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**ORDINANCE NO. 989**

**AN ORDINANCE AMENDING CHAPTER 34 OF THE OFFICIAL CODE OF THE CITY OF GLASGOW (OCCG) REGARDING TREES AND SHRUBBERY AND DUTIES OF PROPERTY OWNERS TO TRIM**

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**WHEREAS**, The City of Glasgow (the "City") is authorized by Montana law to promote the public health, safety, aesthetic appearance, and welfare of the City. Mont. Code Ann. § 7-1-4123; and

**WHEREAS**, the City Council has in the exercise of those powers previously established Chapter 34 of the OCCG pertaining to trees and shrubbery overhanging sidewalks; duty of property owner to trim; minimum clearance offenses and miscellaneous provisions; and

**WHEREAS**, the Council believes that the existing ordinance should be amended to modify the distances set forth in the ordinance, provide for a civil penalty; and provide for the removal of dead trees; and provide for notice to property owners; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLASGOW, MONTANA:**

Section 1. The provisions of OCCG Chapters 34-197 hereby amended as depicted by below with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Sec. 34-197. - Trees and shrubbery overhanging sidewalks; duty of property owner to trim; minimum clearance.

~~It shall be the duty of any person growing a tree, hedge or shrub upon his private property or upon his adjoining boulevard, when such tree or shrub shall overhang any public street or sidewalk, to trim such tree or shrub, so as not to cause a hazard upon the public sidewalk or interfere with the proper lighting of public sidewalk or street, and so that the minimum clearance of any portion over~~

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~~the sidewalk shall have eight feet of clearance and any portion overhanging the street beyond the curbline shall have a clearance of 16 feet.~~

(Code 1955, § 17-50; Ord. No. 672, § 1, 3-7-1956)

**(a) It is unlawful for any person who is the owner or person in control or management of any lot, block or parcel of land within the city to permit or allow to be kept or allow to grow upon such lot, block or parcel of land or within the curb of the street, alley, boulevard or public way adjacent thereto, any tree or other vegetative growth whose limbs or branches shall extend over the sidewalk along the property within eleven (11) feet above the surface of the sidewalk or any tree whose limbs or branches shall extend over the street along the property within sixteen(16) feet above the surface of the street or shall extend into the alley more than one (1) foot from the property line for a distance of sixteen (16) feet above the alley surface. The city shall have the right to cause the removal of any such encroaching tree limbs or branches in accordance with the provisions of [section 34-2](#).**

~~(b) Dead or Diseased Tree Removal on Private Property.~~ **It is unlawful for any person who is the owner or person in control or management of any lot, block or parcel of land within the city to permit or allow to be kept or allow to grow upon such lot, block or parcel of land, or within the curb of the street, alley, boulevard or public way adjacent thereto, any dead or diseased trees on private property, 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 city. The city shall have the right to cause the removal of such dead or diseased trees on private property and the city may declare such tree or portion thereof a public nuisance, order the property owner to abate the nuisance or cause such nuisance to be abated in accordance with the provisions of Section 24-28 through Section 24-31.**

(Code 1955, § 10-22; Ord. No. 968, 7-20-2020)

Effective Date

**Section 4:** This ordinance shall be in full force and effect thirty (30) days after final passage and approval.

**Section 5:** Editor to re-arrange Chapter. The Editor, Municipal Code Corporation, is hereby authorized to replace Chapter \_\_\_\_\_ of the Code of Ordinances of the City of Glasgow.

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References

Glasgow City Code; Chptr..

FIRST PASSED AND APPROVED by the City Council of the City of Glasgow, Montana, at a regular session thereof held on the 4 day of November, 2024.

APPROVED:

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ROD KARST, Mayor

ATTEST:

Stacey A. Amundson  
STACEY A. AMUNDSON  
City Clerk-Treasurer

FINALLY PASSED AND APPROVED by the City Council of the City of Glasgow, Montana, at a regular session thereof held on the 18 day of November, 2024.

APPROVED:

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ROD KARST, Mayor

ATTEST:

Stacey A. Amundson  
STACEY A. AMUNDSON  
City Clerk-Treasurer