

ORDINANCE NO.2205

AN ORDINANCE AMENDING ORDINANCE 2172 AMENDING CHAPTER XIII, ARTICLE 3, SECTION 13-318 DISTANCE FROM CURB AND SIDEWALK OF THE CODE OF THE CITY OF BURLINGAME, KANSAS:

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

Section 1. Section 13-318 of Ordinance 2172 amending Chapter XIII Article 3 of the Code of City of Burlingame is hereby amended to read as follows:

13-318 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than 2 feet for small trees, 3 feet for medium trees or 4 feet for large trees.

It shall be unlawful for any person to plant a tree or shrub on City property, City easement or City right-of-way without first obtaining a permit from the City. A permit application shall be obtained at City Clerk's office and must be filled out completely by the person wanting to plant the tree or shrub. The application information shall include the location of the planting of the tree or shrub and the date by which it is to be planted. The application shall be subject to approval by City staff or their agent before any planting can occur. The permit shall be issued for a maximum length of time of three months before a new application for a permit must be submitted.

Any tree planted on city property or right-of-way without a permit is subject to corrective action as deemed necessary by a city employee or an agent of the city. Notice of any violation shall be sent to the applicant for the permit. Actions may consist of removal of the tree either by transplanting or destruction of the tree whichever the person that planted the tree wishes to do, all cost of either option shall go to the planter of the tree.

PASSED AND APPROVED this 16th day of December, 2013.

/s/Michael T. Dorr, Mayor

ATTEST:/s/ Lee Ann Smiley