

**TITLE 8.
CITY PROPERTY.**

CHAPTER 8-700. PUBLIC TREE ORDINANCE

8-701. Establishment of Public Tree Ordinance. There is hereby established the Tremonton City Tree Ordinance governing planting, pruning, care and removal of trees.

8-702. Definitions.

(1) Adjacent Property Owner: "Adjacent Property Owner" is herein defined as the title holder, as recorded in the office of the Box Elder County Recorder, to real property touching a public right-of-way which the tree subject to removal is located.

(2) City Street Trees: "City Street Trees" are herein defined as trees within public rights-of-ways that are not in a residential zone and which the City provides for the care thereof.

(3) Large Trees: "Large Trees" are herein defined as trees with a mature height over forty (40') feet.

(4) Medium Trees: "Medium Trees" are herein defined as trees with a mature height between twenty-five (25') feet and forty (40') feet.

(5) Park Trees: "Park Trees" are herein defined as trees in public parks or public grounds and all areas owned by the City, or to which the public has free access.

(6) Private Property Owner: "Private Property Owner" is herein defined as the title holder to real property on which the tree subject to removal is located.

(7) Small Trees: "Small Trees" are herein defined as trees with a mature height of twenty-five (25') or less.

(8) Residential Street Trees: "Residential Street Trees" are herein defined as trees within public rights-of-ways that are within a residential zone.

(9) Tree Topping: "Tree Topping" is defined as 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.

8-703. Planting of a Public Tree. It is the City's intent to plant larger sized trees on City property; however, availability of trees, characteristics of tree species, and purchase price of trees may all be factors that determine the size of trees that are ultimately planted. It is advised that, deciduous City Street Trees and Park Trees planted by the City shall be between two (2") inches and two and a half (2.5")

inches in caliper in size measured at chest height when planted. It is advised that, conifer trees shall be between five (5') feet and six (6') feet in height when planted. City Street Trees and Park Trees shall be planted in accordance with the standard drawings contained in Title III General Public Works Construction Standards and Specifications

8-704. Spacing. City Street Trees and Park Trees planted by the City shall be spaced in accordance with the species characteristics such that the trees' crowns at maturity will not overlap with another tree nor touch or overhang a building.

8-705. Distance from Curb and Sidewalk. City Street Trees, Residential Street Trees, and Park Trees shall be planted no closer to any curb or sidewalk than the following: Small Trees, two (2') feet; Medium Trees, three (3') feet; and Large Trees, four (4') feet.

8-706. Distance from Street Corners and Fire Hydrants. No City Street Tree, Residential Street Tree, or Park Tree shall be planted closer than thirty (30') feet of any street corner, measured from the point of nearest intersecting curbs extended. No City Street Tree, Residential Street Tree, or Park Tree shall be planted closer than ten (10') feet of any fire hydrant.

8-707. Distance from Utilities. No City Street Tree, Residential Street Tree, or Public Tree other than those species as defined as Small Trees in this Ordinance 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, storm water line, transmission line or other utility.

8-708. Tree Planting and Public Tree Care.

(1) Pursuant to Utah Code Annotated § 10-8-10, under the specific direction of the Tree Board, the City shall plant trees within public right-of-ways and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(2) Under the specific direction of the Parks Director or Public Works Director, the City shall prune, maintain, and remove trees within public right-of-ways and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(3) This Section does not prohibit the planting or removal of Residential Street Trees by Adjacent Property Owners within a residential zone. Nor does it prohibit the Public Works Director or Parks Director in their sole discretion from immediately removing a tree that is a hazard to the public's safety,

dead, or otherwise unsightly as per Section 12 of this Ordinance.

8-709. Tree Topping. It shall be unlawful as a normal practice for any person, firm, or City department to top any City Street Tree, or Park 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 Ordinance at the determination of the Tree Board.

8-710. Tree Circles and Grates. Park Trees and City Street Trees planted by the City shall have all grass within a three (3') foot diameter removed from around the trunk of the tree until the caliper of the tree trunk at ground level is twenty-four (24") inches. Park Trees and City Street Trees that are planted within a concrete area shall have a tree grates placed around the tree in accordance with the standard drawings contained in Title III General Public Works Construction Standards and Specifications.

8-711. Pruning of Residential Street Trees and Private Property Trees.

(1) Every adjacent property owner of a Residential Street Trees and every owner of any tree on private property 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 lamp or obstruct the view of any street intersection and so that there shall be a clear space of fourteen (14') feet above the surface of the street, for snow removal & street sweeping purposes, and eight (8') feet above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which are a hazard to the public's safety.

(2) The City shall have the right to prune any City Street Tree, Residential Street Tree, Park Tree or 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 intersection or traffic control device or other hinders public infrastructure.

8-712. Tree Removal on City Property. Pursuant to Utah Code Annotated § 10-8-11, the Parks Director or Public Works Director may remove or cause or order to be removed, any City Street Tree, Residential Street Tree, or Park Tree within the City when such tree or part thereof which is in an unsafe condition or will damage curbs, sidewalks, sewers, electric power lines, gas lines, water lines, public building, or other public improvements, or interfere with clear vision at intersections and fire hydrants, or is affected with any injurious fungus, insect or other pest, or violates the standards contained in this

ordinance, or is otherwise unsightly. The Parks Director or Public Works Director is encouraged to contact the Adjacent Property Owner to discuss the removal of a City Street Tree or Residential Street Tree and to receive input from the Adjacent Property Owner. The decision to remove any City Street Tree, Residential Street Tree, or Park Tree shall be the sole decision of the Parks Director or Public Works Director, unless the Parks Director or Public Works Director decides to place the removal of one of the aforementioned types of trees on a Tree Board agenda for a final decision of the Tree Board.

8-713. Tree Removal on Private Property.

(1) The Tree Board may remove or cause or order to be removed, any tree on private property when such tree or part thereof which is in an unsafe condition or will damage curbs, sidewalks, sewers, electric power lines, gas lines, water lines, public buildings, or other public improvements, or interfere with clear vision at intersections and fire hydrants, or is affected with any injurious fungus, insect or other pest, or violates the standards contained in this ordinance. When considering the removal of a tree on private property, the Tree Board shall consider pictures and written recommendation provided by the City Engineer, Public Director, or Fire Chief relating to fire hydrants at to why the tree or part thereof is in an unsafe condition, damage or interfere with public infrastructure. When removing a dead or diseased tree on private property, the Tree Board shall have a Certified Arborist or someone equivalently qualified make a determination in writing that the tree constitute a hazard to life and property, or harbors insects or disease that will spread to other trees.

(2) When considering the removal of a tree on private property, the Tree Board shall give certified mailed notice to the Private Property Owner in which the tree is located, that the Tree Board will be discussing the removal of a tree and invite the Private Property Owner to attend the public meeting where the issue will be discussed. Thereafter the Tree Board shall make a determination regarding the necessity of removing a tree or part thereof. The Private Property Owner shall have the right to appeal the Tree Board's decision to the City Council within ten (10) days of the decision when filing an appeal with the City Recorder. The City Council shall have the final decision to remove a tree.

(3) If the removal of a tree is on private property, notice shall by certified mail that the tree must be removed by said owners at their own expense within sixty (60) days after receiving notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and place a lien on the property for the cost of removal.

8-714. Penalty for Violating Ordinance. It shall be unlawful for any person to intentionally violate standards in the ordinance or to intentionally interfere with the City Tree Board, or any of its agents, while engaging mulching, pruning, spraying, or removing of any Residential Street Trees, City Street Trees, and Park Trees, or trees on private grounds, as authorized in this Ordinance and punishable by the severity and fine contained in the City's Consolidated Bail Schedule, adopted by Resolution.

8-715. Removal of Stumps.

(1) All stumps of City Street Trees and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(2) In the codification of this ordinance into the "Tremonton City Corporation Revised Ordinances of Tremonton City Corporation" staff is authorized to make modifications to the section headings, formatting, numbering, order of sections etc. (Ord. 15-04)