Chapter 2.26
URBAN FORESTRY

2.26.010: PURPOSE:
2.26.020: DEFINITIONS:
2.26.030: CREATION OF BOARD1 (REP. BY ORD. 59-09 § 2, 2009):
2.26.040: ELIGIBILITY FOR MEMBERSHIP (REP. BY ORD. 59-09 § 2, 2009):
2.26.050: APPOINTMENTS (REP. BY ORD. 59-09 § 2, 2009):
2.26.060: OATH OF OFFICE (REP. BY ORD. 59-09 § 2, 2009):
2.26.070: COMPENSATION (REP. BY ORD. 59-09 § 2, 2009):
2.26.080: VACANCIES (REP. BY ORD. 59-09 § 2, 2009):
2.26.090: REMOVAL FROM OFFICE (REP. BY ORD. 59-09 § 2, 2009):
2.26.100: MEMBERS' ETHICS (REP. BY ORD. 59-09 § 2, 2009):
2.26.110: MEETINGS (REP. BY ORD. 59-09 § 2, 2009):
2.26.120: ELECTION OF BOARD OFFICERS (REP. BY ORD. 59-09 § 2, 2009):
2.26.130: COMMITTEES (REP. BY ORD. 59-09 § 2, 2009):
2.26.140: ATTORNEY DUTIES (REP. BY ORD. 59-09 § 2, 2009):
2.26.150: POWERS AND DUTIES (REP. BY ORD. 59-09 § 2, 2009):
2.26.160: CREATION OF URBAN FORESTER POSITION:
2.26.170: POWERS AND DUTIES OF URBAN FORESTER:
2.26.180: RULES AND REGULATIONS:
2.26.190: STREET TREES; PRIVATE PROPERTY OWNER RESPONSIBILITIES:
2.26.200: STREET/PUBLIC TREES; PRIVATE PROPERTY OWNER REQUESTS:
2.26.210: LANDSCAPE PERMIT FOR PUBLIC RIGHT OF WAY:
2.26.220: CONDITIONAL USE PERMITS:
2.26.230: PUBLIC NUISANCE DEFINED AND DESIGNATED:
2.26.240: RESPONSIBILITY FOR PUBLIC NUISANCE FIXED:
2.26.250: NUISANCE CREATION AND MAINTENANCE:
2.26.260: NUISANCE ABATEMENT:
2.26.270: NOTICE TO ABATE:
2.26.280: EXPENSE OF ABATEMENT; RESPONSIBILITY OF OFFENDER:
2.26.290: ABUSE OR MUTILATION OF PUBLIC TREES:
2.26.300: PROTECTION OF PUBLIC TREES NEAR CONSTRUCTION ACTIVITIES:
2.26.310: TREE TOPPING:

2.26.010: PURPOSE:

The city council and mayor of the city recognize the importance of the urban forest to the quality of life in the city. The city council and mayor declare it to be a policy of the city that 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 street environment be made hospitable through landscaping; and that residents of the city be encouraged to participate in beautification efforts through installing and maintaining quality landscaping on private property. To fulfill this policy, this chapter is enacted and intended to establish a Salt Lake City urban forestry ordinance. This chapter may be referred to as the *SALT LAKE CITY URBAN FORESTRY ORDINANCE*. (Ord. 75-88 § 1, 1988: prior code § 25-29-1)

2.26.020: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

PARKING/PLANTING STRIP: The area between the curb and sidewalk and the area between sidewalk and private property line that is city owned property; unpaved streetside city property; or an area inside the private property line where an easement is given to the city for the purpose of planting trees.

PRIVATE TREES: Any and all trees growing on private property within the city limits as of or after the effective date of the ordinance from which this section or successor sections derives and which are not defined or designated in this chapter as street trees, park trees or public trees.

PUBLIC RIGHT OF WAY: A portion of property reserved for public use and accepted for such use by the city to provide circulation and travel to abutting properties, including, but not limited to, streets, alleys, sidewalks, provisions for public utilities, cut and fill slopes, and open public spaces.

PUBLIC TREES: All trees growing on any street, park, or any public place owned and/or managed by Salt Lake City as of or after the effective date of this chapter or its successor ordinances.

PUBLIC UTILITY: Any public, private or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or storm water, which directly or indirectly serves the public or any part thereof within the corporate limits of the city.

TREE TOPPING: The specific reduction in the overall size of a tree and/or the severe cutting back of branches or limbs to such a degree so as to remove the normal canopy and disfigure the tree.

URBAN FORESTER: The city urban forester who is selected by the director of the department of public services to that position in the department of public services.

URBAN FORESTRY PROGRAM: The program which is a part of the department of public services and which is responsible for the care and maintenance of the urban forest resources located on city property. (Ord. 45-93 § 4, 1993: Ord. 75-88 § 1, 1988: prior code § 25-29-2)

2.26.160: CREATION OF URBAN FORESTER POSITION:

The city shall employ a person to be known as the "urban forester", whose specified duties, responsibilities and authority are specified in this chapter. (Ord. 75-88 § 1, 1988: prior code § 25-29-13)

2.26.170: POWERS AND DUTIES OF URBAN FORESTER:

The urban forester shall be the supervisor of the urban forestry program of the department of public services and shall be responsible to the director of the department of public services in carrying out the duties of this position. The urban forester shall initiate an urban forest management plan. (Ord. 45-93 § 7, 1993: Ord. 75-88 § 1, 1988)

2.26.180: RULES AND REGULATIONS:

The urban forester may recommend, and the mayor may adopt, additional regulations to be known as the urban forestry standards and specifications proper and necessary to effectuate the urban forest management plan within the city providing reasonable guidance for planting and maintaining public trees. Such rules and regulations shall not be in conflict with any other law or ordinance. (Ord. 75-88 § 1, 1988)

2.26.190: STREET TREES; PRIVATE PROPERTY OWNER RESPONSIBILITIES:

Any owner of private property, abutting city parking/planting strips upon which street trees are located, shall have the following responsibilities:

A. Periodic watering and fertilization of street trees when necessary to maintain good health and vigor;

B. Protection of street trees against damage caused by lawn mowers, weed trimmers, snowblowers and similar equipment. (Ord. 75-88 § 1, 1988)

2.26.200: STREET/PUBLIC TREES; PRIVATE PROPERTY OWNER REQUESTS:

Where an owner of private real property abutting city property, or tenant thereon, requests city action on street trees or public trees, the requester shall pay the city, at the rate then prevailing under a city contract for such services, for the following:

A. Removal of trees, limbs or roots preventing house moving or other construction activities;

B. Removal of trees, limbs or roots for the alteration of tree or abutting property appearance where no hazard or nuisance exists;

C. Spraying, fertilizing or treatment other than may be regularly conducted on a citywide basis by the city.

Financial responsibility does not eliminate the requirement of obtaining necessary permits required by this chapter. (Ord. 47-93 § 1, 1993: Ord. 75-88 § 1, 1988)

2.26.210: LANDSCAPE PERMIT FOR PUBLIC RIGHT OF WAY:

It is unlawful for any person to plant, prune or remove any public tree, without first obtaining a permit from the department of public services. Permits shall not be required for work performed by city personnel.

A. Planting And Maintaining Public Trees: The Salt Lake City urban forestry standards and specifications shall be used as a guideline for planting and pruning public trees.

B. Removing Trees: The urban forester must approve any permit for removal of public trees and as a condition, the permittee may be required to compensate the city for the value of the tree(s) removed either by replacement thereof or by monetary assessment.

C. Permit Fee: Commercial companies, public utilities or individuals employed in the landscaping or arboricultural business shall be required to pay a permit fee per job as shown on the Salt Lake City consolidated fee schedule or a permit fee per year as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

2.26.220: CONDITIONAL USE PERMITS:

Where an application for a conditional use is filed with the planning commission on zoning and the planning commission deems it appropriate, the urban forester shall review the landscape improvement design of any conditional use application and make recommendations to the commission. (Ord. 8-12, 2012)

2.26.230: PUBLIC NUISANCE DEFINED AND DESIGNATED:

The following are defined and declared to be public nuisances under this chapter:

A. Any tree or shrub located on private property having a destructive or communicable disease or other pestilence which endangers the growth, health, life or well being of trees, shrubs or plants in the city or which is capable of causing an epidemic spread of a communicable disease or insect infestation;

B. The roots of any tree or shrub, located on private property, which cause the surface of the public street, curb or sidewalk to be upheaved or otherwise disturbed;

C. Any tree, shrub or portion thereof located on private property which, by reason of location or condition, constitutes an imminent danger to the health, safety or well being of the general public on city property. (Ord. 75-88 § 1, 1988)

2.26.240: RESPONSIBILITY FOR PUBLIC NUISANCE FIXED:

Where a nuisance exists upon property, and is the outgrowth of the usual, natural or necessary use of property, the landlord thereof, or his or her agent, the tenant or his or her agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof, and shall be equally liable therefor. (Ord. 75-88 § 1, 1988)

2.26.250: NUISANCE CREATION AND MAINTENANCE:

It is unlawful for any person, either as owner, agent or occupant, to create, or aid in creating or contributing to, or to maintain a public nuisance. (Ord. 75-88 § 1, 1988)

2.26.260: NUISANCE ABATEMENT:

The city shall ascertain and may cause all nuisances declared to be such by this chapter to be abated. (Ord. 75-88 § 1, 1988)

2.26.270: NOTICE TO ABATE:

Except as provided in section 2.26.260 of this chapter or its successor, the city may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which a nuisance may be found, or upon the person who may be the cause of such nuisance, requiring the person to abate the nuisance within a fourteen (14) day period. Failure to give a notice as provided herein shall not relieve the author of any nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. Notice of appeal may be filed with the public services director within fourteen (14) days of service of notice. Appeals from the public services director's decision shall be heard by a hearing officer designated by the mayor within fourteen (14) days. (Ord. 1-06 § 2, 2005: Ord. 75-88 § 1, 1988)

2.26.280: EXPENSE OF ABATEMENT; RESPONSIBILITY OF OFFENDER:

In case of neglect or refusal of any person to abate any nuisance defined by this chapter, after notice in writing has been served upon them, as provided in this chapter, and within the time specified in the notice, the city may abate or procure the abatement thereof, and the expense of such abatement shall be collected from the person so offending. (Ord. 75-88 § 1, 1988)

2.26.290: ABUSE OR MUTILATION OF PUBLIC TREES:

It is unlawful for any person to damage, transplant, top, remove or mutilate any tree on public property. (Ord. 75-88 § 1, 1988)

2.26.300: PROTECTION OF PUBLIC TREES NEAR CONSTRUCTION ACTIVITIES:

Any tree located on city property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work, which has potential for injury, shall be protected from such injury. (Ord. 75-88 § 1, 1988)

2.26.310: TREE TOPPING:

It is unlawful for any person or firm to top, dehorn or pollard any public tree. Trees severely damaged by storms or other causes, or trees creating emergency hazardous situations, are exempt from this section. Trees under utility wires or other obstructions where standard pruning practices are impossible may be exempted from this section with the prior written approval of the director of parks and recreation. (Ord. 75-88 § 1, 1988)