

ORDINANCE NO. 2025-6
AN ORDINANCE REPLACING ORDINANCES 842, 854, AND 1015, AND
ESTABLISHING COMPREHENSIVE REGULATIONS FOR THE PUBLIC AND
PRIVATE COMMUNITY FOREST IN LANDER, WYOMING

WHEREAS, the City of Lander recognizes that trees are a vital component of the urban environment, providing environmental, aesthetic, and economic benefits to the community; and

WHEREAS, the proper care, maintenance, and planning of trees on public and private lands enhances public health, safety, and welfare, while also contributing to the ecological integrity of the region; and

WHEREAS, the City established a Lander Urban Forest Council (Lander Urban Forest Council) to guide, oversee, and coordinate urban forestry policies and activities in a structured, consistent, and professional manner; and

WHEREAS, the City has previously enacted Ordinances 842, 854, and 1015 to establish policies and procedures for tree care and urban forestry within city limits; and

WHEREAS, it has become necessary to update and consolidate those ordinances to reflect current best practices, clarify roles and responsibilities, and provide for the establishment of a Lander Urban Forest Council to oversee and guide the City's urban forestry program; and

NOW THEREFORE, be it ordained by the Governing Body of the City of Lander, the State of Wyoming, as follows:

SECTION 1: CREATION AND ESTABLISHMENT OF A LANDER URBAN FOREST COUNCIL

There is hereby created and established a Lander Urban Forest Council for the City of Lander, Wyoming, consisting of five or seven members appointed by the Mayor and approved by the City Council. The Parks and Recreation Department Director and/or Chairman of the Parks and Recreation Commission may serve as a member of the Lander Urban Forest Council.

SECTION 2: DUTIES AND RESPONSIBILITIES

- a. It shall be the responsibility of the Lander Urban Forest Council to study, investigate, counsel, develop and/or update annually, and administer a written advisory plan for the care, preservation, trimming, planting, replanting, removal or disposition of Public Community Forest trees. The annual plan will identify hazard trees in the Public and Private Community Forest.
- a. This advisory plan will be presented annually to the City Council, and upon their acceptance and approval shall constitute the official comprehensive City tree plan for Lander, Wyoming.
- a. The Lander Urban Forest Council, 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.
- a. The Lander Urban Forest Council may offer guidance to Lander property owners and share information on tree planting and care upon request, at its discretion.

SECTION 3: OPERATIONS

The Lander Urban Forest Council shall elect its own officers and establish bylaws, subject to City Council approval, while maintaining a record of its proceedings. The terms of board members shall be defined in the Council's bylaws. A majority of members shall constitute a quorum for conducting business.

SECTION 4: DEFINITIONS

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

SECTION 5: TREE SIZES & SPECIES

The following tree size classifications shall apply in subsequent sections:

- a. Small tree: up to 25 feet projected height at maturity.
- b. Medium tree: 25 feet to 40 feet projected height at maturity.
- c. Large tree: over 40 feet projected height at maturity.

New planting of noxious weed species, as determined by the State of Wyoming and the Lander Urban Forest Council, shall be discouraged.

SECTION 6: STANDARDS AND SPECIFICATIONS FOR TREE PLANTING AND CARE

For both Public Community Forest and Private Community Forest:

- a. No tree shall be planted closer than 20 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines.
- b. No tree shall be planted closer than 20 feet to any fireplug.
- c. No tree shall be planted near public rights-of-way, public easements, or alleys that will cause damage to public property once the tree reaches maturity or reduces sight distance for motorists. Such trees shall be directed for removal, or removed, by the City if it is impacting curb, gutters, sidewalks, visibility, rights-of-way, or easements.
- d. No person, other than city employees or their designees, shall plant, remove, cut above the ground, or disturb any Public Community Tree.
- e. It shall be unlawful as a normal practice for any person, firm or city department to top any Public Community Forest tree. Topping is defined as severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree 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 Lander Urban Forest Council.

SECTION 7: DEAD, DISEASED, OR HAZARDOUS TREES ON PRIVATE PROPERTY

- a. The City shall provide guidance to private landowners on the proper removal of dead or diseased trees on private property when such trees pose a significant threat to life, property, or the health of other trees within the City. The City reserves the right to remove any diseased or hazardous tree within the Public or Private Community Forests. Hazardous trees are defined as those with severe structural defects, splits, dead or damaged parts. Additionally, boughs, branches, and hedges must not obstruct visibility of, or overhang, public rights-of-way or easements in accordance with Lander Municipal Code section 11-9-6 Pruning: Corner Clearance.
- b. The City will notify property owners in writing about the hazardous tree or overhanging boughs, branches, and hedges and issue an order for removal. The responsibility for pruning or removal lies with the property owner and must be completed within the timeframe set by the City.
- c. Property owners may appeal the City's order in writing to the Board of Appeals within ten days of issuance. The Board will schedule a hearing within ten days of receiving the appeal and notify the owner of the date and time. The hearing will be conducted in accordance with the Wyoming Administrative Procedures Act. Unless the order is revoked or modified, it will remain in effect and must be followed by the property owner.

- d. If the property owner fails to comply within thirty days of the final order, the City will issue a citation and fine as outlined in the City Fee Schedule. Continued noncompliance may result in the City removing or destroying the hazardous tree, shrub, overhanging bough, or hedge, with all costs assessed to the property owner.
- e. These provisions do not apply in emergencies, which the City will determine as conditions that present an immediate safety or health hazard to the public.

SECTION 8: 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 within the City, without first applying for and procuring a City of Lander Arborist 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 the next renewal. Unlicensed people may work for a company that has a licensed person on staff or in the company. Arborists 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 Lander Urban Forest Council and the Community Forest Manager.

The license fee shall be assessed annually in accordance with the City of Lander Fee Schedule and must be paid in advance. However, no license shall be required for public service companies or City employees performing such work as part of their official public service duties. Prior to the issuance of any license, each applicant must provide evidence of liability insurance coverage with minimum limits of \$500,000.00 for bodily injury and \$1,000,000.00 for property damage. Such insurance must explicitly indemnify and hold harmless the City of Lander from any claims, losses, or damages arising from the applicant's activities conducted under this license.

Arborists and/or private property owners must apply for and receive a street closure permit from the City of Lander for any pruning, treating, or removing of Private and Public Community Forests that occurs on or impacts City of Lander property, public rights-of-way, and public easements.

SECTION 9: CONFLICT WITH OTHER ORDINANCES

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

SECTION 10: 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 and shall specifically supersede and replace ORDINANCES 842, 854, AND 1015.

SECTION 11: Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PUBLIC HEARING

PASSED ON FIRST READING

PASSED ON SECOND READING

PASSED ON THIRD READING

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the _____.

THE CITY OF LANDER
A Municipal Corporation

By _____
Missy White, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on _____, following passage, adoption and approval of Ordinance 2025-5, Missy White, 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 Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being _____.

Rachelle Fontaine, City Clerk