

CHAPTER 15 URBAN FORESTRY

7-15-1: Short Title:

This chapter shall be known and cited as the City Of Sandpoint Urban Forestry Ordinance.

(Ord. 1190, 6-18-2008)

7-15-2: Purpose:

The city council recognizes that a healthy urban forest is a key component of the quality of life. This chapter is intended to encourage and promote the preservation, expansion, protection and proper maintenance of the community forest of the city. Enhancing the beauty of the city, stimulating the planting and growing of desirable trees and educating the public about the community forest while balancing the needs of the community with the needs of the community forest are the primary goals of this chapter.

(Ord. 1190, 6-18-2008)

7-15-3: Definitions:

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, and words used in the future tense include the present tense, and words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined in this section shall have their common and ordinary meaning.

ABUTTING PROPERTY OWNER(S): A property owner or owners whose property abuts a public right-of-way and who is therefore responsible for any public tree on that right-of-way. When any part of the cylinder of the trunk crosses the private property line between two (2) owners, the owners share responsibilities to the tree and both are considered abutting property owners.

APPLICANT: A person who is applying for a license, certification or permit as required by this chapter.

APPROVED TREE LIST: A list of trees that have been approved by resolution of the city council, also referred to as master tree list.

ARBORICULTURAL MANUAL: The "Arboricultural Specifications and Standards of Practice for the City of Sandpoint" adopted by resolution of the city council which contains regulations and standards for the planting, pruning, removal and maintenance of trees on public property and a program for developing and improving the tree, and other plant resources of the community. This manual also contains the "city maintenance responsibility list", the "master tree list", and "vegetation management plan", and it is a reference of policies and regulations and procedures for particular points of law within this chapter.

CITY: The City of Sandpoint, Idaho.

CITY FORESTER: A city staff member appointed by the mayor to direct the urban forestry program.

CITY MAINTENANCE RESPONSIBILITY LIST: Those trees within public right-of-way for which the city has the sole responsibility for maintenance, pruning and removal. This list shall be adopted by resolution as approved by city council resolution.

CITY OF SANDPOINT SIDEWALK STANDARDS AND STANDARD DRAWINGS: Those standards and drawings developed by the public works department and adopted by resolution by the city council for sidewalks in the city.

COMMERCIAL TREE WORK: Any work performed by a person on street or public trees for compensation.

COMMUNITY FOREST: The sum of all trees within the city limits of the City of Sandpoint, both public and private.

CONTROLLER: Every person (owner, agent, tenant, occupant, or lessee) who exercises care, custody and control of private real property that abuts a right-of-way upon which a public tree is located.

DISEASED TREE: Any tree or part thereof that has become blighted, defaced, or infected by an injurious pest.

GUIDE FOR PLANT APPRAISALS: A book published by the International Society of Arboriculture that is commonly used by municipalities, landscape architects and other parties interested in determining the real and present dollar value of individual trees.

HARDSCAPE: Sidewalks, curb, tree grates, tree grate frames, and irrigation systems, all of which are generally associated with street trees in an urban setting.

HAZARDOUS TREE: Any tree or tree part that poses a high risk of damage to persons or property.

HERITAGE TREE: A tree or grove recognized by the City as having notable environmental, cultural, historical, or community significance based on criteria established in the Arboricultural Manual. Heritage Tree recognition is a voluntary, honorary designation and does not impose restrictions on property rights or future land use.

INJURIOUS PEST OR DISEASE: Refers to organisms capable of seriously damaging the form or structural integrity of a tree.

LICENSEE: A person with a valid contractor's license and/or tree service certification as required by this chapter.

MASTER TREE LIST: A list of approved and prohibited trees to be planted within the public rights of way.

PARK TREES: All trees in public parks and in all areas owned by the city but excluding those trees in the public right-of-way.

PERSON: Any individual, firm, partnership, corporation, association, company, municipal corporation, or other governmental entity or organization of any kind.

PERMIT TO DO WORK ON TREES: A permit signed by the city forester that allows the controller or licensee to prune or remove public trees and which specifies conditions under which such work may be undertaken.

PRIVATE TREE: A tree that is not a public tree.

PRUNING, MAJOR: The pruning or cutting out of branches four inches (4") in diameter or greater; extensive root pruning; or cutting out of branches and limbs constituting greater than fifteen percent (15%) of the tree's foliage bearing area. The pruning shall retain the natural form of the tree.

PRUNING, MINOR: Pruning or cutting out of water sprouts, suckers, twigs, or branches less than four inches (4") in diameter, and which constitutes less than fifteen percent (15%) of the tree's foliage bearing area. The pruning shall retain the natural form of the tree. Removal of dead wood, broken branches and stubs are included within the definition of minor pruning.

PUBLIC PLACE OR PUBLIC PROPERTY: Property owned or leased by the City of Sandpoint.

PUBLIC RIGHT-OF-WAY: That strip of private land dedicated to, or over which is built, public streets, sidewalks or alleys, or used for or dedicated to utilities installation within the right-of-way. To the extent permitted by state law, public right-of-way shall include right-of-way owned by the state of Idaho.

PUBLIC TREE: A tree that is situated in such a manner that twenty-five percent (25%) or more of the tree trunk at ground level is on public property or public right-of-way, including state of Idaho right-of-way.

PUBLIC TREE INVENTORY: An inventory of the location, size, health and condition of the city's ROW and park trees taken periodically and stored on a database.

PUBLIC UTILITY: Any organization, including telephone and electric, cable or gas companies, that has a franchise or other lawful right to use the public rights of way.

REPLACEMENT TREE: A tree having minimum caliper of one and one-half inches (1½") measured at a point six inches (6") above the ground line.

SECURITY AGREEMENT: A contract between the city and a developer and is part of a tree preservation plan. The agreement secures the contract with a performance bond or cash escrow account.

SEVERE CROWN REDUCTION: The specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not an acceptable form of pruning.

SHRUB: A multiple stemmed, woody plant whose height at maturity is between three feet (3') and fifteen feet (15').

STREET: That portion of the public right-of-way which is improved, maintained and intended for use by vehicles to provide traffic circulation, primary access to abutting properties and parking. This definition includes all of the area typically located between curbs.

STREET TREE: All public trees located within the public right-of-way.

TOPPING: The severe cutting back of limbs to stubs larger than two inches (2") in diameter or the removal of the top part (trunk and limbs) of a coniferous tree, thereby removing a significant portion of the normal crown and disfiguring the tree. Topping is not an acceptable form of pruning.

TREE: A woody perennial plant having one main stem or trunk and many branches. It usually exceeds fifteen feet (15') in height at maturity; however, its failure to achieve such a height at maturity shall not preclude its inclusion as a tree.

TREE COMMITTEE: See "Urban Forestry Commission."

TREE LAWN: The area within the right-of-way easement, generally the lawn between the curb and sidewalk; also known as the "parking or planting strip".

TREE PRESERVATION ZONE OR TPZ: A circle surrounding the target tree with a radius of one foot (1') for every one inch (1") diameter of tree, measured six inches (6") up from soil level.

TREE SERVICE: Commercial services provided for trees, including, but not limited to: planting, removal, pruning or engaging in technical arboricultural practices.

TREE STANDARDS: The set of specifications concerning the planting, care and maintenance of trees as found in the arboricultural specifications and standards guide for the City of Sandpoint.

URBAN FORESTRY COMMISSION: A citizen advisory board appointed by the mayor and approved by the city council to assist the city in the management of its community forest. When reference is made to "tree committee" within city code or city policies, programs or plans, that term is the same as and interchangeable with "urban forestry commission".

VEGETATION MANAGEMENT PLAN: A comprehensive plan adopted by resolution of the city council, addressing the long term goals and strategic planning related to tree planting, pruning, removal and maintenance needs of community trees to encourage the sustainability of the urban forest.

(Ord. 1190, 6-18-2008; Ord. No. 1425, § 1, 8-21-2024)

7-15-4: Applicability:

This chapter shall apply to any public tree located in the public right-of-way, in public parks, in a tree lawn, and on other city property as well as to those trees and shrubs located on public and private property that are required by regulations or have been declared to be a public nuisance pursuant to this chapter.

(Ord. 1190, 6-18-2008)

7-15-5: Urban Forestry commission:

A citizen advisory board known as the urban forestry commission shall be created and established under Sandpoint City Code Title 2, Boards and Commissions.

(Ord. 1190, 6-18-2008; Ord. 1271, 6-20-2012; Ord. No. 1425, § 2, 8-21-2024)

7-15-6: Arboricultural Manual:

The "Arboricultural Specifications and Standards of Practice for the City of Sandpoint" (arboricultural manual) as adopted by the city council may be amended by resolution. The manual includes, but is not limited to, the specifications and standards for tree planting, pruning and removals, the city maintenance responsibility list, master tree list, **heritage tree definitions**, and vegetation management plan.

(Ord. 1190, 6-18-2008)

7-15-7: Care of Trees Within the City:

A. City Responsibilities: The city shall be responsible for the following:

1. Care and maintenance of park and other public area trees that are maintained by the parks department. Maintenance shall include the removal of dead, diseased or hazardous trees and the management of insects and diseases in those trees.
2. Care and maintenance of all public trees in the areas of "city maintenance responsibility list" as described in the arboricultural manual. In these areas, no controller or adjoining property nor anyone else may prune or remove or deface any tree without penalty.
3. The management of insect and disease management programs for all trees in the city that have been infected by exotic, or nonnative, diseases and insects.
4. The repair of damage done to the sidewalk and surrounding areas by the roots of public trees, or private trees when the city forester determines they are appropriate species for their location and were appropriately placed. The city shall follow construction guidelines and standards as referenced in the arboricultural manual and the "City of Sandpoint Sidewalk Standards and Standard Drawings".
5. Nothing in this chapter shall prohibit the city, without a charge to the abutting property owner(s), and based upon needs described indirectly or directly in the city public tree inventory, from eradicating injurious pests and diseases, pruning or removing or planting trees located within the public right-of-way.
6. **The City may consider heritage or significant trees in the planning and design of public improvements, where feasible and consistent with public safety, accessibility standards, utility infrastructure, and approved project objective.**

B. Private/Controller Responsibilities: Every controller shall be responsible for the following:

1. Meeting all the requirements and obtaining all the permits necessary for work done on adjacent public trees as described in this section and in the arboricultural manual;
2. Care and maintenance of public trees located on the right-of-way adjacent to the controller's private real property including:
 - a. Removal and replacement of public trees or removal of those portions of public trees declared to be a public nuisance by the city when they are located on the right-of-way adjacent to the

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- controller's private real property; removal and replacement regulations and procedures are described in this section and in the arboricultural manual;
- b. Pruning of public trees located on the right-of-way adjacent to the controller's private real property. Branches of trees that intrude into sidewalks must be pruned to provide clearance for pedestrians and branches that intrude into the street must be pruned to provide clearance for city and public vehicles. Clearance for sidewalks and streets is specified in the arboricultural manual. A permit is required for major pruning. See the arboricultural manual for a sample permit;
 - c. Watering and fertilizing when necessary;
 - d. Refraining from injuring a public tree by any means including, but not limited to, topping or severe crown reduction; installing potentially harmful devices such as tree houses on a tree; poor construction or excavation practices as defined by the arboricultural manual; damage to root systems by compacting or filling on or around the base of a tree; storing or spilling harmful chemicals within the root system of a tree;
 - e. Control of injurious pests for public trees and shrubs located on the right-of-way adjacent to the controller's private real property;
 - f. Care, removal and replacement of street trees which are topped, or whose crowns are severely reduced or which are improperly pruned, based upon current International Society of Arboriculture standards;
 - g. Abutting property owners shall not be responsible for removal and replacement of street trees where it can be shown by reasonable evidence that the tree has been topped or improperly pruned or otherwise injured by a public or private utility;
3. Control of significant pests for private trees and shrubs on the controller's private real property;
 4. Replacement within the right-of-way with trees that are appropriate for the location; that are on the city's approved master tree list; that are of sufficient size and quality and are planted in a manner as specified in the arboricultural manual; that are not prohibited by the city:
 - a. The stump and roots of the removed tree shall be reduced in a manner described in the current edition of the city arboricultural manual;
 - b. All tree work derived debris shall be removed from the street and sidewalk by the day and time stipulated in the agreement between the city and the controller/contractor called the "permit to do work on trees";
 - c. Trees are to be replaced within nine (9) months of removal and planted according to the best planting practices as described in the arboricultural manual;
 - d. If replacement is not possible, or the tree committee agrees to an alternative, the abutting property owner shall pay into the urban forest account, a replacement fee to be established by resolution of the city council;
 - e. If a tree is to be removed at the order of the city forester, unless immediate removal is necessary to protect public health and safety, the controller has thirty (30) days to remove the tree;
 5. Procurement of a signed "permit to do work on trees" from the city before any work is undertaken for trees within the right-of-way;
 6. The city may allow alternate funding methods for tree removal and replacement for property owners who meet certain income guidelines as described by council.
- C. Standards: Care and maintenance of public trees shall adhere to the city's arboricultural specifications and standards guide, but those standards may be modified by the city forester.

D. Removal of Public Trees and Shrubs:

1. Policy: It is the policy of the city that public trees shall not be removed without written authorization of the city forester who may seek concurrence from the Sandpoint tree committee and city council. The city forester may consult with the tree committee regarding the removal of live, healthy trees. Permits will be granted only under the criteria specified in the arboricultural manual.
2. Appeals: Decisions by the city forester may be appealed in a manner described in the section entitled "Appeals", of this chapter.
3. Emergency Pruning and Removal: If immediate removal or major pruning is required to protect the health and safety of the public or to restore basic utility services, tree work to mitigate the immediate hazard may be performed without a permit. If there is an imminent danger to the traveling public or to basic utility services, a city employee or utility company employee may act without a permit. The city forester shall be notified by the entity undertaking the work within twenty-four (24) hours of any emergency action taken.

(Ord. 1190, 6-18-2008; Ord. 1271, 6-20-2012)

7-15-8: Commercial Tree License:

- A. Any person provided compensation to prune, plant, or remove a street tree or park tree must be licensed to perform commercial tree work by the city unless such person is supervised by the holder of a license or who is a city employee approved by the city forester, doing work for a city department. See the arboricultural manual for specific qualifications.
- B. The license is an annual license with a term from January 1 to December 31 of each year. The fee is set by resolution of the city council.
- C. The license is not transferable, nor shall any part of the license be refundable.
- D. The city may revoke or deny the license when the licensee or proposed licensee commits any of the following acts or omissions:
 1. Knowingly violates any of the provisions described in that section currently entitled "Care of Trees Within The City", of this chapter, or any of the standards established in the arboricultural manual;
 2. Knowingly combines or conspires with another person by permitting one's license to be used by such other person unless employed by the licensee.

Revocation shall be for a period of one year for the first violation, two (2) years for the second violation, and permanent for the third violation.

- E. Any applicant whose license is denied or revoked may appeal the decision by following the procedures outlined in the section currently entitled "Appeals", of this chapter.

(Ord. 1190, 6-18-2008)

7-15-9: Tree Protection, Conservation and Preservation:

- A. Protecting Public Trees During Construction: Construction and/or excavation by public or private controllers taking place within the "tree preservation zone" of any tree growing in the public right-of-way shall adhere to protective methods as outlined in the arboricultural manual. The city forester will inspect all such construction sites to ensure minimum damage to trees.

When public right-of-way trees are damaged, to the point that the tree(s) may die within a year or two (2) as a direct result of the damage, and as determined by the forester or his designee, due to excavation or construction, the abutting property owner shall be responsible for paying to the city the amount of money equal to the current

value of the tree(s) damaged as determined by the "Guide for Plant Appraisal", except where public or private contractor negligence damaged the tree in which case the contractor shall be responsible for the same damage costs.

Failure to follow the construction or excavation guidelines established in the arboricultural manual shall be cause to deny issuance of any applicable city issued permits and to require remedial action in accordance with this chapter.

- B. Private Trees and Agreements with The City: The applicant, prior to the removal of trees in an area subject to city jurisdiction, or prior to the approval of, or issuance of a permit for any activity in connection with which privately owned trees are required to be protected or replaced shall enter into a written security agreement as set forth in the arboricultural manual.

(Ord. 1190, 6-18-2008)

7-15-10: Public Nuisances:

The city forester may take such action as is necessary to abate public nuisances.

- A. Nuisances Listed: The following are hereby declared public nuisances under this chapter:
1. Any dead tree or shrub located on city owned property or on the public right-of-way;
 2. Any tree or shrub that harbors pathogens or injurious insects which reasonably may be expected to injure or harm other trees or shrubs;
 3. Any tree or shrub that, by reason of location or condition, constitutes an imminent danger to the health, safety, or welfare of the general public.

(Ord. 1190, 6-18-2008)

7-15-11: Appeals:

Any controller may appeal decisions of the city forester to the tree committee within ten (10) days of the permit denial or the city forester's decision. The appeal notice must be in writing and submitted to the city forester at least ten (10) days after a written decision. The notice must include, at a minimum, the following information:

- A. Name, address and telephone number of applicant;
- B. Location of trees involved in the appeal;
- C. Decision being appealed; and
- D. A concise statement of the reasons for appeal.

The appeal shall be given a priority to be heard at a regularly scheduled meeting of the tree committee. Decisions of the tree committee may be appealed to city council by filing a notice of appeal with the city clerk within ten (10) days of written notice to the appellant of the tree committee's decision.

A copy of the decision for the appellant is sent through U.S. mail, with proper postage affixed, to the address provided to the city on the original appeal notice. Notice shall be considered complete three (3) days after mailing.

Decisions of the city council shall be final.

(Ord. 1190, 6-18-2008; Ord. 1271, 6-20-2012)

7-15-12: Penalties:

- A. Any violation of any part of this chapter may be charged as a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) for a first offense. Second or subsequent violations may be punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment in a county jail not exceeding six (6) months, or by both. Each incident may be considered a separate violation.
- B. The city may exercise any civil remedy it has by law.
- C. In addition to remedies set forth under subsection A of this section, any person responsible for a violation of those sections currently entitled "Care of Trees Within The City" and "Tree Protection, Conservation and Preservation: Protecting Public Trees During Construction", of this chapter, must pay the cost of repairing or replacing any tree damaged by the violation, including the cost of hardscape construction or reconstruction, if applicable. The value of trees is to be determined in accordance with the latest edition of the "Guide For Plant Appraisal" as published by the International Society of Arboriculture. The city attorney or other designee of the city is authorized to seek restitution or other legal redress for violation of these sections.

(Ord. 1190, 6-18-2008)

7-15-13: ~~Protection of Public and Private Historic and Heritage Trees~~ **Heritage Tree Recognition:**

The City may recognize trees of significance that contribute to the environmental, cultural, or historic character of the community.

Heritage Tree recognition is a voluntary, non-regulatory program. Recognition does not impose restrictions on property rights, create maintenance obligations, require permits for removal or pruning, or create any entitlement or property interest.

Recognition criteria, evaluation methods, and program guidance shall be established in the Arboricultural Manual, as adopted by the City.

To qualify for recognition, a tree or grove must generally meet one or more of the following categories. Specific metrics and the nomination process shall be maintained in the Arboricultural Manual:

- A. Historical- A tree which by virtue of its association with or contribution to a historical structure or district, or its association with a historical event.
- B. Specimen- Age, size, health, or aesthetic factors may qualify the tree as unique among the species in Sandpoint, Idaho.
- C. Rare- One or very few of a kind, or is unusual in some form of growth or species.
- D. Significant Grove- Outstanding or significant groups of trees that impact the city's landscape.
- E. Ecological- A tree that provides a unique ecological benefit or service to the urban environment.

~~The historic and heritage tree preservation designation recognizes the significance of trees to the city. A tree may be retained beyond its useful life because of its contribution to the environment and city character. A heritage or historical tree may be designated by the tree committee, in coordination with the historic preservation committee based on the criteria as described in the arboricultural manual.~~

(Ord. 1190, 6-18-2008)