

**AN ORDINANCE OF THE VILLAGE OF FOUR SEASONS, MISSOURI AMENDING AND RESTATING THE FOUR SEASONS VILLAGE CODE, CHAPTER 16 – ENVIRONMENT, ARTICLE II – TREES**

**WHEREAS**, after due and proper consideration, the Village Board of Trustees of the Village of Four Seasons, Missouri find that amending and restating the Four Seasons Village Code as herein provided is in the best interests of the residents of the Village and is desirable for the welfare of the Village’s government and affairs; more specifically, the Trustees note the Village Code at Chapter 16, Article II, the Article addressing Trees, does not comport with the Four Seasons POA 7<sup>th</sup> Amended and Restated Declaration of Restrictive Covenants & By-Laws and/or the customary practices of that POA as it relates to trees and tree removal.

**NOW THEREFORE, BE IT ORDAINED BY THE TRUSTEES OF THE VILLAGE OF FOUR SEASONS, MISSOURI AS FOLLOWS:**

Chapter 16 – Environment, Article II – Trees in the Code of Ordinances of the Village of Four Seasons, Missouri, is hereby amended and restated in its entirety to read as follows:

**ARTICLE II. – TREES**

**Sec. 16-19. - Purpose.**

- (a) The purpose of this article is to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees within the Village. It is also to manage the Village’s parks, and urban forest in a strong, healthy condition for today and the future.
- (b) It is the intent of the Village Board of Trustees that the terms of this article shall be construed to promote:
  - 1. Air quality, to reduce heat and glare and add to the aesthetic quality of our living environment. Trees appreciably reduce the dangerous carbon dioxide content of the air, are proven producers of oxygen, and play a vital role, through transpiration and otherwise, in purifying the air we breathe. Trees are valuable physical and aesthetic community assets in that they provide cooling shade, and reduce noise levels and glare. This article protects against the unnecessary and arbitrary destruction and loss of trees and woodlands and, where such loss is necessary, provides for replacement of trees and woodlands.
  - 2. The planting, maintenance, restoration, and survival of desirable trees within the Village.
  - 3. The protection of Village residents from personal injury and property damage and the protection of the Village from property damage caused or threatened by the improper planting, maintenance or removal of trees located within the Village.
  - 4. Establishment of minimum standards for the provision, installation, maintenance, and removal of trees in order to achieve a healthy, visually pleasing, and safe community.

5. The planting and maintenance of trees will provide a significant impact to the environment in the form of stormwater and erosion control, air quality, wildlife habitat and energy conservation.

(Ord. No. 02.07, § 1, 9-4-2002)

**Sec. 16-20. - Definitions.**

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Caliper” means the diameter of a tree five (5) feet above ground (high side of the slope of the land).

“Designee” means an individual appointed by the Village.

“Diseased tree” means a tree infested with fatal and incurable viruses and blights.

“Hazardous limbs” means trees with severe structural defects or splits.

“Hazard trees” means trees with severe structural defects or splits.

“Lot” means a parcel of land occupied or intended to for occupancy for a permitted use.

“Park trees” means trees, shrubs, bushes, and all other woody vegetation in public parks to which the public has free access.

“Public trees” or “public community forest” means all street trees, park trees and other trees on property owned by the Village.

“Street trees” means trees on land lying between the property lines on either side of all streets within the city right-of-way.

“Tree” includes “Coniferous tree” which means a tree that is typically evergreen, such as pine, spruce, fir or hemlock, and “Deciduous tree” which means a tree which typically loses its leaves in the fall (autumn).

“Tree topping” means the drastic removal or cutting back of trees or large branches or trunks from the tops of trees leaving sub-branches or lateral branches that are too small to assume the role of a terminal leader which subjects the tree to disease, decay, and instability. Topping causes immediate injury to the tree and results in early death of the tree.

“Tree owner” or “Owner” is the owner of the property where the tree trunk touches the ground. Once a tree is installed on public owned property (no matter who installs the tree), the tree belongs to the Village. For liability reasons, when a tree is located on the property line (public/private property line), the tree belongs to the public entity.

“Woodland” means an area of trees covering one-quarter (1/4) acre or more and consisting of trees having a two (2) inch or greater caliper.

(Ord. No. 02.07, § 2, 9-4-2002)

**Sec. 16-21. - Permit required.**

No person shall remove or cause the death of a living tree having a caliper of six (6) or more inches, except as exempted in Section 16-24, or cut within a woodland area any trees having a caliper of three (3) or more inches unless the person has first secured a permit from the Village Board of Trustees.

(Ord. No. 02.07, § 3, 9-4-2002)

**Sec. 16-22. – Permit application and procedures.**

(a) The application for a permit required by Section 16-21 shall contain, or be accompanied by, the following information:

1. Address of the property;
2. Number of total acres of the property affected;
3. Name of person making the application;
4. Interest of applicant in property;
5. Name of the fee owner, if not the applicant;
6. Number of trees to be removed;
7. The location of trees to be removed and the location of the trees remaining;
8. Number of acres square feet of woodlands to be cleared;
9. Purpose of removal;
10. The location of any replacement trees to be planted with a statement of the number and type;
11. A copy of any contract for removal or replacement of trees which has been executed;
12. Photographs showing the property involved and the area where the trees are to be removed.

(b) A completed application for a permit required by Section 16-21 shall be submitted to the Board of Trustees and/or designee who shall review the same.

(c) The permit shall not be issued by the Village if the Village Board of Trustees and/or Designee finds that the tree or woodland removal will substantially increase stormwater drainage on other downstream lots, create a nuisance, or substantially and adversely affect the character of the surrounding neighborhood so as to reduce the value of surrounding homes.

If a permit is not issued, the reasons for the denial shall be made in writing and a copy sent to the applicant.

- (d) The Village may require a bond by the applicant in an amount adequate to ensure the completion of the work including replanting, if any, as condition to the issuance of a permit.
- (e) If trees are **removed without a permit** the Village may require the owner to replace trees with acceptable replacements for each tree removal. The size, species and location of these trees are to be determined by the owner with the concurrence of the Village.

(Ord. No. 02.07, § 4, 9-4-2002)

**Sec. 16-23. – Distance for planting and tree care and removal.**

(a) Distance for planting.

1. Street corner/intersection distance. No tree shall be planted closer than thirty (30) feet from any street corner, measured from the point of the nearest intersection of the curbs or curb lines.
2. Fire hydrant distance. No trees shall be planted closer than ten (10) feet from any fire hydrant.
3. Overhead and underground utility distance. No trees other than those listed as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.
4. Tree and light pole distance. Light poles shall not be obstructed by any tree and shall take the place of a street tree in the planting line of the right-of-way.

(b) Tree care and removal.

1. Village responsibility. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, lanes, squares and public ground as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. Public grounds shall include streetscape designs, including, but not limited to, landscape, hardscape, pedestrian walkways, and bikeways. The Village may remove or cause, or order to be removed, any tree or part thereof that is in an unsafe condition or which by reason of its nature is injurious to sewers, electric lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest.
2. Tree topping. It is unlawful as a normal practice for any person, firm or Village department to top any street tree, park tree or other tree on public property. Topping, rounding off or pollarding is the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the Village Board of Trustees.

3. Pruning, corner clearance. Every owner of any tree overhanging any street right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection or traffic sign/signal. 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 Village 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 streetlight or interferes with the visibility of any traffic control device or sign. The Village shall have the right to prune or remove any tree or shrub that causes damage to Village property.
4. Dead or diseased tree removal on private property. The Village shall inform the owners the need for removal of any dead or diseased trees on private property within the Village when such trees constitute a **hazard to life and property** or harbor insects or disease which constitute a potential threat to other trees within the Village. The Village will notify in writing the owners of such trees. The owners, at their own expense, shall do removal within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal to the owner. Priority for preservation will be given to flowering trees and rare trees. Removal of diseased trees is encouraged.
5. License required. It is unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the Village without first applying for and procuring a license.
  - i. Tree Professionals or Certified Arborists. Prior to pruning, removing, or applying pesticides to trees on property in the Village, all tree professionals or certified arborists shall obtain a business license as required by this Code. Application shall be made as provided in this Code and shall include documentation of proof of liability insurance in the amount of \$500,000 and worker's compensation insurance as required by law.
  - ii. Revocation of license. Tree professionals or certified arborists that prune trees for hire on property and top trees in the performance of their work or violate any section of this chapter may have their business license revoked for a period of one (1) year. A tree professional's or certified arborist's business license may be revoked after service of notice upon the concerned business and when it is determined by the Village Board of Trustees that the concerned tree professional or certified arborist has not complied with this tree ordinance or has not paid all Village property and sales taxes or complied with the ordinances enacted by the Village Board of Trustees.
6. Tree removal. Tree removal shall be limited to the following trees: (a) those within a twenty-foot (20') perimeter of the footprint of any building; (b) those within or adjacent to a culvert, drain, or drain field; (c) those adjacent to or within sidewalks, curbs, or hardscape; (d) those trees that are diseased or in danger of falling and damaging property as determined by a tree professional or arborist in advance of removal. All trees to be removed shall be pre-marked using colored tape or ribbon by the owner or his/her agent.

The Village Designee will make a pre-removal inspection and only those trees, which have been marked by the Designee, shall be removed. Removal of any trees not marked shall result in remedial actions which could include, but not limited to, monetary fines.

7. The owner shall be responsible for the removal of trees from their property. The owner shall be responsible for reasonable remediation and clean-up of the area from which any tree is removed, trimmed, maintained, or which have fallen. All trees approved for removal must be cut as close to the ground as possible.

8. All trees, brush, limbs, and other debris consequent to maintenance or removal shall be disposed of in an acceptable and approved manner. Acceptable and approved methods are burning (with permit from the appropriate fire protection district), chipping and mulching, or carrying off site to a location where permission to dispose has been obtained. Failure to dispose of the cut material, waste, or debris, shall be a violation of any permit issued and may result in forfeiture of damage deposit and additional fines.

(Ord. No. 02.07, § 5, 9-4-2002)

**Sec. 16-24. - Exemptions.**

(a) Requirements of this article shall not apply to a removal of trees which involves less than twenty (20) percent of the trees present on a lot; provided, however, that no tree having a caliper of six (6) inches or more may be removed without a permit.

(b) Requirements of this article shall not apply to a removal of trees necessary for the erection of a structure, outbuilding, roadway, utility, or a utility easement which has been approved in accordance with the zoning regulations and subdivision standards of the Village.

(c) Requirements of this article shall not apply to any property lying within, and subject to the jurisdiction of the Four Seasons Lakesites Property Owners Association, Inc. or any other existing POA, HOA, COA with a tree policy of its own.

(Ord. No. 02.07, § 6, 9-4-2002; Ord. No. 04.01, § 1, 4-14-2004)

**Sec. 16-25. – Penalties and enforcement.**

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this article, shall be punished as a misdemeanor as provided in Section 1-7. Each tree removed, altered, maintained, and/or tree not replaced in violation or failure to comply with this article, shall constitute a separate offense. In addition to the penalties provided herein, the Village may enforce the provisions of this article through equitable relief by way of restraining order, preliminary injunction and/or permanent injunction.

(Ord. No. 02.07, § 7, 9-4-2002)

The Village Board of Trustees and any of its Designees are hereby charged with the responsibility for the enforcement of this chapter and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the Village Attorney is hereby authorized to institute appropriate proceedings to that end.

That this Amended Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED after two (2) readings this \_\_\_\_\_ day of June 2024.

**ATTEST:**

\_\_\_\_\_  
Danielle Glover, Village Clerk

\_\_\_\_\_  
Tony Baldrige, Chairman  
Board of Trustees  
Village of Four Seasons, Missouri

**APPROVED AS TO FORM BY:**

\_\_\_\_\_  
Todd Miller, Village Attorney

Those voting "aye" were: \_\_\_\_\_

Those voting "nay" were: \_\_\_\_\_