

ORDINANCE 1015

**AN ORDINANCE AMENDING SECTIONS 11-9-1 THROUGH 11-9-17
AND SECTIONS 12-8-1 THROUGH 12-8-5
OF THE LANDER CITY CODE
PROVIDING FOR THE PROTECTION AND CARE OF TREES
AND
PROVIDING FOR A URBAN FOREST COUNCIL**

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lander as follows:

SECTION 1: Section 11-9-1, 11-9-2, 11-9-4 – 11-9-9, 11-9-11 – 11-9-13 of the Lander City Code is hereby amended to read as follows:

11-9-1 – Definitions –

- (c) **Public Community Forest** – Public community forest is defined as all street and park trees and other trees owned by the City as a total resource.
- (d) **Private Community Forest** – Private community forest is defined as all trees within municipal boundaries, excluding public community forest trees.
- (e) **Community Forest Manager** – The community forest manager is defined as the official (public employee) representative of the Urban Forest Council and as such is responsible for administration of the community forestry program. The Lander Parks and Recreation Director shall be the Community Forest Manager.

11-9-2 – Tree Sizes and Species –

The following tree size and classification shall apply in subsequent sections:

Small tree: up to 25 feet projected 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 the Urban Forest Council shall be discouraged.

11-9-4 – Distance from Curb and Sidewalk – There shall be no trees planted on public rights-of-way for streets or alleys.

11-9-5 – 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 utilities or to preserve the symmetry and beauty of such public grounds. The City may, at its option, when advised by the City Urban Forest Council, 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 or is infected with any injurious fungus, insect or other pest which, in the opinion of the Urban Forest Council, may constitute a severe threat to other trees in the area.

11-9-6 – Pruning: Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so 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 12 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 hazard 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 when it

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.

11-9-7 – Adjacent Landowners Responsibility - No person other than city employees or their designees shall plant, remove, cut above the ground, or disturb any tree on any street, park or other public place.

11-9-8 – 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 obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Urban Forest Council.

11-9-9 Dead, Diseased or Hazard Trees 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 constitute a severe threat to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City shall have the right to cause to be removed any Public Community Forest or Private Community Forest Tree within the City limits that is diseased or has been declared a hazard. Hazard trees are defined as trees with severe structural defects, splits, dead or damaged parts. The City will notify, in writing, the owners of such trees. Removal or pruning is the responsibility of the owners of such trees and shall be accomplished within time limits set by the City.

The property owner may appeal the order of the City in writing to the City Governing Body within ten days after the date of such order. The City Governing Body shall, within ten days after the receipt of the written appeal, set the matter for hearing and notify the property owner of the time and date of such hearing, at which the property owner may be present or represented by counsel. Said hearing shall be conducted pursuant the Wyoming Administrative Procedures Act. At such hearing, the City Governing Body will review the order of the City and unless the order is revoked or modified, it shall remain in full force and be obeyed by the property owner.

If the property owner fails to comply with the final order within ten days after the mailing of the order, then the City may cause such live or dead tree, shrub, overhanging bough or hedge to be removed or destroyed and shall assess the expense thereof against the property owner.

- (a) The provisions of this section shall not apply in cases of emergency. Cases of emergency are defined as conditions which pose an immediate safety or health hazard to the public.

11-9-11 Arborist License and Bond - It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Public Community Forest or Private Community Forest Trees within the City without first applying for and procuring a license. Prior to obtaining a license they must show certification from the International Society of Arboriculture. Proof of such certification shall be filed with the City. Existing license holders without ISA certification must show proof of certification upon next renewal. Unlicensed persons may work for a company that has a licensed person on staff or in the company. Arborist shall adhere to ANSI A300 COMMON PRUNING PERFORMANCE STANDARDS and refrain from unsound trimming practices, such as stubbing or topping trees. Unsound practices are subject to review by the City Urban Forest Council and the Community Forest Manager. Suspension or revocation of an arborist's license is possible.

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.

11-9-12 - Interference with City Urban Forest Council - It shall be unlawful for any person to prevent, delay or interfere with the City Urban Forest Council, 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 Urban Forest Council cause removal of diseased trees on private property.

11-9-13 - Review by Governing Body - The Governing Body of the City of Lander shall have the right to review the conduct, acts and decisions of the City Urban Forest Council. Any person may appeal from any ruling or order of the City Urban Forest Council to the Governing Body who may hear the matter and make final decision.

SECTION 2: Section 12-8-1 through 12-8-4 of the Lander City Code is hereby amended to read as follows:

12-8-1 Creation and Establishment of a City Urban Forest - There is hereby created and established a City Urban Forest Council for the City of Lander, Wyoming, which shall consist of five or more members appointed by the Mayor and approved by the City Council.

12-8-2 - Duties and Responsibilities -

- (a) It shall be the responsibility of the Urban Forest Council to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, trimming, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.
- (b) Such a plan shall be presented annually to the governing body, and upon their acceptance and approval shall constitute the official comprehensive City tree plan for Lander, Wyoming.
- (c) The Urban Forest Council shall develop and maintain a list of desirable trees for planting as street trees with suggested spacing and planting distances from curbs, sidewalks, and foundations. List of trees not suitable for planting as street trees will also be created and maintained by the Urban Forest Council.
- (d) The Urban Forest Council, on its own initiative, or when requested, by the governing body, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

12-8-3 Operations - The Urban Forest Council shall choose its own officers, make its own rules and regulation and keep a journal of its proceeding. A majority of the members shall be a quorum for the transaction of business.

12-8-4 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 Urban Forest Council. Any person may appeal from any ruling or order of the Urban Forest Council to the governing body who may hear the matter and make the final decision.

SECTION 3: This ordinance shall 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 April 27, 1999.

PASSED ON SECOND READING May 11, 1999.

PASSED ON THIRD READING May 25, 1999.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the 25th day of May, 1999.

THE CITY OF LANDER
A Municipal Corporation

By Gerald E. Heckart
Gerald Heckart, Mayor

ATTEST:

Sharon Anderson
Sharon Anderson, City Clerk-Treasurer

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on May 25, 1999, following passage, adoption and approval of Ordinance 1015, Gerald Heckart, 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 May 30, 1999.

Sharon Anderson
Sharon Anderson, City Clerk-Treasurer