

CHAPTER 35

COMMUNITY FORESTRY

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Section 35.010 Purpose.

The City of Lehi recognizes that trees are a valuable community resource that need to be protected and enhanced through proper management, education, and stewardship. Healthy trees reduce air and noise pollution, provide energy saving shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride, and quality of life. This chapter is not intended to resolve or regulate any disputes over trees or any vegetation on private property that do not affect public safety. The provisions of this chapter are enacted to:

- A. establish, preserve and maintain the maximum amount of quality tree cover on public and private lands within the boundaries of Lehi City to enhance the City's environmental, economic and social character with mature trees;
- B. encourage site and utility planning, building and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City and its area of impact;
- C. protect public safety, health and welfare by maintaining public trees in a healthy and non-hazardous condition through appropriate arboricultural practices;
- D. provide for the planting, maintenance, and removal of dead, dying or hazardous trees on City lands, and on private lands as needed;
- E. inform and educate property owners and City staff of new and existing guidelines for dealing with public trees adjacent to their property, and hazardous trees on private properties;
- F. establish and maintain appropriate diversity of tree species and age classes to provide a stable and sustainable community forest;
- G. provide for the preservation, marking and maintaining of historic or notable trees through an initial inventory of trees within the City;

- H. develop and maintain a tree selection guide;
- I. develop and maintain an Annual Urban Forestry Plan of Work;
- J. protect the City's electric power system and promote public health and safety, and protect, as much as possible, the health and vigor of the trees adjacent to or under power lines within the City while preventing tree-related electric power outages; and
- K. implement the goals and objectives of the general plan.

Section 35.020 Definitions.

For the purpose of as used in this Chapter:

- A. "Arboricultural Standards and Specifications" shall refer to the standards and specifications in this chapter.
- B. "Adjacent Property Owner" means any person owning property adjacent to a public right-of-way.
- C. "American National Standards Institute" or "A.N.S.I." refers to a current set of nationally established standards for tree care operations and maintenance adopted by the City of Lehi in this chapter.
- D. "A.P.P.A." shall refer to the American Public Power Association.
- E. "A.A.S.H.T.O" shall refer to The American Association of State Highway and Transportation Officials.
- F. "Best Management Practices" or "BMP" shall refer to the ISA series developed for the purposes of interpreting tree care standards and providing guidelines to those working with trees, as adopted by Lehi City.
- G. "Community Forest Program" shall mean the program and staff of all departments in Lehi City charged with the care and management of public trees.
- H. "Hazardous Tree(s)" shall mean public or private dead or dying trees, dead parts of a live tree, or unstable live trees, either due to structural defects or other factors, that are within striking distance of either people or public property and that have the potential to cause damage, personal injury, or a fatality in the event of a failure.
- I. "Heritage Trees" refers to any tree or group of trees so designated by the Utah Division of Forestry, Fire and State Lands in accordance with the criteria given in Utah Code Ann. 65A-8-302. A Heritage Trees Advisory Committee composed of five persons appointed by the division.
- J. "International Society of Arboriculture" or "I.S.A." shall refer to the internationally recognized organization for arboriculture whose mission is to foster a greater appreciation for trees and to promote the research, technology, and practice of professional arboriculture.
- K. "Invasive Species" shall mean a species of tree, vegetation, or pest that is likely to cause economic or environmental harm to either the environment or human health.
- L. "Planter Strip" or "Park Strip" shall mean the area between the curb and the sidewalk.
- M. "Private tree" shall refer to trees growing on private property.
- N. "Public Right-of-Way" refers to improved or unimproved public property owned by, dedicated to, or deeded to the public or for public use for the purpose of providing vehicular, pedestrian, or other public use. Such public property provides circulation and travel to abutting properties and includes, but is not limited to streets, sidewalks, bike lanes, landscaping, provisions for public utilities, cut and fill slopes, and open public space.
- O. "Public Tree" shall mean a tree in any public place or located on Lehi City property, including but not limited to planter strips, and the Public Right-of-Way.
- P. "Public Utility" refers to any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, telephone, internet, transportation, and water or sewer service.
- Q. "Tree Advisory Board" refers to a board consisting of the Urban Forester and other City departments that serves and collaborates about citywide matters pertaining to the planting, health, and care of the community urban forest.
- R. "Top" or "Topping" shall mean the severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree or severely alter the species' genetic structural characteristics.
- S. "Tree Litter" refers to any plant material or debris such as leaves, bark, needles, twigs, cones/seeds or

fruit that has fallen to the ground.

- T. "Tree City USA" shall mean a designation by the National Arbor Day Foundation recognizing cities that effectively manage their tree resources based on four main standards which include: a tree committee, a community tree ordinance, a community forestry program with an annual budget of at least \$2 per capita, and an annual Arbor Day observance and proclamation.
- U. "Tree Permit" shall refer to a permit obtained from the City to install a new tree within any Public Right-of-Way.
- V. "Urban Forester" shall mean the City arborist responsible for the care and management of the urban canopy.
- W. "Vegetation" shall include trees, bushes, shrubs, hedges and any other vegetation coming under the provisions of this chapter.

Section 35.030 Applicability.

This chapter applies to all trees and other vegetation in Lehi City located in the Public Right-of-Way, along with private trees or vegetation that are a public nuisance or hazard. In the case of any discrepancy between this chapter and the current Lehi City Municipal Code, Design Standards and Public Improvement Specifications, this chapter shall take precedence.

Section 35.040 Coordination between Departments.

There shall be close coordination between the Parks Department and other city departments when corrective action is needed on public trees. City department heads shall coordinate all projects and programs with the Parks Department to minimize damage to trees and follow all ISA and BMP protocols.

Section 35.050 Trees Advisory Board.

The Trees Advisory Board shall serve as an advisory body to the Parks Department and other city departments in making decisions pertaining to this Chapter. The Tree Advisory Board shall:

- A. assist the Parks Department in the development and administration of a community tree management program;
- B. review development applications that include elements pertaining to community forestry, and provides recommendations to the Parks Department, Planning Commission and City Council regarding the applications;
- C. assist the Parks Department in establishing educational and information programs;
- D. in cooperation with the Lehi City Historic Preservation Commission, assist the Urban Forester in marking notable or historic trees for preservation; and
- E. assist the Urban Forester in scheduling and planning an annual Arbor Day observance.

Section 35.060 Annual Plan of Work.

- A. An annual plan of work shall be prepared by the Urban Forester with communication and guidance from each department involved with the care, planting, maintenance, or removal of trees. The plan shall be updated every year and prepared in such a way that it meets the criteria for Tree City USA designation. The plan may address items such as species diversity, planting needs, Hazardous Trees, insect and disease problems, and a pattern of regular care such as pruning and watering.
- B. An updated inventory of Public Trees, work performed, maintenance and future plans shall be kept by the Urban Forester and Parks Department and may be modified by the Urban Forester at any time.
- C. The Lehi City Tree Selection Guide, the Unacceptable Public Tree List, and the Landscape Specifications and Standards shall be reviewed each year and may be modified by the Urban Forester.

Section 35.070 Public Tree Care Specifications and Standards.

- A. The Urban Forester shall direct all work being performed on any Public Tree. An ISA certified arborist must be on site when any pruning work is performed of any Public Tree unless otherwise approved by the Urban Forester. Inadequate or improperly trained personnel shall not be utilized for any work on trees beyond their capacity or ability.
 - 1. Warning devices on streets and sidewalks shall be used as required by state and city laws while working on Public Trees or shrubs is being performed.
 - 2. All work on Public Trees shall be performed according to the latest revision of the following national standards and BMP's:
 - (a) A.N.S.I. A300 Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices;
 - (b) Tree Care Operations Standard A.N.S.I. Z-133.1, Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety Requirements;
 - (c) I.S.A. Tree Pruning Guidelines;
 - (d) A.P.P.A. Safety Manual as adopted by the Lehi City Power Department; and
 - (e) Lehi City Arboricultural Standards and Specifications.
- B. It is unlawful for any person to allow, permit or cause an entire Public or Private tree to be cut down or felled upon, over or across any public street, thoroughfare, sidewalk or alley without first obtaining written permission from Public Works. The Public Works Director may require a bond prior to commencement of work.
- C. All stumps of Public Trees shall be removed no less than six inches below the surface of the ground. Any holes remaining in the ground shall be backfilled to the surrounding grade.
- D. All debris generated from any tree maintenance operation shall be removed promptly. The work area shall be kept safe until all the cleanup is completed. It shall be the obligation of the homeowner or contractor to clean up any debris including any branches, trunks, chips, tree litter, soil, and gravel, etc. from the work area and to dispose of such debris in such manner that it will not remain on city streets, sidewalks, gutters and storm drains; so that it will not flow into city sewers; or that it will not have to be hauled off by the City.

Section 35.080 Public and Private Tree Guidelines.

- A. Public Tree Planting Permit Required. No person shall plant a Public Tree or other vegetation within the Public Right-of-Way without first obtaining a permit from the Parks Department.
 - 1. Permits shall be free of charge.
 - 2. Any Public Tree or vegetation planted contrary to the provisions of this chapter or in violation of a permit may be removed by the City.
 - 3. A permit shall not be required for work performed by the City or its agents during their duties.
- B. The Parks Department shall have the authority and it shall be its duty to inspect and approve all proposed Public Tree plantings for residential, commercial subdivisions and developments within the City.
- C. The Parks Department shall develop and maintain a Tree Selection Guide that includes a list of allowed trees for planting along streets in three size classes based on mature height: small under 25 feet; medium between 25 and 40 feet; large over 40 feet. Tree species shall be selected from the Tree Selection Guide and shall be appropriate to their location. Drought tolerant and pest resistant species are encouraged whenever possible and appropriate.

- D. The spacing of Public Trees shall conform to Chapter 12 of the Lehi City Development Code. The Parks Department may change the spacing and species requirements to accommodate any utility obstructions or signage.
- E. In order to minimize damage to public improvements, all trees shall be centered in the park strip.
- F. Private Trees that abut any public sidewalk shall not be planted within 4' of a public sidewalk or public trail.
- G. Private Trees shall follow any NESC Encroachment Standards and not be planted within 8' of a power substation wall.
- H. No trees, shrub or vegetation that matures over 24" shall be planted within the clear view area at street intersections, nor shall a tree canopy extend within the clear view area as defined in Chapter 12.070 D. The clear view measurement area may increase or be adjusted by the Traffic Engineer to meet the A.A.S.H.T.O. specifications.
- I. No Public Tree or shrub shall be planted within 10' feet of any fire hydrant, or a power transformer.
- J. No public Tree shall be planted within 5' of a driveway.
- K. No Public Tree or shrub shall be planted within 5' of a water or pressurized water meter.
- L. No Public Tree shall be planted within 35' of a street warning sign.
- M. No Public Tree shall be planted in park strips less than seven feet wide. The Parks Department may approve Public Trees in planter strips less than seven feet wide.
- N. It shall be unlawful to plant any Public Tree on the current Unacceptable Public Tree List. Any person who plants a prohibited tree shall be required to remove it.

Section 35.090 Public Tree Care.

- A. The City shall have the right to plant, prune, spray, maintain, and remove trees and vegetation within the Public Right-of-Way as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public areas.
- B. Following consultation and recommendation by the Urban Forester, City employees may be authorized to maintain, remove, or cause to be removed any Public Tree, vegetation, or part thereof, including roots, which is in an unsafe condition or which by reason of its nature is, or may become injurious to public utilities or other public improvements, is an invasive species or is infected with any injurious fungus, insect, or other pest. The City shall also have the authority to remove any Public Tree or other vegetation that has been planted in violation of this Code or any other ordinance of the City. The removal or cutting down of any Public Tree shall not be allowed without a city employee first obtaining written permission from the Urban Forester or designee. Written notice shall also be given to the affected adjacent property owner prior to commencement of work.

Section 35.100 Private Property Owner Responsibility.

Any owner of private property abutting a City planter strip in which Public Trees or other vegetation are located shall have the following responsibilities for the protection and maintenance of the park strip, Public Trees, other landscaping, and sidewalks unless maintained by Lehi City:

- A. Obtain a permit and follow current planting restrictions before installing any new Public Tree, water-wise landscape, or a re-landscape of any park strip;

- B. Water, fertilize, and prune Public Trees when necessary to maintain clearance of limbs, good structure, health, and vigor in accordance with Lehi Development Code Sections 35.070 and 35.110;
- C. Protect Public Trees against damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment or attachment of any item such as signs, nails, wires, ropes, chains etc. by maintaining a ring around the tree free from grass, weeds, or other vegetation;
- D. Maintain the Public Right-of-Way and park strips in a neat, clean, orderly, and healthy condition;
- E. Maintain all vegetation from obstructing pedestrian traffic on a public sidewalk, alleyway, or trail;
- F. Cleanup and remove fallen leaves or other debris so that these do not impede storm drain systems.

Section 35.110 Street, Sidewalk, and Corner Clearance.

The property owner abutting the Public Right-of-Way is required to prune or remove any tree or shrub when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device, traffic sign or the clear view area at intersections in accordance with A.A.S.H.T.O. and the following provisions:

- A. Any tree or shrub planted within a clear view triangle shall be planted and maintained in accordance with the Lehi Development code.
- B. Every adjacent property owner of any tree overhanging any Public Right-of-Way within the city shall prune the branches so that such branches do not obstruct the light from any streetlamp, the view of any street intersection, or the ability of pedestrians to use the sidewalk.
- C. There shall be no tree planted within 35' of an oncoming traffic regulatory or warning sign. Vegetation, trees, shrubbery, and other materials shall not obscure the face of the sign or object marker.
- D. A clear space free of any vegetation or obstructions shall be maintained 14 feet above the street surface and 8 feet above the sidewalk surface.
- E. Property owners abutting a Public Right-of-Way shall remove any Private Trees or tree limbs that have fallen upon a Public Right-of-Way.
- F. Property owners abutting a Public Right-of-Way shall remove all dead trees, broken or decayed limbs that constitute a danger to the safety of the public within five days of notification of the obstruction.
- G. Failure of a property owner abutting a Public Right-of-Way to remedy any of the requirements found in this section may be assessed with the cost of remedying the issue.
- H. Violation of this Section may be prosecuted as a Class C Misdemeanor.

Section 35.120 Tree Preservation.

- A. Protection near Construction Activities. Any Public Tree in the immediate vicinity of any construction activity site which in the Urban Forester's opinion has any potential for injury or damage, shall be protected according to Arboricultural Standards and Specifications. Public Trees shall be guarded with a substantial fence, frame, or box. Such protective structure shall be not less than four feet high and eight feet square, or at a distance in feet from the tree equal to two times the diameter of the tree trunk in inches measured 4½ feet above ground, whichever is the greater distance from the tree. All building materials, vehicles, extra dirt, or other debris shall be kept outside the barrier. Tree protection shall be coordinated with the Parks Department both pre-and post-construction to mitigate damage to the tree and danger to the public. It shall be unlawful to engage in any construction work without first taking the steps to protect the tree(s) and any injury or death to the tree may result in reimbursement to the City. The value of the tree shall be pre-determined by the Urban Forester and made known to the contractor

before construction begins in accordance with Chapter 35.140.

- B. State of Utah Heritage Trees. Heritage trees are governed by the State of Utah and designated by the Utah Division of Forestry, Fire and State Lands and the Utah Community Forest Council. Lehi City encourages the protection of accepted and recognized Heritage Trees according to Utah Code 65A-8-301 et seq.

Section 35.130 Injuring Public Trees.

- A. Abuse or Mutilation of Trees. It shall be unlawful for any person to:
1. damage or kill any Public Tree unless authorized by the City as part of an approved tree care or tree maintenance project;
 2. attach any rope, hammock, straps, wire, nails, advertising poster, or other contrivance to any Public Tree;
 3. allow or to place in or upon any Public Right-of-Way any gaseous, liquid, or solid substance which is harmful and damaging to the soil or vegetation and may come in contact with any Public Tree or vegetation.
 4. negligently, intentionally or maliciously injure or destroy any vegetation in any Public Right-of-Way, except as authorized by the Parks Department.
- B. City Property – Placing Materials Thereon. No person shall deposit, place, store, or maintain upon any Public Right-of-Way any material which may prevent the passage of water, air, or nutrients to the roots of any Public Tree growing therein, other than decorative rock gardens or other planned and approved landscaping materials. No unsightly materials shall be placed, stored, or kept on the Public Right-of-Way.
- C. Tree Topping. Topping of any Public Tree shall be prohibited. Public 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 of the Chapter through a determination of the Urban Forester.
- D. Replacement – Compensation. In the event any person removes, destroys, or damages any Public Tree except as otherwise required by Lehi Development Code Sections 35.089, 35.100 or 35.110, that person shall be required to replace such tree with a tree of equivalent dollar value unless otherwise determined by the Urban Forester. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City equal to the difference in value between the tree removed and any replacement tree.
- E. Devaluation. Any Public Tree that is determined by the Urban Forester to be damaged, but not sufficiently damaged to justify removal, shall be considered to be devalued. The amount of devaluation as determined by the Urban Forester in accordance with Lehi Development Code Section 35.140 and shall be paid to the City by the person causing the damage.

Section 35.140 Appraisal of Trees.

Anyone who causes damage or destruction to a Public Tree in violation of this Chapter shall compensate the City for such damages. The damages shall be determined by the City using the methodology of the I.S.A. and Council of Landscape Appraisers at full appraised value. The city attorney, or designee, may take whatever action is necessary in a court of competent jurisdiction to collect such damages that are not voluntarily paid after assessment. Any funds collected for tree damage shall be earmarked for use for tree replacements or enhancements. The value of the tree(s) shall be determined by the Urban Forester by using the methods of the most recent edition of the Guide for Plant Appraisals, published by ISA.

Section 35.150 Power Line Clearance Standards.

Rules in this subsection relating to the health and care of the trees and other vegetation within the A.P.P.A. Safety Manual as adopted by the Lehi City Power Department shall be performed in conformance with the BMP standards listed in this Section.

- A. As it relates to power line clearance work, a notice shall be provided to the property owner before any pruning or removal of private trees or other vegetation located on private property is performed. In cases of an emergency when time is not available to provide prior notice, effort to make written or oral notification of work performed will be done as soon as practical, after the fact.
- B. The power line clearance tree trimming crews shall have the right to enter private property in order to conduct work as described in the provisions stated in this chapter. Apart from pruning and removal efforts, all private property will be left in the condition it was found.
- C. When the property owner refuses trimming or removal of a tree that is necessary to ensure proper line or facilities clearance, any damage that is caused by the conflicting tree or vegetation to the Lehi City power system shall be the responsibility of the property owner. Any damage to public or private property and any bodily injury or death due to the property owner refusing trimming or removal of a tree shall also be the responsibility of the property owner. The property owner shall be required to pay all monetary and legal damages and the repair costs incurred.
- D. Public Utility Companies. All public utility companies shall notify the Urban Forester or designee prior to pruning any Public Tree for the purpose of maintaining safe line clearance and shall have a current ISA Utility Specialist Certification, carry out such work in accordance with ANSI A-300, ANSI - Z133, BMP Utility Pruning, and BMP arboricultural standards.

Section 35.160 Resolution of Conflicts Between Trees and Structures.

Where sidewalk or curb damage due to Public Tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The Urban Forester or designee shall be responsible for developing or coordinating corrective measures in consultation with the Public Works Director, City Engineer, and Streets Superintendent. The Urban Forester shall have the authority and jurisdiction of regulating the removal of trees and vegetation that cannot be corrected without removal.

Section 35.170 Replacement of Public Trees.

Whenever Public Trees are removed from any Public Right-of-Way, an adequate replacement shall be made by the person whom permission for such removal was given and installed within 1 year if it conforms to the Lehi Development Codes and the Lehi Landscape Standards and Specifications. If a Public Tree cannot be replaced due to current Lehi City Development Code or the Lehi Landscape Standards and Specifications, a suitable tree may be planted within the Public Right-of-Way with the approval of the Urban Forester or designee.

Section 35.180 Hazardous Trees Declared a Public Nuisance.

- A. The following are hereby declared to be a public nuisance:
 1. Hazardous Trees;
 2. any vegetation on public or private property that is dead, partially uprooted or blown over so as to be in danger of falling, or which serves as a host to a communicable or destructive disease or other pestilence and constitutes a potential threat to other trees;
 3. the roots of any tree which cause the surface of a public street, curb, or sidewalk to be upheaved or otherwise disturbed or which cause damage to sewers, storm drains, electric power lines, gas lines, water lines, or other public utility lines; and
 4. any public or private tree or portion thereof which by reason of location or condition, interferes with

any power transmission line, public street, sidewalk, or signage, or constitutes an imminent danger or hazard to the health, safety or well-being of the public.

5. keep or maintaining a tree, shrub, or other vegetation that is a danger or a hazard to other trees, other vegetation, structures, or the general public.

Section 35.190 Abatement or Removal of Hazardous Trees on Private Property.

Where a Hazardous Tree is located on private property, the following provisions shall apply:

- A. Upon the determination by the Urban Forester or designee or Risk Management that a Hazardous Tree exists, the Urban Forester or designee shall give written notice to the owner of the property upon which the Hazardous Tree exists to trim, remove, or otherwise control such tree in such a manner as will abate the hazard.
- B. Property owners are responsible for trimming within 14 days of delivery of notice and shall bear the cost of trimming.
- C. Property owners are responsible for the removal of a Hazardous Tree within 14 days after the delivery of notice and shall bear the cost of removal.
- D. Failure to comply with such written notice is a violation of this section. Once in violation, the City shall have the right to cause the trimming or removal of any Hazardous Tree on private property and may charge the cost of corrective action to the owners of record on the property tax notice.
- E. Notwithstanding subsections 35.190(A-D), if the tree is deemed to be an immediate hazard or an imminent danger to life or property, the City may take immediate action to trim or remove the Hazardous Tree and charge the cost of removal or trimming to the owners of record on the property tax notice.

Section 35.200 Interference with Maintenance and Removal Unlawful.

No person, firm, or corporation shall interfere with the City or persons acting under the applicable department head's authority while engaged in planting, mulching, pruning, or removing any tree, shrub or plant along any Public Right-of-Way.

Section 35.210 Penalty for Violation.

- A. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. In addition to any criminal penalties that may be imposed, Lehi City may pursue civil penalties and restitution for actual damages.