

15-07-03 **Tree Stewardship**

- A. **Purpose.** Sandy City prides itself on its many areas of landscape, both natural and enhanced, and recognizes the importance of trees within the community.

The City Council declares it to be a policy of the City that specified City property be landscaped to enhance the natural beauty of the City; that the responsibilities of City departments be coordinated to encourage quality landscaping; that landscaped City property be effectively managed; that the City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities and conserve natural resources; that the street environment be made hospitable through landscaping; and that residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality landscaping on private property.

To fulfill this policy, this section is enacted and intended to establish a Sandy City Tree Stewardship Ordinance. This section may be referred to as the "Sandy City Tree Stewardship Ordinance."

- B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Program and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long-term management, health, maintenance, inventory, planting and design of City Trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation and education for the stewardship of City and Private Trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the Tree Stewardship Program.
6. Train and supervise City crews so that the best methods of tree care are practiced in the community.
7. Work with engineers, architects and the Community Development Department during the design phase of development.
8. Annually review this Section, the Tree Stewardship Program, the Streetscape Plan and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

- C. **Citizen Responsibilities.** Citizens/property owners, occupants and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property, except in those parkstrips which are maintained by the City.

1. Periodic watering and fertilization of City Trees as necessary to maintain good health and vigor.
2. Protecting City Trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers and similar equipment.
3. Protecting City Trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes and chains.
4. Purchasing and planting trees in parkstrips. The species should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester, and they should be planted as set forth in the Streetscape Plan.

5. Removing Private Trees or limbs that have fallen upon a City street, sidewalk or upon City property.
6. Maintaining ground covers, except in those parkstrips maintained by the City.
7. Notifying the Urban Forester of any hazard tree.
8. Raking, cleaning up and properly disposing of leaves that fall from City and Private Trees so leaf fall does not impede the storm water system.

Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.

**D. City Responsibilities.** The City shall assume responsibility for:

1. Tree care in City-owned and operated parks, on the grounds of City buildings, and in parkstrips which the City administration has designated will be maintained by the City in this Chapter.
2. Pruning of City Trees, as necessary.
3. Removal of diseased or dying City Trees that are beyond reclamation.
4. Removal of City Trees and/or limbs which the Urban Forester or Transportation Engineer determines to be a hazard.
5. Maintenance of planted areas on City property and specifically designated City rights-of-way.

**E. Responsibility for Correcting Private Hazard Trees.** Where a Hazard Tree exists upon private property, the property owner, or his or her agent, and all other persons having control of the property on which such hazard exists, shall be responsible to mitigate, abate, remove or correct the hazard. Any tree which is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm or corporation, either as owner, agent, or occupant, to create, to aid in creating, or to maintain a Hazard Tree.
2. If the City determines that a particular tree is a Hazard Tree the City may give a written notice to the owner, occupant or agent of any lot, building, or premises in or upon which a Hazard Tree is found, or upon the person who may be the cause of such Hazard Tree to remove, mitigate, abate or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this section may be served by personal service or by mailing the notice to the person, firm or corporation by certified mail and posting a copy on the property a minimum of 14 days in advance of further action.
4. If the hazard is not mitigated, abated, removed or corrected within 10 days after the notice is complete, the City may mitigate, abate, correct or remove the hazard tree at the expense of such person, firm or corporation or may take further action as determined.
5. The City may recover:
  - a. The costs and expenses incurred in mitigating, abating, correcting or removing the hazard tree, serving notice, and the costs of a lawsuit if any; and
  - b. Ten Dollars [\$10] for each day the hazard tree remained after notice was complete.
6. a. If the person, firm or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance (UCA 76-10-806).

- b. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated as provided in Subsection E above.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.

Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Traffic Engineer within 5 working days of service of the notice to abate. Appeals from the Urban Forester's or Traffic Engineer's decision shall be heard by the City's Parks & Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

**F. Protection of City Trees**

1. It shall be unlawful for any person to do any of the following:
    - a. Construct a concrete, asphalt, brick or gravel sidewalk within eighteen inches (18") of a tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree;
    - b. Fill up the ground area around any City Tree so as to shut off air, light or water from the roots;
    - c. Pile building material, equipment or other substance on or near a City Tree so as to cause injury to the tree;
    - d. Pour or spraying any injurious matter on or around a City Tree;
    - e. Injure any City Tree, tree-stake or guard with any vehicle or animal, or in any other manner causing injury to any City Tree, shrub, groundcover or lawn ;
    - f. Post any sign on any City Tree, tree-stake or guard, or by fastening any guy wire, cable or rope to any City Tree, tree-stake or guard.
    - g. Prune trees for commercial exposure.
  2. Any person doing construction, excavation, or demolition work in the near vicinity of a City Tree shall protect the tree from injury or damage with a substantial barrier. The protective barrier shall not be less than four feet high and have a two foot radius, or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured four and one-half feet above ground, whichever is greater. All building materials, extra dirt or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any variances to this standard.
  3. No person shall use a City Tree for any unauthorized purpose.
- G. Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan
- H. Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- I. Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department and the Community Development Department may identify, mark, publicize and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record trees that qualify as candidates for the Utah Heritage Tree Register.

- J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall identify both City and private trees, or groves of trees, of at least one and one-half inch [1 1/2"]caliper, and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation.
- K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor.

In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation or death of a tree, shrub or other plant located on City-owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide For Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person or entity that violates this chapter as it deems appropriate, including abatement or injunctive relief.