

ORDINANCE 854

A ORDINANCE CREATING SECTIONS 11-9-1 THROUGH 11-9-17 OF THE MUNICIPAL CODES OF THE CITY OF LANDER PROVIDING FOR THE PROTECTION AND CARE OF TREES. THIS ORDINANCE PROVIDES FULL POWER AND AUTHORITY OVER ALL TREES, PLANTS AND SHRUBS LOCATED WITHIN STREET RIGHT-OF-WAY, PARKS AND PUBLIC PLACES OF THE CITY; AND TO TREES, PLANTS AND SHRUBS LOCATED ON PRIVATE PROPERTY THAT CONSTITUTE A HAZARD OR THREAT AS DESCRIBED HEREIN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANDER, FREMONT COUNTY, WYOMING:

SECTION 11-9-1: DEFINITIONS.

- a) Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, ways or alleys within the City.
- b) Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

SECTION 11-9-2: TREE SIZES AND SPECIES.

The following tree size classification shall apply in subsequent sections:

Small tree: up to 25 feet projected height at maturity.

Medium tree: 25 feet - 40 feet projected height at maturity.

Large tree: over 40 feet projected height at maturity.

New planting of nuisance species as determined by Tree Board regulation shall be prohibited.

SECTION 11-9-3: DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No "street trees" shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No "street tree" shall be planted closer than 10 feet of any fireplug.

SECTION 11-9-4: DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 5 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

SECTION 11-9-5: UTILITIES.

No "street trees" other than those species described as small trees in Section 5 of this Ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 11-9-6: PUBLIC TREE CARE.

The City shall have the right to plant, prune, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing city

ABE187

utilities or to preserve the symmetry and beauty of such public grounds. The City may at its option, when advised by the City Tree Board, remove or cause or order to be removed any tree or part thereof which is 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.

SECTION 11-9-7: 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 from any street intersection, and so that there shall be a clear space of 8 feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute menace to the safety of the public. The City shall have the right to trim any 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 the visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

SECTION 11-9-8: ADJACENT LANDOWNER RESPONSIBILITY.

No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the City Tree Board. The person receiving the permit shall abide by the standards set forth in this ordinance.

SECTION 11-9-9: 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 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 ordinance at the determination of the City Tree Board.

SECTION 11-9-10: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The City shall advise private land owners as to the proper way to remove any dead or diseased trees on private property within the City, when such trees constitutes a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City.

SECTION 11-9-11:

Trees already in place and growing at the date of this Ordinance shall be exempt from Section 3, 4 and 5. However, any replacement trees shall be governed by those sections.

SECTION 11-9-12: ARBORISTS LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; 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 such license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the

city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION 11-9-13: INTERFERENCE WITH CITY TREE BOARD.

- a) It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of their agents or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any "street trees", "park trees" or trees on private ground, as authorized in this Ordinance. The City may at its option, when advised by the City Tree Board cause the removal of diseased trees on private property.
- b) Prior to removal of diseased trees by the City, the city shall provide written notice to the property owner. Should the property owner contest the fact that the tree is diseased, they may request a hearing in front of the Governing Body of the City of Lander. Said hearing shall be conducted pursuant to the Wyoming Administrative Procedures Act. If a hearing shall be requested, the City shall not cause the removal of the diseased tree until the completion of the hearing.
- c) The provision of section 11-9-13(b) hereby shall not apply in case of an emergency. Case of emergency are defined as conditions which pose an immediate safety or health hazard to the public.

SECTION 11-9-14: REVIEW BY GOVERNING BODY.

The governing body of the City of Lander shall have the right to review the conduct, acts and decision of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the governing body who may hear the matter and make final decision.

SECTION 11-9-15: PENALTY

Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, punished as provided in City Code Section 1-2-1.

SECTION 11-9-16: CONFLICT WITH OTHER ORDINANCES.

In the event anything contained in this Ordinance 854 is at variance or conflicts with any other City ordinance in effect at the time of the passage of this ordinances, and particularly the city's zoning ordinances, then this ordinance shall be deemed subservient thereto and the other ordinance or ordinances shall control.

SECTION 11-9-17: DATE OF EFFECT.

This Ordinance will take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON FIRST READING March 26, 1991.

PASSED ON SECOND READING April 9, 1991.

PASSED ON THIRD READING April 23, 1991.

ABE187

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the 23rd day of April, 1991.

THE CITY OF LANDER
A Municipal Corporation

ATTEST:

By Arland Carlson
Arland Carlson, Mayor

Paul J. Freese
Paul J. Freese, Clerk-Treasurer

STATE OF WYOMING)
) ss.
COUNTY OF FREMONT)

I hereby certify that on April 23, 1991, following passage, adoption and approval of Ordinance 854, Arland Carlson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Wyoming State Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being April 29, 1991.

Paul J. Freese
Paul J. Freese, City Clerk

PJF/rg