

# Chapter 1

## TREES

### **7-1-1: DEFINITIONS:**

The following words and phrases, as used herein, shall have the meanings respectively ascribed to them by this section:

**PARK TREES:** Trees, shrubs, bushes and all other woody vegetation in parks and public areas owned by the city of Green River, Utah.

**STREET TREES:** Trees, shrubs, bushes and all other woody vegetation on property or rights of way owned by the city of Green River, Utah, lying between property lines on either side of all streets, avenues or alleyways within the city. (1995 Code § 86-1-1)

### **7-1-2: TREE BOARD:**

- A. Created: There is hereby created and established a tree board for the city, which shall consist of five (5) members, citizens and residents of the city, who shall be appointed by the mayor with the approval of the city council. One member of the board shall be a member of the city council. (1995 Code § 86-1-2)
- B. Terms Of Office: The term of the five (5) persons to be appointed by the mayor shall be two (2) years, except that the term of two (2) of the members appointed to the first tree board shall be for one year and the term of two (2) of the members of the first tree board shall be for two (2) years. The term of the member of the city council shall coincide with his term of office. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term being vacated. (1995 Code § 86-1-3)
- C. Compensation: Members of the tree board shall serve without compensation. (1995 Code § 86-1-4)
- D. Duties And Responsibilities: It shall be the responsibility of the tree board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees. Such plan will be presented annually to the city council and, upon

their acceptance and approval, shall constitute the official comprehensive city tree plan for the city. The tree board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. (1995 Code § 86-1-5)

- E. Operation Of Board: The tree board shall choose its own officers, make its own rules and regulations in accordance and in compliance with applicable law, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (1995 Code § 86-1-6)
- F. Review By City Council; Appeal: The city council shall have the right to review the conduct, acts and decisions of the tree board. Any person may appeal from any ruling or order of the tree board to the city council, who may hear the matter and make final decisions. (1995 Code § 86-3-2)

### **7-1-3: RULES, REGULATIONS AND REQUIREMENTS:**

- A. Species To Be Planted: The tree board shall develop and maintain a list of desirable trees for planting along streets in three (3) size classes based on mature height: small (under 20 feet); medium (20 to 40 feet); and large (over 40 feet). Lists of trees not suitable for planting will also be created by the tree board. (1995 Code § 86-2-1)
- B. Spacing: The spacing of street trees and park trees will be in accordance with the tree species size classes listed in subsection A of this section, and no trees may be planted closer together than the following: small trees, thirty feet (30'); medium trees, forty feet (40'); and large trees, fifty feet (50'); except in special plantings designed or approved by a landscape architect. (1995 Code § 86-2-2)
- C. Distance From Curb And Sidewalk: The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in subsection A of this section, and no trees may be planted closer to any curb or sidewalk than the following: small trees, one foot (1'); medium trees, three feet (3'); and large trees, four feet (4'). (1995 Code § 86-2-3)
- D. Distances For Street Corners And Fireplugs: No street tree or park tree shall be planted within thirty five feet (35') of any street corner, measured from the point of nearest

intersecting curbs and curblines. No street tree or park tree shall be planted within ten feet (10') of any fireplug. (1995 Code § 86-2-4)

- E. Utilities: No street tree or park tree, other than those species listed as small trees in subsection A of this section, may be planted under or within ten feet (10') of any overhead utility wire. (1995 Code § 86-2-5)
- F. Public Tree Care: The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines 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. (1995 Code § 86-2-6)
- G. Removal Of Trees: The tree board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This subsection does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with subsections A through E of this section. (1995 Code § 86-2-7)
- H. Tree Topping: It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the 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 subsection at the determination of the tree board. (1995 Code § 86-2-8)
- I. Pruning; 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 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 thirteen feet (13') above surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. 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 streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections, at the owner's expense. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of

such conductors by the electric utility company in compliance with any applicable franchise agreements. (1995 Code § 86-2-9)

- J. Dead Or Diseased Tree Removal On Private Property: The tree board shall have the right to cause the removal of any dead or diseased trees on private property within the city 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 tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owner's property tax notice. (1995 Code § 86-2-10)
- K. Removal Of Stumps: All stumps of 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. (1995 Code § 86-2-11)
- L. Interference With Tree Board Prohibited: It shall be unlawful for any person to prevent, delay or interfere with the tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this chapter. (1995 Code § 86-2-12)

#### **7-1-4: ARBORISTS; LICENSE AND INSURANCE:**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees or park trees within the city without first applying for and procuring a license. The license fee shall be in accordance with current license fee schedules of the city, paid in accordance to the licensing ordinance of the city; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand dollars (\$300,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the city or any person or property injured or damaged resulting from the pursuit of such endeavors as herein described. (1995 Code § 86-3-1)

#### **7-1-5: PENALTY:**

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (1995 Code § 86-3-3; amd. 2003 Code)