

LINDON CITY CODE

**Chapter 17.73
TREE CARE ORDINANCE**

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17.73.010 Purpose

It is the purpose of this ordinance to promote the beautification of Lindon City and protect the public health, safety, and general welfare by regulating the placement, maintenance and removal of trees within Lindon City. Trees are recognized as a valid asset to provide a more healthful and beautiful environment in which to live,, providing oxygen, shade, aesthetics, and a priceless psychological counterpoint to the urban setting. Trees are also economically beneficial in attracting new industry and residents by enhancing the value and marketability of property and promoting the stability of desirable neighborhoods.

17.73.020 Definitions

For the purposes of this Chapter, the following terms, words and their derivations shall have the following meanings given herein:

1. Heritage tree: A tree characterized by one or more of the following: having historical significance, being part of a historical site or being of a rare or unusual species/
2. Hazard tree: A single tree which has been deemed by both the Parks Superintendent and the Public Works Director as having potential to cause physical damage or harm to human life, existing structures or utilities.
3. Protective measures: Any steps taken to safeguard the appearance, health, condition, or continued viability of a protected tree. Typical examples are: physical structures limiting access

to a protected tree, pruning to allow access to a site, supplemental watering or fertilization, washing of canopy to remove dust or other residues, berms or grading to prevent erosion or silting in a protected root zone, signage indicating protected status of trees or other methods as deemed necessary at the time of permitting.

4. Protected Tree: any tree located on public property with the City of Lindon.

5. Public Property: Any right-of-way, park, or other ground owned by the City of Lindon.

6. Replacement Tree(s): Trees required to be planted as compensation for the removal of viable, non-hazard trees.

7. Tree topping: The severe cutting back within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

8. Tree maintenance: Measures performed to promote the desirable growth and health of a tree such as, but not limited to, watering, fertilizing, mulching, weeding, pest management, pruning and physical protection.

17.73.030 Creation and Establishment of the City Tree Advisory Board

The City shall create and establish a Tree Advisory Board which shall consist of at least five (5) members, who shall be appointed by the Mayor with the advice and consent of the City Council. The members shall come from different interest groups including homeowners, tree professionals, and City government.

1. Term of Office

a. The terms of the appointed members of the Tree Advisory Board shall be four (4) years, or until their respective successors shall have been appointed, except that the terms of appointment shall be such that the terms of one to three (1 to 3) members shall expire each year.

b. The Tree Advisory Board existing at the time of passage of the ordinance codified in this chapter shall continue to serve, and the terms of its members shall be fixed by the governing body in such a manner as to comply

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with the above provisions for staggering terms of service.

c. Members of the committee shall serve without compensation.

2. Duties and Responsibilities

The Tree Advisory Board shall hold quarterly meetings on the third Thursday of January, April, July and October and at other times as needed. A quorum, representing a majority of committee members, is necessary to conduct any official business of the committee. Under the direction of the City Council, the Tree Advisory Board shall, at a minimum, be responsible for the following activities:

a. Recommend the types and species for specific areas of the City, such as along State Street, 700 North or in parks and other public places.

b. Recommend ideas to increase public awareness and public support for tree preservation.

c. Encourage the preservation of trees by developers and landowners.

d. Create an inventory of Heritage trees within City limits and promote protection of those trees.

e. Recommend specific guidelines for tree maintenance, placement and general pruning standards, for both public & private areas.

f. Plan and coordinate an annual Arbor Day observance.

g. Seek funds for the purpose of increasing tree inventory and other tree related projects.

3. Meetings

a. The Tree Advisory Board shall elect one of its members to be the chairperson. The chairperson shall conduct all meetings and shall serve for one year. Elections for chairperson shall be held annually at the first January meeting of the year. A chairperson may serve consecutive terms.

b. Board business and discussion shall be conducted in open public meetings.

c. The board may adopt by-laws, rules, or procedures for the transaction of its business.

d. When voting on an item, each

member of the board shall have one vote. At least three votes for an item are required for an item to be approved by the Board.

17.73.040 Tree Maintenance and Protection

1. The City of Lindon 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, or other public utilities or improvements, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

2. No person shall engage in the pruning or topping of trees on any public property without the authorization of the Park Superintendent.

3. It shall be unlawful for any person, business or other entity, without first obtaining a permit from the City, to remove, cause to be removed, relocate, alter, damage or destroy any tree on public property, including public rights-of-way.

4. City departments shall seek the counsel and recommendations of the Superintendent of Parks and the Chairperson of the Tree Advisory Board prior to the removal or major alteration of any tree on public property or right-of-way unless the tree poses immediate danger to the public.

5. No new curb cuts, which shall endanger protected trees, shall be allowed without the express permission of the Superintendent of Parks.

6. Protective measures may be prescribed by the City to safeguard the health, appearance, condition and viability of protected trees. Any deviation from the measures prescribed by the City to protect said trees shall constitute a violation of this Title.

7. All trees shall be appropriately pruned or trimmed to satisfy the clear view area requirements of LCC section 17.04.290.

8. Appeals of any requirements in this section regarding tree maintenance and protection shall be made to the City Administrator. The City Administrator shall have final authority on any appeal or unresolved matter between the Superintendent of Parks and the Tree Advisory Board.

17.73.050 Heritage Trees

A heritage tree is one having historical significance or being part of a historical site or a rare or unusual species. Private property owners shall recommend or nominate Heritage Trees on a voluntary basis. The Tree Advisory Board then has the duty of approving nominations and inventorying approved Heritage Trees. In no case shall the City nominate and inventory a Heritage Tree on private property without voluntary consent of the owner of the tree. Heritage Trees are to be protected. Removal or damage to such trees is prohibited without authorization by the Tree Advisory Board. Lindon City does not assume responsibility for the maintenance of Heritage Trees on private property.

17.73.060 Planting and Replacement of
Trees on Public Property

Written authorization from the Superintendent of Parks shall be required prior to planting or replacing any tree located on property owned and maintained by Lindon City. The written authorization shall address concerns including, but not limited to:

1. The species, optimum planting season and location of each tree.
2. The impact of the tree on public and private utility facilities.
3. Any additional conditions or protective measures deemed necessary.

17.73.070 Enforcement

The Superintendent of Parks shall have power to enforce all regulations within the city's tree ordinance as they apply to trees on public property within the City. Any person found in violation of any provision of this chapter shall be guilty of a Class C misdemeanor and shall be required to pay for or replace any damaged tree with a similar age and species of tree. Each tree on which a violation occurs shall constitute a separate offense.(Ordinance 2005-11, adopted 07/19/05)