

CHAPTER 35**COMMUNITY FORESTRY**

- Section 35.010. Purpose.
- Section 35.020. Definitions.
- Section 35.030. Applicability.
- Section 35.040. Coordination Between Departments.
- Section 35.050. Parks, Trails, and Trees Advisory Committee.
- Section 35.060. Annual Plan of Work
- Section 35.070. Tree Care Specifications and Standards.
- Section 35.080. Public Tree Care.
- Section 35.090. Street Tree Guidelines.
- Section 35.100. Street Trees – Private Owner Responsibility.
- Section 35.110. Resolution of Conflicts Between Trees and Structures.
- Section 35.120. Replacement of Removed Trees.
- Section 35.130. Dangerous or Hazardous Conditions Which are Declared a Public Nuisance.
- Section 35.140. Abatement or Removal of Dangerous or Hazardous Trees on Private Property.
- Section 35.150. Interference with Planting, Maintenance, and Removal Unlawful.
- Section 35.160. Public Appeals.

Section 35.010 Purpose.

The City recognizes that trees are a valuable community resource that needs 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.

The provisions of this chapter are enacted to:

- A. Establish and maintain the maximum amount of quality tree cover on public and private lands within the boundaries of Lehi City.
- B. Maintain City Trees in a healthy and non-hazardous condition through appropriate arboricultural practices.
- C. Provide for the planting, maintenance and removal of dead, dying or hazardous trees on city lands, and on private lands as needed.

D. Establish and maintain appropriate diversity of tree species and age classes to provide a stable and sustainable community forest.

E. Provide for the preservation, marking and maintaining of historic or notable trees through an initial inventory of trees within Lehi City.

F. Develop and maintain a street tree and landscape tree selection guide.

G. Develop and maintain an Annual Plan of Work.

Section 35.020 Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

A. “American National Standards Institute” (A.N.S.I.) shall mean and refer to a set of nationally established standards for tree care operations and maintenance adopted by the City in Section 35.070 of this Chapter.

B. “A.P.P.A.” shall refer to the American Public Power Association.

C. “Community Forest Program” shall mean the program and staff of all departments in Lehi City charged with the care and management of public trees.

D. “International Society of Arboriculture” (I.S.A.) shall mean, and 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.

E. “Non-Public Trees” shall mean trees now, or hereafter, growing on property other than “public” as defined below.

F. “Planter Strip” or “Park Strip” shall mean the area between the curb and the sidewalk or publicly owned land adjacent to a publicly owned street and/or sidewalk.

G. “Public Tree” shall mean a tree in any public place, located on Lehi City property, including but not limited to, planter strips.

H. “Parks, Trails, and Trees Advisory Committee” (PTTAC) shall mean the Lehi City Parks, Trails,

and Trees Advisory Committee specified in Section 35.050 of this Chapter.

I. “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.

J. “Tree City USA” shall mean a designation by the National Arbor Day Foundation that recognizes 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.

K. “Tree Stewardship” shall mean the ongoing and shared responsibility between public and private entities, for the protection, care, and renewal of trees and the people whom they serve.

Section 35.030 Applicability.

This Chapter applies to all trees in Lehi City located on public property, in public right-of-ways, and public and private trees that are a public nuisance or hazard.

Section 35.040 Coordination Between Departments.

There shall be close coordination between all city departments when public trees are affected. Sight distance concerns for stop signs and other regulatory signs or clear view areas at street intersections are to be referred to the Street Department Supervisor who shall be authorized to take the necessary corrective action. Plans for all lighting, power transmission and distribution, sewer, irrigation, water, street and other public works projects shall be considered with reference to their effect upon trees on public property prior to the beginning of work on such projects. The various city department heads shall coordinate programs to minimize damage to trees on all projects.

Section 35.050 Parks, Trails, and Trees Advisory Committee.

The Parks, Trails, and Trees Advisory Committee (PTTAC), as established in Section 33.050 of this Code, serves as an advisory body to the Mayor, City Council, Planning Commission, department heads, and other City employees in making decisions pertaining to this Chapter. The Committee has the following duties and responsibilities related specifically to this chapter:

A. To assist in the development and administration of a community tree management program for Lehi City.

B. To review development applications in an advisory capacity that include elements pertaining to community forestry, and provide recommendations to the Planning Commission and City Council regarding the applications.

C. To develop and maintain a Street Tree and Landscape Tree Selection Guide.

D. To assist the City’s department heads in establishing educational and information programs.

E. To assist the City’s department heads in the establishment and maintenance of a street tree inventory database and mapping.

F. In cooperation with the Lehi City Historic Preservation Commission, to identify and mark notable or historic trees for preservation.

G. To assist the City’s department heads in the scheduling and planning of an annual Arbor Day observance.

Section 35.060 Annual Plan of Work.

A. An Annual Plan of Work will be prepared by 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. A periodic inventory of trees on public properties shall be performed through appropriate methods with assistance and involvement from the PTTAC.

35.070 Tree Care Specifications and Standards.

A. General Standards.

1. All work on trees shall be performed according to the latest revision of the following National standards:

(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.

2. City department heads shall direct all work being performed on any City owned tree. Inadequate or improperly trained personnel shall not be utilized for work on trees beyond their capacity or ability.

3. All debris generated from any tree maintenance operation shall be removed promptly. The work area shall be kept safe at all times until all clean up is completed.

4. Street and sidewalk warning devices shall be used as required by state and city law at all times while work on public trees or shrubs is being performed.

5. Except in case of emergencies, whenever electric, telephone, gas, water, cable or any other lines or improvements are jeopardized by a tree or shrub on City owned property, the Public Works Director or designee shall be consulted prior to performing any work.

B. Abuse or Mutilation of Trees. It shall be unlawful for any person to:

- 1. Cut, carve, break, transplant, remove, mutilate, or otherwise damage or kill any tree on City property unless authorized by the City as part of an approved tree care or tree maintenance project.
- 2. To attach any rope, wire, nails, advertising poster, or other contrivance to any tree on city property.
- 3. To allow any gaseous, liquid, or solid substance which is harmful to trees to come in contact with any tree on City property.

C. Protection Near Construction Activities. Any tree on City property in the immediate vicinity of any excavation, fill, soil compaction, demolition, renovation or construction site of any building, structure or street work, which in the applicable City department head's opinion has any potential for injury or damage 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 4 ½ 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 department head to mitigate damage to the tree and danger to the public.

D. City Property – Placing Materials Thereon. No person shall deposit, place, store, or maintain upon any public property any stone, brick, sand, concrete, or other material which may prevent the passage of water, air, and/or nutrient to the roots of any 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 planter strip within the public rights of way.

E. Valuation of Trees – Compensation to City. Any one who causes damage or destruction to a tree on City property, without proper written permission, 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 may take whatever action is necessary in a court of competent jurisdiction to collect such damages as are not voluntarily paid after assessment. Any funds collected for tree damage shall be earmarked for use for tree replacements or enhancements within the City.

F. Tree Topping. Topping of any street tree, park tree or any other tree on public property shall be prohibited unless specifically coordinated with the applicable City department head. 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 department head(s).

G. Pruning, Sidewalk and Corner Clearance. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches do not obstruct the light from any street lamp, the view of any street intersection or the ability of pedestrians to use the sidewalk. There shall be a clear space of twelve (12) feet above the street surface or seven (7) feet above the sidewalk surface. Said owners shall remove all dead or dangerous trees, or broken or de-

cayed limbs that constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property according to the procedures contained in Section 35.170 when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device or sign or sight triangle at intersections. The property owner(s) may be charged with the cost of removal.

H. Power Line Clearance Standards. The following rules relating to the health and care of the trees and other vegetation within the City have been established in order to protect the City's electric power system and promote public health and safety. The intent is to 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.

1. All work on trees shall be performed in conformance with the standards listed in this Section including:

- (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.

2. A notice will be provided to the property owner before any pruning or removal of trees or other vegetation located on the 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.

3. The line clearance tree trimming crews shall have the right to enter private property in order to conduct the provisions stated in these rules. With the exception of pruning and removal efforts, all private property will be left in the condition it was found.

4. When the property owner refuses trimming and/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 Department power system shall be the responsibility of said property owner. Any damage to public or pri-

vate property and any bodily injury or death due to the property owner refusing trimming and/or removal of a tree shall also be the responsibility of said property owner. The property owner shall be required to pay all monetary and legal damage and the repair costs incurred.

5. Tree limbs that grow near high voltage electrical conductors shall be in compliance with any applicable clearance standards. A clearance of 10 feet from conductors of 7,200 to 24,000 volts and 15 feet from 46 KV to 138 KV.

6. No street tree other than those species listed as small trees in the Street Tree and Landscape Tree Selection Guide may be planted under or within ten (10) feet (horizontally) of any overhead utility wire.

I. Removal of Tree that May Fall Across Street or Sidewalk. It is unlawful for any person to allow, permit or cause an entire tree to be cut down or felled upon, over or across any street, thoroughfare, sidewalk or alley within the corporate limits of this city without first obtaining permission from the Public Works Director. The Public Works Director may require a bond prior to commencement of work.

J. Removal of Stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

K. Public Utility Companies. All public utility companies shall notify the Public Works Director or designee prior to pruning any tree located on city-owned property for the purpose of maintaining safe line clearance and shall carry out such work in accordance with accepted arboricultural standards.

Section 35.080 Public Tree Care.

The City shall have the right to plant, prune, spray, maintain and remove trees, plants and shrubs within street right-of-ways and other public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public areas.

Following consultation and recommendation by the applicable department head, City employees may be authorized to maintain or remove or cause to be removed, any public tree, plant or shrub or part thereof (including root), which is in an unsafe condition or which by reason of its nature is, or may become in-

injurious to sewers, storm drains, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or pest. The city shall have also have the authority to remove any public tree that has been planted in violation of this Code or any other ordinance of the city. The removal, cutting down above or below ground of any tree on public property shall not be allowed without first obtaining written permission authorizing such removal from the applicable department head. Verbal or written notice shall also be given to the affected adjacent property owner(s) prior to commencement of work.

Section 35.090 Street Tree Guidelines.

A. All street tree plantings shall be in conformance with the provisions of this Chapter.

B. The Parks Department shall have the authority and it shall be its duty to inspect and approve all proposed street tree plantings for residential and commercial subdivisions and developments within the City.

C. Street tree planting strips shall conform to the current Lehi City Design Standards and Public Improvement Specifications.

D. Street trees should have a minimum caliper size of two (2) inches.

E. The PTTAC shall develop and maintain a Street Tree and Landscape Tree Selection Guide that includes a list of allowed trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Tree species shall be selected from the tree selection guide and shall be appropriate to their location. Drought tolerant species are encouraged whenever possible and appropriate.

F. The spacing of street trees will be in accordance with the tree species size classes listed in the Street Tree and Landscape Tree Selection Guide, and shall be spaced according to the following; small trees, twenty (20) feet; medium trees, thirty (30) feet; large trees, forty (40) feet, except that trees may be spaced closer together in special plantings designed or approved by a landscape architect.

G. In order to minimize damage to public improvements, the distance trees may be planted from curbs and sidewalks will be in accordance with the tree species size classes listed in the Street Tree and

Landscape Tree Selection Guide. No trees may be planted closer to any curb or sidewalk than the following; small trees, 1.5 feet; medium trees, 3 feet; and large trees, 4 feet.

H. No street tree (including the tree canopy) shall be planted within the clear view area at street intersections. The clear view area is a triangular area formed by the streets at the property lines and a line connecting them at points thirty-five (35) feet from the intersection of the street right-of-way lines. No street tree shall be planted within ten (10) feet of any fire hydrant.

I. It is unlawful to plant or set out upon any of the streets, alleys or public places of this city any tree of the varieties commonly known as boxelder, silver maple, tree-of-heaven, Russian olive, honey locust (thorned), cottonwood or other cotton bearing trees, aspen, poplars, black locust, willows, or Siberian elm. Every person who shall hereafter plant any such trees upon any of the streets, alleys or public places of this city shall be required to remove it at their own expense.

Section 35.100 Street Trees – Private Property Owner Responsibility.

Any owner of private property abutting City park/planter strips upon which street trees are located shall have the following responsibilities:

A. Periodic watering, fertilization and minor pruning of street trees when necessary to maintain good health and vigor.

B. Protection of street 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, and chains.

C. Maintain public rights-of-way in a neat, clean, orderly and healthful condition. This is meant to include weeding, removal of litter, mowing of lawns, replacement of dead trees and plants and the regular watering of all plantings.

Section 35.110 Resolution of Conflicts Between Trees and Structures.

Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The Public Works Director shall be responsible for developing or coordinating corrective measures in consultation with the City Engineer and Streets Superintendent. However, the Public Works Director

may authorize removal of the tree(s) if the damage cannot be corrected without removal.

Section 35.120 Replacement of Removed Street Trees.

Whenever planted street trees are removed from any public street, avenue or planter strip, adequate replacement should be made by the person to whom permission for such removal was given. The new tree(s) shall conform to the Street Tree and Landscape Tree Selection Guide and shall be replaced within one (1) year of removal.

Section 35.130 Dangerous or Hazardous Conditions Which are Declared a Public Nuisance.

It shall be prohibited to knowingly keep or maintain a tree that is a danger or a hazard to other trees or plants or to humans because the tree is host to a communicable or destructive disease or because of the size, location or other characteristics of the tree.

The following are hereby defined and declared to be a public nuisance under this Chapter:

A. Any tree or shrub or other plant that is dead, partially uprooted or blown over so as to be in danger of falling or host to a communicable or destructive disease or other pestilence and constitutes a potential threat to other trees within the City.

B. The roots of any tree which cause the surface of a public street, curb or sidewalk to be up-heaved or otherwise disturbed or that cause damage to sewers, storm drains, electric power lines, gas lines, water lines, or other similar public utility lines.

C. Any tree or portion thereof which by reason of location or condition, interferes with any public street, sidewalk, signage or constitutes an imminent danger or hazard to the health, safety or well being of the public.

Section 35.140 Abatement or Removal of Dangerous or Hazardous Trees on Private Property.

Where a dangerous or hazardous tree is located on private property, the following provisions shall apply.

A. Upon the determination by Lehi City that a dangerous or hazardous tree exists and that such a tree constitutes a public hazard, the Public Works Director or designee shall give written notice to the owner of the property upon which said hazard exists to

trim, remove or otherwise control such tree in such a manner as will abate the hazard.

B. Trimming or removal shall be done by said owners at their expense within thirty (30) days after the date of service of notice. Failure to comply with such written notice within thirty (30) days thereafter is a violation of this section. Once in violation, the City shall have the right to cause the trimming or removal of any trees deemed to be a public hazard on private property or procure abatement thereof, and may charge the cost of removal or corrective action to the owners of record on the property tax notice.

C. Notwithstanding the aforementioned provisions, if the tree is deemed to be an immediate hazard or imminent danger, the City may take immediate action to trim or remove the tree.

Section 35.150 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 street, avenue, or way or public place in the city.

Section 35.160 Penalty for Violation.

Any person who shall violate any of the provisions of this title as adopted or fails to comply therewith, or who shall violate or fail to comply with any order made there under shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one hundred eighty (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 of time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

Section 35.170 Public Appeals.

Any action of the City with regard to this Chapter may be appealed to and heard by the City Council, following review and recommendation of the appeal by the PTTAC. To be effective, an appeal must be filed within thirty (30) days after the decision of the City. The appeal shall be in writing and shall be filed with the City for placement on the City Council's agenda. The appeal shall clearly specify the

reasons for which a hearing is requested. After the City Council has received a recommendation from the PTTAC, the City Council shall render its decision. The decision of the City Council shall be final.