CHAPTER 28

TREES

ARTICLE I. IN GENERAL

Sec. 1-1. Definitions 2801
Sec. 1-2. Creation and Establishment of a City Tree Board 2801
Sec. 1-3. Term of Office 2801
Sec. 1-4. Compensation 2801
Sec. 1-5. Duties and Responsibilities 2801
Sec. 1-6. Operation 2802
Sec. 1-7. Street Tree Species to be Planted 2802
Sec. 1-8. Spacing 2802
Sec. 1-9. Distance From Curb and Sidewalk 2802
Sec. 1-10. Distance From Street Corners and Fire Plugs 2802
Sec. 1-11. Utilities 2802
Sec. 1-12. Public Tree Care 2802
Sec. 1-13. Tree Topping 2803
Sec. 1-14. Pruning Corner Clearance 2803
Sec. 1-15. Dead or Diseased Tree Removal On Private Property 2803
Sec. 1-16. Removal of Stumps 2804
Sec. 1-17. Interference With City Tree Board 2804
Sec. 1-18. Arborists License 2804
Sec. 1-19. Review by City Council 2804
Sec. 1-20. Penalty 2804
Sec. 1-21. Severability 2804

CHAPTER 28

TREES

ARTICLE I. IN GENERAL

SECTION 1-1. DEFINITIONS.

Street trees: "Street trees" are hereby defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all street, avenues, or ways within the City.
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.

SECTION 1-2. CREATION AND ESTABLISHMENT OF A CITY TREE BOARD.

There is hereby created and established a City Tree Board for the City of Kemmerer, Wyoming, which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with approval of the City Council.

SECTION 1-3. TERM OF OFFICE.

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

SECTION 1-4. COMPENSATION.

Members of the Board shall serve without compensation.

SECTION 1-5. DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer 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. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Kemmerer, Wyoming. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 1-6. OPERATION.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION 1-7. STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official Street Tree species for the City of Kemmerer, Wyoming. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.
(List of official Street Tree species to be provided at a later date by the City Tree Board.)

SECTION 1-8. SPACING.

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 1-7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION 1-9. DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 1-7 of this ordinance, and no trees may be planted closer to any curb or sidewalk that the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

SECTION 1-10. DISTANCE FROM STREET CORNERS AND FIRE PLUGS.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

SECTION 1-11. UTILITIES.

No Street Trees other than those species listed as Small Trees in Section 1-7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 1-12. PUBLIC TREE CARE.

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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board 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 it 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 Sections 1-7 through 1-11 of this ordinance.

SECTION 1-13. TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or city department 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. 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 Tree Board.

SECTION 1-14. PRUNING, CORNER CLEARANCE.

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 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 eight feet (8') above the surface of the street or sidewalk. 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 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.

SECTION 1-15. 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. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees or contract with a private contractor to remove such trees. Upon completion of the removal of such trees, the city administrator shall compiled all costs, fees and expenses for all work, labor, equipment and materials necessary for the removal of such trees. Such compilation shall be presented to the city clerk who shall prepare a statement and billing and mail the same to the owner of the affected property, setting forth that the bill is payable in full no more than thirty (30) days from the date of mailing. The amount of the bill shall be a personal obligation of the person responsible for the trees. If the bill is not paid in full, within thirty (30) days, or such longer time as the governing body may allow by resolution, it shall become a lien upon the property and the

city clerk shall file an appropriate notice of lien with the Lincoln County Clerk. Such unpaid bills shall bear interest at the rate of 18% per annum until paid.

SECTION 1-16. 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.

SECTION 1-17. INTERFERENCE WITH CITY TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with 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.

SECTION 1-18. ARBORISTS LICENSE.

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 City of Kemmerer business license; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors.

SECTION 1-19. REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council, who may hear the matter and make final decision.

SECTION 1-20. PENALTY.

A violation of this ordinance shall constitute a misdemeanor. The procedures set forth in this article and ordinance shall be in addition to any other remedies that may now or hereafter exist under the law. The City may, at its sole discretion, pursue both criminal and civil remedies, as provided hereunder, and may do so concurrently or consecutively.

SECTION 1-21. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.