants or persons in charge of real estate abutting upon any public street or avenue in the City shall remove or cause to be removed all dead trees and shrubs or all dead limbs or branches on any trees or shrubs situated or growing in front of such real estate but within the boundary line of any such street or avenue and within the curb line thereof; or any dead tree or shrub or any dead limb or branch of any tree situated or growing upon any such real estate but overhanging any such street or avenue or sufficiently near thereto to become dangerous to the public traveling thereon or on any sidewalk, which the dead trees or dead limbs or branches thereof are or may become dangerous and a menace to public travel upon the streets and sidewalks in front of or abutting upon any such property. A property owner may request a replacement tree from the Parks, Recreation, and Tree Commission.

Section 240.200. Notice Requiring Trimming or Removal.

[Code 1974 §15-106; Ord. No. 1044 §13-520, 8-14-2002]

The Code Enforcement Officer is hereby authorized and directed, whenever in his/her opinion it becomes necessary, to notify, in writing, the owner of any such real estate to cause the trimming of any trees as required by Section **240.180** or to cause the removal of any dead trees or dead limbs or

branches of any trees as required by Section **240.190** whenever in his/her opinion the same may be necessary, or if such owner cannot be found in the City, then to notify the occupant, agent or person in charge of the property in the same manner.

Section 240.210. Failure To Comply With Notice.

[Code 1974 §15-107; Ord. No. 1044 §13-521, 8-14-2002]

If within ten (10) days from the date of the service of the notice required by Section **240.200**, the owner or occupant, agent or person in charge of such property shall fail to comply with the provisions of the notice, the person shall be deemed guilty of a violation of this Chapter, and the Code Enforcement Officer shall cause a complaint to be filed in the Municipal Court and the owner, occupant or person in charge of the property shall be prosecuted for the violation of the provisions of this Chapter, but failure to serve notice shall not relieve any person from complying with the provisions of Sections **240.180** and **240.190** and any violator thereof shall be punished whether notice is served or not.

Section 240.220. Violations Declared Nuisance — Abatement.

[Code 1974 §15-109; Ord. No. 1044 §13-522, 8-14-2002; Ord. No. 1388 §4, 9-18-2013]

In addition to the other provisions of this Chapter, any tree which is not trimmed in accordance with the provisions hereof, or any dead tree or dead branch or limb of any tree which is not removed in accordance with the provisions hereof, or any other dead tree or dead branch or limb of any tree situated on any premises in the City which is or may become in danger of falling and injuring any person or property in the City is hereby declared a public nuisance, and if any such tree is not properly trimmed, or any dead tree or dead branch or limb of any tree is not removed within ten (10) days of written notice given to the owner, occupant, agent or person in charge of any such premises by the Code Enforcement Officer or within ten (10) days of mailing of such notice to the last known address of the responsible party or within ten (10) days of the publication of notice in the official City paper, then, and in any such event, the Community Development/Neighborhood Services Department shall cause the nuisance to be abated and removed and the cost thereof reported by that department to the City Clerk and assessed against the lot or piece of land upon which the same exists, or abutting the street or avenue upon which the same exists, and certified by the City Clerk to the County Clerk and collected as other taxes are collected.

Section 240.230. Right of City To Maintain Trees Not Affected.

[Code 1974 §15-110; Ord. No. 1044 §13-523, 8-14-2002]

Nothing in this Chapter shall be deemed to impair the right of the City to trim, protect or otherwise care for trees upon all public streets, avenues, boulevards, parks and other public grounds, and the Director of Public Works is hereby authorized and directed, whenever it may be necessary, to perform or to cause to be performed any such work.

Section 240.240. Diseased Trees and Shrubs — Notice.

[Code 1974 §15-201; Ord. No. 1044 §13-524, 8-14-2002]

Whenever any competent City, State or Federal authority, when requested by the Governing Body of the City, shall file with the Governing Body a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property within the City are infected or infested with or harbor any tree or plant disease or insect pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in damage or destruction of other trees or shrubs in the community describing the same and where located, the Governing Body shall direct the Code Enforcement Officer to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree materials or shrub within a time

specified in such notice. In no event shall the time specified in such notice be less than three (3) days. Such notice shall be served by the Code Enforcement Officer by delivering a copy thereof to the owner or agent of the property or if the same shall be unoccupied and the owner a non-resident of the City, then the Code Enforcement Officer shall notify the owner by mailing a notice to his/her last known address, the notice providing the non-resident owner at least ten (10) days in which to comply with the terms of this Chapter.

Section 240.250. Diseased Trees and Shrubs — Failure To Comply With Notice.

[Code 1974 §15-202; Ord. No. 1044 §13-525, 8-14-2002]

If the owner or agent shall fail to comply with the requirements of the notice required by Section **240.240** within the time specified in the notice, then the duly authorized officer of the City shall proceed to have the designated tree, tree materials or shrub treated or removed and report the cost thereof to the City Clerk and the cost of the treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree materials or shrub was located. The City Clerk is hereby authorized upon determination of the amount to be assessed to any such lot or parcel of ground to furnish a written notice by United States mail to the last known address of the owner or agent of the amount of such assessment. The City Clerk shall, at the time of certifying other City taxes to the County Clerk, certify the unpaid cost to be so assessed and the County Clerk shall extend the same on the tax roll of the County against the lot or parcel of ground. The cost of the work shall be paid from the general fund or other proper fund of the City and the funds shall be reimbursed when payment thereof is received or when such assessments are collected and received by the City.

Section 240.260. Powers of City in Case of General Infection.

[Code 1974 §15-203; Ord. No. 1044 §13-526, 8-14-2002]

The Governing Body, after recommendation from the Tree Board, when it appears that there is or is likely to be a general infection or infestation of trees or shrubs within the City by tree or plant disease or insect pest or larvae resulting in damage to or the death of many trees or shrubs, may provide such preventive measures or treatments as may be necessary and may pay the cost from the general fund or other proper fund.

Section 240.270. Penalty.

[Ord. No. 1044 §13-527, 8-14-2002]

Any person violating any provision of this Chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed twenty-five dollars (\$25.00) for the first (1st) offense, fifty dollars (\$50.00) for the second (2nd) offense, one hundred dollars (\$100.00) for the third (3rd) offense, and one hundred dollars (\$100.00) per day/per violation for the fourth (4th) and any further offenses. For the purposes of this Section, the number of offenses are calculated on an annual basis.

