

Chapter 12.20

Street Trees

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Section 12.20.010 Establishment.

When required the City Engineer and/or Planning Office shall, where the same has not already been defined, cause a measurement to be made defining the outside limits of the control curbs and sidewalks on any street of the City and establish the line for all street trees thereon. All street trees shall be planted pursuant to the provisions of this Chapter. (Ord. 92-02, 1992; Prior code §25-4) (2006-02, Amended, 05/04/2006)

Section 12.20.020 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, or ways within the City.

B. **Park Trees.** Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

(2006-02, Added, 05/04/2006)

Section 12.20.030 Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City. The Planning Commission shall serve as the City Tree Board. The Planning Office, with advisement from the City Engineer, Police Chief, and City Park Superintendent, shall serve as advisory staff for the City Tree Board, and these departments shall coordinate in the administration of the provisions and duties of this Chapter.

(2006-02, Added, 05/04/2006)

Section 12.20.040 Duties and Responsibilities.

A. Based on perceived need or when requested by the City Council, the City Tree Board shall develop and recommend a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas.

B. The City Tree Board shall be responsible to develop an active tree inventory of street and park trees based on perceived need or when requested by the City Council.

C. The City Tree Board, 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.

D. The City Tree Board shall periodically review this Chapter and recommend updates and revisions to the City Council.

E. The City Tree Board shall develop, maintain, and recommend revisions as necessary to the list of desirable trees in Section 12.20.080 for planting street trees along streets in three size classes based on mature height: small (0 to 30 feet), medium (30 to 60 feet) and large (over 60 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of trees not suitable for planting will also be created by the Tree Board. Fruitless varieties of trees shall be planted when available. Planning staff may approve the planting of a street tree not on the approved planting list, provided the proposed tree is not on the prohibited street tree list and does not have the undesirable attributes listed in Section 12.20.050 D.

(2010-03, Amended, 02/04/2010; 2006-02, Added, 05/04/2006)

Section 12.20.050 Tree Species to be Planted.

A. **Small Trees.** Small trees are appropriate in locations with 4-foot planter strips or larger or in locations near utility lines.

1. Paperbark Maple (*Acer griseum*)
2. Eastern Redbud (*Cercis canadensis*)
3. Tatarian Maple (*Acer tataricum*)
4. Japanese Tree Lilac (*Syringa reticulata*)
5. Washington Hawthorn (*Crataegus phaenopyrum*)
6. Kwanzan Flowering Cherry (*Prunus serrulata*)
7. Lavalley Hawthorn (*Crataegus x lavalleyi*) [thornless variety]
8. Amur Maple (*Acer ginnala*)
9. Cockspur Hawthorn (*Crataegus crusgalli*)
10. English Hawthorn (*Crataegus laevigata*)
11. Smooth Sumac (*Rhus glabra*)
12. Staghorn Sumac (*Rhus typhina*)
13. Trident Maple (*Acer buergerianum*)
14. Flowering Chokecherry (*Prunus virginiana*)

B. **Medium Tree.** Medium trees are appropriate in locations with 6-foot planter strips or larger or in locations where utility lines are less of an issue due to height or location of the lines.

1. Autumn Purple Ash (*Fraxinus americana*)
2. Hedge Maple (*Acer campestre*)
3. Fruitless White Mulberry (*Morus alba*)
4. Big Tooth Maple (*Acer Grandidentatum*)
5. Japanese Pagoda (*Sophora japonica*)
6. European Hornbeam (*Carpinus betulus*)
7. European Alder (*Alnus glutinosa*)
8. Littleleaf Linden (*Tilia cordata*)
9. Crimean Linden (*Tilia Euchlora*)

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10. Goldenrain Tree (*Koelreuteria paniculata*)
11. Amur Chokecherry-fruitless (*Prunus maackii*)
12. Flowering Pear (*Pyrus calleryana*)

C. **Large Tree.** Large trees are appropriate in locations with 8-foot planter strips or larger and where utility lines are underground or out of the way of the tree's growth.

1. Norway Maple (*Acer Plantanoides*)
2. Swamp White Oak (*Quercus bicolor*)
3. English Oak (*Quercus robur*)
4. Silver Linden (*Tilia tomentosa*)
5. Red Oak (*Quercus rubra*)
6. Green Ash (*Fraxinus pennsylvanica*)
7. Autumn Blaze Maple (*Acer x freemanii*)
8. Ginkgo/Maidenhair Tree (male) (*Ginkgo Biloba*)
9. Thornless Honeylocust (*Gleditsia Triacanthos* var. *Inermis*)
10. Kentucky Coffee Tree (*Gymnocladus Dioicus*)
11. American Linden (*Tilia Americana*)
12. Sycamore Maple (*Acer Pseudoplatanus*)
13. London Plane Tree (*Platanus*)
14. Japanese Zelkova (*Zelkova Serrata*)

D. **Prohibited Street Trees.** The following trees are prohibited street trees. These trees are prohibited either because they grow too large and threaten the integrity of street improvements, have shallow root systems which threaten utilities, have nuisance fruit, seeds or thorns, are prone to sprouting, are declared noxious weeds, will not survive the harsh climate zone, or are disease prone species.

1. Evergreen and conifer trees, all species, including but not limited to fir, juniper, spruce, pine, etc.

2. Siberian Elm (*Ulmus Pumilla*)
3. Chinese Elm (*Ulmus Paryifolia*)
4. Silver Maple (*Acer Saccharinum*)
5. Cottonwood (*populus Fremonti*)
6. Quaking Aspen (*Populus Tremloides*)
7. Box Elder (*Acer Negundo*)
8. Russian Olive (*Elaeagnaceae Angustifolia*)
9. Willow (*Salix*) any variety
10. American Elm (*Ulmus Americana*)
11. Black Locust (*Robinia Pseudoacaia*)
12. Tree of Heaven (*Ailanthus*)
13. Idaho Locust (*Robinia x Ambigua*)
14. Birch (*Betula*) any variety
15. Flowering Plum (*Prunus Cerasifera*)
16. Poplar (*Populus*)
17. Orchard trees and nut bearing trees
18. Purple Robe Locust (*Robina ambigua* "Purple Robe")
19. The following thorn bearing trees:
 - a. Sunburst Honey Locust (*Gleditsia triacanthos* 'Sunburst'), and
 - b. Thorned Honey Locust (*Gleditsia triacanthos*)

(2010-03, Amended, 02/04/2010; 2006-02, Added, 05/04/2006)

Section 12.20.060 Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in Section 12.20.050 of this Ordinance, and no trees may be planted closer together than the following:

small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed or approved by a landscape architect.

(2010-03, Amended, 02/04/2010; 2006-02, Added, 05/04/2006)

Section 12.20.070 Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curb lines and sidewalks, whether planted on public or private ground, will be in accordance with the three species size classes listed in Section 12.20.050 of this Ordinance and no trees may be planted closer to any curb or sidewalk than two (2) feet for small trees, three (3) feet for medium trees and four (4) feet for large trees. This placement measurement is measured from the center of the tree. Any tree not listed as a preferred species as designated by this chapter, and planted on private property, shall be setback at least 4 feet from any public sidewalk.

(2010-03, Amended, 02/04/2010; 2006-02, Added, 05/04/2006)

Section 12.20.080 Distance from Street Corners and Fire Hydrants.

No street tree shall be planted within thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten (10) feet of any fire hydrant. No street tree shall be planted any closer than 40 feet from the front face of a stop sign or traffic sign.

(2010-03, Amended, 02/04/2010; 2006-02, Added, 05/04/2006)

Section 12.20.090 Utilities.

No street trees other than those species accepted as small trees may be planted under, or within ten (10) feet of any overhead utility wire or within five (5) feet of any underground waterline, sewer line, transmission line or other utility.

(2006-02, Added, 05/04/2006)

Section 12.20.100 Public Tree Care.

A. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The City may remove or cause or order to be removed, any tree or part thereof which is in 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 affected with any injurious fungus, insect, or other pest. This Section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this Chapter.

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

1. Periodic watering and fertilization and pruning of street trees as necessary to maintain good health and vigor.
2. Protecting street trees from damage caused by lawn mowers, weed trimmers, snow blowers and similar equipment.
3. Protecting street trees from damage caused by attachment of any items such as signs, nails, wires, ropes and chains.
4. Purchasing and planting street trees. The species and planting locations must

comply with the provisions of this Chapter unless otherwise approved by the Tree Board.

5. Removing 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 City of any hazard tree.
 8. Raking, cleaning up and properly disposing of leaves that fall from street trees and private trees so leaf fall does not impede the storm water system.
- (2006-02, Added, 05/04/2006)

Section 12.20.110 Pruning and Corner Clearance.

A. **Obstruction.** 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 severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private or public property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. The City will provide reasonable notice to affected property owners prior to pruning, planting, maintaining or removing trees on private property.

B. **Tree Topping.** It shall be unlawful as a normal practice 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. Crown reduction by a qualified arborist may be substituted, where appropriate. 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.

(2006-02, Added, 05/04/2006)

Section 12.20.120 Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. Such trees are a public nuisance and shall be removed pursuant to Chapter 8.04 of Heber City Code.

(2006-02, Added, 05/04/2006)

Section 12.20.130 Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(2006-02, Added, 05/04/2006)

Section 12.20.140 Protection of Trees.

A. In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

B. Trees removed by decision of the City or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year. The location and species of any replacement tree

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shall conform with the provisions of this Chapter.

C. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

D. Removal of street trees by private citizens requires approval by the City Tree Board or the Planning Office.

E. It shall be unlawful to willfully injure any street or public trees.
(2006-02, Added, 05/04/2006)

Section 12.20.150 Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City, the City Tree Board, or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this Ordinance.

(2006-02, Added, 05/04/2006)

Section 12.20.160 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 annually in advance, provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(2006-02, Added, 05/04/2006)

Section 12.20.170 Right-of-Way Landscaping.

The area of the street right-of-way between the curb line, or the proposed curb lines as established by the City Street Standard, and the property line (park strip) shall be landscaped, maintained and kept free of weeds by the abutting property owner with any combination of lawn, shrubs, trees, flowers, growing ground cover, small rocks, bark, and non-grouted/non-bonded pavers. Park strips may not be hard surfaced except for approved driveways, bike trails, equestrian trails and walk areas. No objects or plantings shall be placed within the right of way which would obstruct the visibility of street signs or which would obstruct the intersection visibility triangles. Such objects and plantings are deemed a public nuisance.

(2010-03, Amended, 02/04/2010; 2008-17, Amended, 10/02/2008; 2006-02, Added, 05/04/2006)