
ORDINANCE NO. 761AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF BOX ELDER MUNICIPAL CODE
REGARDING THE MANAGEMENT OF TREES WITHIN THE CITY OF BOX ELDER

WHEREAS, the Municipal Code of the City of Box Elder defines tree types and identifies specific species that are considered to be the official trees and shrub species for the city; and

WHEREAS, a City of Box Elder Tree Planting Plan has been established and adopted by the Parks and Recreation Board and the City Council; and

WHEREAS, Article 2-IV and Sections 22-76, 34-56, 34-57, 34-51, 34-58, 34-114, 34-115, 34-116, and 34-117 of the City of Box Elder Municipal Code are being amended to align with the City of Box Elder Tree Planting Plan.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows (new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through):

CHAPTER 2. ADMINISTRATION***ARTICLE 2-IV. BOARDS, COMMISSIONS, COMMITTEES AND SIMILAR BODIES***

Editor's note(s)—Specific boards, commissions and similar bodies may be covered in other chapters, e.g., for information regarding the city emergency management agency, see chapter 10; for information regarding the city parks and recreation board, see chapter 26; for information regarding the planning commission, see chapter 28; for information regarding the city board of adjustment, see chapter 44.

CHAPTER 22. NUISANCES***ARTICLE 22-III. – NUISANCE VEGETATION*****Sec. 22-76. Overhanging Tree Limbs Or Bushes.**

- a) The limbs of trees or bushes hanging less than 10-12 feet in height above the driving surface of any public street shall be declared a public nuisance and shall be removed by

the landowner having property abutting the street or public right-of-way where the nuisance exists.

- b) The limbs of trees or bushes hanging less than 10-12 feet in height above the driving surface of all alleys within the city limits shall be declared a public nuisance and shall be removed at the expense of the landowner having property abutting the alley where the nuisance exists.
- c) Due to public safety concerns, the full width of sidewalks shall be kept clear of all vegetation between the walking surface and 10-12 feet above the walking surface.
- d) All limbs of trees or bushes which are hanging less than 10-12 feet in height above the walking surface of all sidewalks within the city, shall be declared a public nuisance and shall be removed by the property owner having property abutting the sidewalk where the nuisance exists.
- e) The enforcement officer, police department, or planning director may declare all trees or bushes which cause or may in the future cause a traffic or visibility problem a public nuisance. In addition, the chief may, because of public safety, order the vegetation removed immediately at the expense of the property owner having property abutting the public right-of-way where the violation exists.
- f) It shall be the duty of all landowners to keep all overhanging trees and bushes herein described over public rights-of-way cut down and removed on all lots owned or occupied by them. Additionally, such landowners shall maintain all grass, trees and bushes on land abutting property owned or occupied by them to the middle of the street

(Ord. No. 707, 12-20-2022)

CHAPTER 34. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE 34-III. CITY TREES

DIVISION 34-III-1. GENERALLY

Sec. 34-56. 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:

Park trees means trees, shrubs, bushes, and all other woody vegetation located in whole or in part on land dedicated for use as a public park, all land owned by the city, or land which the public has free access to for use as a park.

Street trees means trees, shrubs, bushes, and all other woody vegetation located in whole or in part within the public right-of-way of all public streets.

Specialty trees means unique trees that mark the entrances to districts or other important locations. Specialty trees are typically trees that bear no fruit or insignificant fruit.

Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(Ord. No. 492, art. II, 7-20-2010)

Sec. 34-57. Duties Of The Parks And Recreation Board With Regard To City Trees.

The parks and recreation board shall adopt and periodically update a Tree Planting Plan to implement a diverse and sustainable urban forest for the city of Box Elder. The board, when requested by the common council, shall consider, investigate, make findings, report, and recommend upon any special matter or question pertaining to forestry.

(Ord. No. 492, art. III, § 1, 7-20-2010)

Sec. 34-58. Donations.

Donations given for parks and recreation board projects shall be deposited in a reserved account by the city which shall be designated as the community parks project donation fund. Each donation must be accompanied by a donation designation form to be completed and signed by the donor to ensure that each donation is utilized for the purpose intended by the donor. It shall be the responsibility of the parks and recreation board to select a project appropriate to each donation. Interest earned on monies accumulating in the community parks project donation fund shall become a part of that fund to be utilized solely for projects stemming from donations.

(Ord. No. 492, art. VI, 7-20-2010)

DIVISION 34-III-2. TREE AND SHRUB SPECIES

Sec. 34-81. Official Species Enumerated.

The following list constitutes the official street trees and shrub species for the city. No species other than those included in this list may be planted as street trees without the written permission of the parks and recreation board.

Small trees and shrubs	Native Plum, common Lilac, S. Sumac, Nanking Cherry, Redosier Dogwood, Juneberry, Honeysuckle, Buffaloberry, Sandcherry, Nannyberry, Caragana, Cotoneaster, Hanson Hedge Rose, American Black Currant, and Prairie Red Plum.
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Medium trees and tall shrubs	Chokecherry, Crabapple (flowering), Apricot, Hawthorne, Harbin Pear, Schubert Chokecherry, Amur Maple, Rocky Mountain Juniper, and E. Red Cedar.
Large trees	Cottonwood (seedless), N.W. Poplar (cottonwood), Siberian Elm, Hackberry, Bur Oak, Black Hills Spruce, Scotch Pine, Colorado Blue Spruce, and Ponderosa Pine, Autumn Blaze Maple, State Street Miyabe Maple, American Elm, Sensation Box Elder, Prairie Expedition Elm, Redmond Linden, Green Spire Linden, Harvest Gold Mongolian Linden, Little Lead Linden, Northern Acclaim honey locust, Imperial Honey locust, Sunburst, Honey locust, Skyline Honey locust, Princeton Elm, Kentucky Coffee Tree, Prairie Stature Oak, Mancana Manchurian Ash, Siouxland Cottonwood, Prairie Cascade Willow, Silver Maple, Black Walnut, Rising Fire American Hornbeam, Northern Catalpa, Hot Wings Tatarian Maple, Austrian Pine, Prairie Statesman Swiss Stone Pine, Urban Pinnacle Bur Oak.
Specialty Trees	Japanese Tree Lilac, Ivory Silk Tree Lilac, Pink Spires Flowering Crab Apple, Thornless Cockspur Hawthorn, Snowbird Hawthorn, Canada Red Choke Cherry, Spring Snow Crabapple.

(Ord. No. 492, art. IV, § 1, 7-20-2010)

DIVISION 34-III-3. TREE CARE

Sec. 34-114. Park And Street Tree Planting.

The city shall have the right to plant, prune, maintain, and remove trees and shrubs within the rights-of-way of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(Ord. No. 492, art. V, § 1, 7-20-2010)

Sec. 34-115. Tree Removal.

The parks and recreation board may remove, or cause an order for removal of, any tree or part thereof which causes an unsafe condition or which, by reason of its nature, is injurious to sewers,

electrical power lines, gas lines, water lines, or other public improvements, or is affected by any injurious fungus, insect, or other pest.
(Ord. No. 492, art. V, § 2, 7-20-2010)

Sec. 34-116. Tree Topping.

It is unlawful as a normal practice for any person to top any street tree, park tree, or other tree on public property. 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 section by the parks and recreation board.
(Ord. No. 492, art. V, § 3, 7-20-2010)

Sec. 34-117. Pruning And Corner Clearance.

- a) The care of street trees is the responsibility of adjacent property owners. 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 street light or obstruct the view of any street intersection. There shall be an unobstructed space of 10-12 feet above the surface of the street or sidewalk.
- b) 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.
- c) 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.

(Ord. No. 492, art. IV, § 1, 7-20-2010)

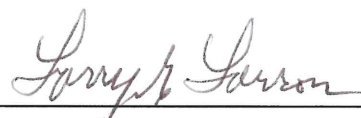
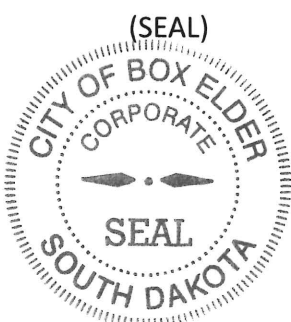
PASSED AND APPROVED ON FIRST READING this 15th day of April, 2025.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 6th day of May, 2025.

ATTEST:



Renee Baker, Finance Officer


Larry Larson, Mayor

ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on June 3rd 2025.



Chaz Kokesh, City Clerk