

Article 4-13

TREE CITY USA

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Ord. No. 78-6, 3-7-78, Repealed by Ord No. 79-18, 5-15-79.

4-1301 Definitions.

a) For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. "Shall" is mandatory and not merely directory.

- i) Board: Beautification/Tree Board.
- ii) City: The City of Rock Springs, Wyoming.
- iii) Council: The Rock Springs City Council
- iv) Person: any person, firm, partnership, association, corporation, company or entity of any nature.
- v) Property Line: the

outer edge of a street right-of-way.

vi) Property Owner: means the person owning such property as is shown by the records of Sweetwater County, Wyoming.

vii) Public Nuisance: any dangerous or unsafe tree or portions thereof on streets, in parks, on other public places or posing a hazard thereto. Any destructive or communicable disease or pestilence which endangers the growth, health, life or well-being of trees or plants in the City.

viii) Public Places: includes but is not limited to all lands owned by the City.

ix) Public Tree: any tree in parks, greenbelt, or rights-of-way.

x) Street or Highway: the entire width of every public right-of-way.

xi) Trees: all shade and ornamental trees and all shrubs and other beautification or landscape plantings, now or thereafter planted or growing on any street or other public place, except where otherwise indicated. (Ord. No. 2006-14, 6-6-06).

4-1302 Implementation.

The Mayor and Council shall direct the Parks Department to direct, regulate and control the planting, pruning and removal of all trees growing now or hereafter in any street, or city park or other public places and to periodically inspect trees on private property for communicable disease and pestilence and direct their removal or pruning, if deemed necessary, in the City.

4-1303 Powers of the City.

The City shall manage and maintain trees within the City in the following manner:

- a) Promulgate specifications and standards of practice, governing the planting, pruning and removal of trees on the street rights-of-way and public areas of the City.
- b) Requiring that property

owners maintain trees/shrubs on their property and the public way abutting their property so they do not protrude over sidewalks or in any way interfere with the free passage of any person along streets and sidewalks in the City.

c) During or following an emergency created by man or natural phenomenon, the City may take all necessary steps to remove trees or tree parts or residue that might impede traffic movement or endanger persons or property without being responsible for continued maintenance or care.

4-1304 Advisory Board.

a) There is hereby created and established a City Tree Advisory Board, also known as the Beautification/Tree Board (the Board) which will consist of the parks Superintendent as ex-officio member, and up to six members at large who are residents of Rock Springs, Wyoming, and who shall be appointed by the Mayor with the approval of the City Council. (Ord. 2019-09, 5-7-19)

b) The term of the members other than that of the Parks Superintendent, shall be three years, except that the term of half of the initial at large appointees will be two years. In the event that a vacancy occurs during the term of any appointed member, his successor shall be appointed by the Mayor with the approval of the City Council, as outlined in Paragraph (a) of this section, for the unexpired portion of the term.

c) Members of the Board shall serve without compensation.

d) The Board, 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 responsibilities.

e) It shall be the responsibility of the Board to study, investigate, counsel and develop written standards, rules and regulations for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public

ways, streets and alleys. Such standards will be presented to the Governing Body and upon their acceptance and approval, shall constitute the official city "tree rules and regulations" and shall constitute the official comprehensive city tree plan for the City of Rock Springs, Wyoming.

f) The Board shall choose its own officers, make its own by-laws and keep a journal of its proceedings. A majority of the members shall be a quorum for the purpose of transaction of business.

4-1305 Maintenance and Trimming of Trees and Shrubs

a) All trees and shrubs planted, grown, cultivated, or maintained or permitted by an adjacent property owner to grow on City property between any property line and the street adjacent thereto shall be kept, maintained and trimmed by the owner or occupant of the adjacent property so as not to obstruct traffic, interfere with the visibility of traffic or pedestrians, or cause any unsafe condition for vehicular or pedestrian traffic.

b) No tree or shrub on private property shall be kept, planted, grown, maintained or permitted to remain in such a condition as to limit the visibility or in any other manner constitute a danger or hazard to pedestrian or vehicular traffic.

4-1306 Specific Types of Trees.

The Board's advisory information on tree planting and care shall be available through the City Planner's office.

4-1307 Minimum Height Over Sidewalk

The lowest branch of any tree shall not be less than eight feet above the ground where the same extends over the sidewalks, or any trees where limbs or branches shall extend over the streets, driveways or any place where traffic passes under such tree or branch within fourteen feet above the surface of the street.

4-1308 Removal of Dangerous or Unsafe Trees

If any part or the whole of any tree growing on private property which has roots or vegetation which extend onto, into or over public property, or if any part or the whole of any tree growing on streets, alleys, boulevards or other public ways shall be found after inspection to be dangerous or unsafe or to otherwise constitute a public hazard or nuisance, the City may declare such tree or portion thereof a public nuisance, order the property owner to abate the nuisance or cause such nuisance to be abated. In addition to the costs of removal, the property owner, or person, or persons in control of the property shall pay to the City an administrative cost equal to an additional twenty-five percent of the actual costs and expenses of removing the nuisance, if the City is forced to remove or have its agent remove the nuisance. The City reserves the right to waive portions of the costs in the event of hardship.

4-1309 Protection of Trees.

All trees on any public property near any excavation or construction of any buildings, structure or street work, shall be guarded with a good substantial fence, frame or box not less than four feet high and eight feet square, and all building material, soil and other debris shall be kept outside the barrier, except where otherwise specified by the City in writing. No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of four feet from any public or park tree without first obtaining written permission from the City.

4-1310 Placing Materials on Public Property.

No person shall deposit, place, store or maintain upon any park, or public place of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of air, water and nutrients to the roots

of the tree growing therein, except by written permit from the City.

4-1311 Violation Unlawful and a Nuisance.

Any violation of any provision of this chapter shall be deemed to be unlawful and is further hereby declared to be a nuisance.

4-1312 Restitution.

Any person found liable for the destruction of a public tree shall be liable for the replacement cost of that tree. The cost shall be determined by the Parks Department Superintendent following standards set by the Council of Tree and Landscape Appraisers.