

12.16.010 - Purpose—Authority—General provisions.

- A. The purpose of this chapter is to provide supervisory care for the city urban forestry system; to assist and direct property owners in providing for the safe use of public rights-of-way by timely and proper maintenance of trees, shrubs, hedges and vines, and to establish and enforce professional standards for city business licensees, pursuant to licensing provisions of Chapters 5.04 and 5.80 of the city code, pertaining to trimming, removing, and applying pesticides and insecticides to trees and shrubs.
- B. The requirements of this chapter will not be deemed to impose any liability for damages or duty of care and maintenance upon the city or any of its officers, agents or employees. The person abutting public property or the owner of any private property will have a duty to keep trees, shrubs, hedges and vines upon the property in a safe, healthy condition.
- C. The city will employ or may contract for the services of a person to be known as the director of forestry, under the direction of the director of the parks and recreation department, whose powers and duties are set forth within this chapter.
 - 1. In order to accomplish the purposes of this chapter, the director of forestry is authorized to enter upon any property within the city for the purpose of inspecting trees and/or shrubs after having provided proper notice.
- D. Regulations and specifications known as the "Forestry Division: Regulations and Specifications" are included and set forth within this chapter as outlined in Section 12.16.070
 - 1. Purpose of the regulations and specifications is to govern the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines and hedges upon or affecting the public rights-of-way on any street, alley, sidewalk or other public place within the city, including, but not limited to, parks, public buildings, cemeteries, golf courses and open spaces.
- E. The director of forestry is hereby authorized to assess basic costs and fees, including an administrative fee to cover expenses related to personnel and equipment relative to enforcement of the provisions of this chapter, as set out in Section 12.16.080 of this chapter.
- F. The following documents, as amended, a copy of which are on file and open for inspection by the public with the forestry division and office of the city clerk, are hereby referred to, adopted, and made a part of this chapter as if fully set out:
 - 1. American National Standards Institute, Inc., ANSI Z133.1-2000. American National Standard for Arboriculture Operations - Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush Safety Requirements;
 - 2. American National Standards Institute, Inc., ANSI A300 (Part 1)-2001. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning);
 - 3. American National Standards Institute, Inc., ANSI A300 (Part 2)-1998. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Fertilization);
 - 4. American National Standards Institute, Inc., ANSI A300 (Part 3)-2000. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Support Systems, a. Cabling, Bracing and Guying).

(Ord. 3613 § 1 (part), 2004)

12.16.020 - Planting of certain species of trees and shrubs in public rights-of-way—Limited.

- A. The tree lawn area is the landscape area within the public rights-of-way between the street curb and the sidewalk. It is unlawful to plant or cause to be planted any of the following:
 - 1. Within the tree lawn area, coniferous trees;
 - 2. Within the tree lawn area, deciduous or evergreen shrubs that cannot be maintained to a height of less than thirty (30) inches;
 - 3. For properties with a public sidewalk attached to the curb, no newly planted deciduous trees within two and one-half feet of the public sidewalk, nor any newly planted conifer trees within seven feet of the sidewalk.
- B. Specific tree spacing is required between trees in the public rights-of-way along city streets and specific planting offsets in the public rights-of-way from streets, curbs, sidewalks and alleys. Spacing and offset distances for several trees that are adapted to grow within the city are set forth in Section 12.16.070 of this chapter.

(Ord. No. 3967, § 1, 1-28-13; Ord. 3613 § 1 (part), 2004)

12.16.030 - Planting, pruning, removal or altering of trees, shrubs—Permit required.

- A. It is unlawful for any person, including tree maintenance businesses to plant, prune, remove or structurally alter, as determined by the director of forestry and in accordance with Section 12.16.070 of this chapter, any tree within the public street, alley or sidewalk rights-of-way, or other public place, within the city without having first obtained a written permit from the director of forestry.
- B. Persons desiring a permit to prune, remove or structurally alter any tree within the public street, alley or sidewalk rights-of-way, or other public place, must submit written application on forms provided to the office of the director of forestry. A permit fee of five dollars (\$5.00) for each single property address site where the proposed work will be conducted must be submitted with the application. Each permit issued will be valid for a single property address and only for the type of work indicated by the applicant on the application form.
- C. Persons desiring to plant trees within the public street, alley or sidewalk rights-of-way, or other public place, must submit written application for a permit on forms provided to the office of the director of forestry. There is no permit fee, however, prior to issuance of a permit, the director of forestry, or designee, may inspect the planting site requested in the application form.
- D. The director of forestry is authorized to request any information deemed necessary to determine whether application approval will be provided. Applicants will agree in writing to hold harmless the city, its employees and agents from any and all claims that may arise as a result of the work performed for which a permit is issued.
- E. All tree work performed under permits issued must be in compliance with Section 12.16.070 of this chapter. Permits will be effective for thirty (30) days from date of issuance. The director of forestry shall assess a penalty fee of twenty dollars (\$20.00) per single property address where work has been conducted without a required permit.
- F. To assist in preventing dangerous or hazardous conditions, during emergency situations involving the need for immediate cutting, pruning, removal or other structural alterations of trees, the director of forestry, or designee, may issue a permit without prior written application being submitted, and may waive permit fees.
 - 1. For emergency situations, persons conducting tree work within the public rights-of-way or upon public property must immediately report, but not later than the next business day, the action taken to the office of the director of forestry. Tree work will be inspected and formally documented by the director of forestry, or designee.

(Ord. 3613 § 1 (part), 2004)

12.16.040 - Responsibility of property owners.

- A. It is the duty of the owner of property abutting any public street, alley or sidewalk rights-of-way, or other public place, to properly maintain and care for all trees, shrubs, hedges or vines located upon or affecting these areas. The director of forestry shall have the authority to require such property owners to provide proper maintenance, which includes, but is not limited to, providing a fourteen-(14) foot clearance above street and alley surfaces and an eight-foot clearance above sidewalks.
- B. Property owners will be provided with written notice by the office of the director of forestry advising of any maintenance work to be performed and a time frame in which the work is to be completed.
- C. An owner of property abutting the public street, alley, or sidewalk rights-of-way, or other public place, is not responsible for the trimming of any trees, shrubs, hedges or vines necessary to provide clear visibility of traffic-control devices or other traffic-control/regulatory signs. It is the duty of the director of forestry to provide for any trimming work necessary for these situations.

(Ord. 3613 § 1 (part), 2004)

12.16.050 - Control of disease or insect infestation of trees.

- A. Upon the discovery of any destructive or communicable disease or mortality causing insect which endangers the growth, health, life or well-being of trees, shrubs, hedges or vines within the city, or which is capable of causing an epidemic spread of communicable disease or insect infestation, such as Dutch elm disease or pine bark beetle, the director of forestry will provide written notice to affected property owners. Notice requiring removal will be provided to owners of any property upon which such diseased or insect infected tree, shrub, hedge, vine or wood is situated.
1. Written notice will contain a requirement that the property owner must eradicate, remove or otherwise control the condition within a time frame specified in the notice.
 2. Upon removal of any or all of a tree, shrub, hedge, vine or wood determined to be contagious or diseased, persons must arrange for the contagious tree, or shrub vegetation or wood to be immediately disposed of in the city landfill pursuant to proper disposal instructions provided by forestry division staff.
 - a. Commercial arborists and tree maintenance businesses must dispose of any contagious or diseased items in a specifically designated area within the city landfill, under the direction of the forestry division and the public works/sanitation department.

(Ord. 3613 § 1 (part), 2004)

12.16.060 - Soil excavation or trenching around the base of trees.

- A. A site evaluation by the director of forestry, or designee, is required prior to any soil excavation or trenching work around the base of trees that may cut large tree roots (greater than three inches in diameter) within seven feet of the base of a tree located upon the public rights-of-way that has a trunk greater than twelve (12) inches in diameter.
- B. In conducting the site evaluation, the director of forestry, or designee, will:
 - 1. Check the excavation or trenching site and tree to determine any anticipated tree root damage and whether a potential structural safety threat may exist as a result of the excavation or trenching work;
 - 2. Inform owners of property abutting the proposed excavation or trenching work area of any required tree maintenance.
- C. In the event that emergency soil excavation or trenching work must be performed during non-business hours, the office of the director of forestry must be contacted immediately, but not later than the next business day, to make arrangements for a structural safety evaluation of the tree.

(Ord. 3613 § 1 (part), 2004)

12.16.070 - Forestry Division: Regulations and Specifications.

- A. Regulations and specifications known as the "Forestry Division: Regulations and Specifications" are set forth within the following subsections. The regulations and specifications define required practices, procedures and treatments pertaining to the city's urban forestry system and the services provided by the forestry division.
- B. Definitions and Applicable Terminology. The following definitions and applicable terminology shall apply in the interpretation, enforcement and relevant fee schedules described in Sections 12.16.070 and 12.16.080 of this chapter:

"Bush" or "shrub" means a woody (perennial) plant that never has a single trunk and produces multiple branches or shoots from or near the base of the plant.

"Callus" means specialized wood growth by a tree or shrub around an area of wounded bark. Continued callus growth over time may enclose a wounded area. The wound is then hidden from view.

"Coniferous" or "conifer" means cone bearing trees, including, but not limited to the following: Pine (Pinus sp.), spruce (Picea sp.), fir (Abies sp.), larch (Larix sp.), and juniper (Juniperus sp.). Most conifers are evergreen and retain low branches near the ground.

"Deciduous" means trees, shrubs and vines that lose its leaves during the dormant season.

"Emergency treatment services" means to remedy a current condition of a tree, shrub, hedge or vine that poses an immediate threat to public safety.

"Evergreen" means trees, shrubs and vines that retain its leaves throughout the year.

"Hedge" means a group of closely planted shrubs maintained as one landscape unit or as a wall or barrier.

"Lignin" means the chief noncarbohydrate constituent of wood; a polymer that functions as a natural binder and support for the cellulose fibers of woody plants.

"Pollarding" means a pruning technique performed on trees involving the pruning, every year or two, of limbs back to the same location on a main branch. A knob will develop at that location giving the tree a formal look in the summer and in winter a look of branches with a "fist" or knob at the end. The technique is common in Europe and is done on trees early in the growth stage. It is a very high maintenance technique requiring pruning every year or two.

"Pruning" means the process of cutting limbs, branches or twigs of trees and shrubs using industry standards for the selection and removal of the limb, branch or twig.

"Public rights-of-way" means the area of publicly-owned property measured from property line to property line across a street or alley. The width of the public rights-of-way varies throughout the city. The right-of-way distance includes the street from curb to curb and usually a buffer zone on either side of the street curb or street edge, which may or may not be equal on both sides of a street.

"Shearing" means the use of electric or mechanical scissor-action shears or a shearing knife to cut limbs, branches, twigs or foliage in a uniform length giving the tree, shrub or vine a formal appearance. This method is frequently used on junipers and hedges.

"Topping, dehorning, lopping, stubbing, or hat-racking" are terms describing the same improper pruning technique used on trees, and means not cutting limbs back to another branch of at least one-half diameter in size.

"Tree" means a woody (perennial) plant with one main stem, generally capable of growing to a height of more than twelve (12) feet and, in most cases, having a distinct head (leaf crown).

"Tree lawn" means area of landscape within the public rights-of-way between the street curb and the sidewalk.

"Trimming (generally)" means the act of pruning or shearing.

"Vine" means a plant that trails, clings or twines and requires support to grow vertically.

"Wood" means the tough fibrous supporting and water-conducting tissue beneath the bark of trees and shrubs, consisting largely of cellulose and lignin.

"Woody plant" means the stems or trunks and limbs contain cellulose and lignin.

- C. Planting and maintenance of trees and plant growth affecting or located upon public rights-of-way areas by abutting properties:
1. Trees, or any other plant growth, when permitted to grow along public streets, alleys, sidewalks or upon public rights-of-way will be kept and maintained in such a manner as to not endanger, interfere, or otherwise conflict with public safety;
 2. The city reserves the right to conduct or provide for emergency treatment services of any trees or plant growth within the public rights-of-way deemed necessary. No responsibility will be assumed by the city for any future maintenance on the trees or plant growth.
 - a. Any cost affiliated with the necessity to provide emergency treatment services on trees, shrubs, or other plant growth affecting or located upon the public rights-of-way may be conveyed to the abutting property owner as determined by the director of forestry.
- D. Tree care activities and operations affecting or located upon public rights-of-way:
1. The following regulations and specifications are further defined or highlighted from ANSI A300 (Part 1-2001), or more recent revision date if applicable, the American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (copy on file with the forestry division):
 - a. No tree will be cut back in such a manner that its health or eventual safety will be impaired, except in the process of tree removal or emergency relief due to an immediate danger to persons or property. Any such emergency procedures must be reported promptly to the director of forestry with plans for completion or follow-up work submitted for approval;
 - b. When pruning cuts are made to a side limb, the remaining limb must possess a basal diameter of at least one-half of the diameter of the wound so effected. Such cuts will be considered proper only when the remaining limb is vigorous enough to maintain adequate foliage to produce woody growth capable of sealing the pruning cut within a reasonable period of time;
 - c. All final pruning cuts will be made in such a manner as to favor the earliest possible covering of the wound by natural callus growth. Flush cuts, pruning cuts into the branch collar or cuts flush to the remaining limb or trunk will not be made;
 - d. Tree limbs will be removed and controlled in such a manner as to cause no damage to other parts of the tree or to other plants or property;
 - e. All tools to be used for tree care that are known to contain an infectious tree disease, including, but not limited to, fire blight and Dutch elm disease, will be disinfected between cuts and before use on another tree;
 - f. Maples, birches and walnut trees should be pruned when in leaf, except where conditions hazardous to the public or property are involved. If such trees are pruned during dormant periods, adjacent property owners will be informed of sap bleeding potential from pruning wounds;
 - g. All cutting tools used in making tree pruning cuts will be adequately sharp to result in final cuts with a flat wood surface and secure bark remaining adjacent to the cut;
 - h. Whenever pruning cuts are to be made while removing limbs too large to hold securely in one hand during the cutting operation, the limbs will be pieced down in manageable sizes with the next to last piece cut off one to two feet beyond the intended final cut. The final cut must be made in a manner that prevents unnecessary tearing of the bark and wood on the remaining limb or trunk;

- i. Any cutting of tree roots, other than during the process of tree removal, will consider the future welfare and safety of the tree. If possible, a clean cut of a root will be made at the junction of another viable root (refer to Section 12.16.060 of this chapter for further requirements);
 - j. Topping, dehorning, lopping, stubbing, or hat-racking trees is not allowed. Heading back pruning techniques may be allowed where required for utility line clearance or with prior inspection and written permission from the director of forestry;
 - k. Pollarding is a recognized and allowed arboricultural technique, as defined in ANSI A300-2001, Section 5.7.3, Pollarding. Pollarding is not synonymous with topping, dehorning, lopping, stubbing, or hat-racking.
- E. Authorized types of tree pruning affecting or located upon public rights-of-way (refer to ANSI A300-2001, or more recent revision date if applicable, for more detailed explanations of pruning types and techniques). The following pruning definitions are taken from ANSI A300-2001, Chapter 5.6, Pruning Types. "Pruning: The selective removal of plant parts to meet specific goals and objections" (city specifications are defined for each category):
1. "Clean: Cleaning shall consist of selective pruning to remove one or more of the following parts: dead, diseased, and/or broken branches."
 - a. Properly remove all dead wood greater than or equal to one and one-half inches in diameter.
 - b. Remove all broken branches or any loose branches lodged in the tree.
 - c. Remove, outside of branch collar, all dead and live stubs of previously broken or poorly cut limbs.
 - d. Remove any live branches which interfere with the tree's structural strength and healthful development, which includes the following:
 - i. Limbs which rub and abrade a more important branch;
 - ii. Limbs of weak structure which are not important to the framework of the tree;
 - iii. Limbs which, if allowed to grow, would wedge apart the junction of more important branches;
 - iv. Limbs with twigs and foliage obstructing the development of more important branches;
 - v. Limbs forming multiple leaders in a single leader type tree (young developing trees only);
 - vi. Branches near the end of a limb which will produce more weight or offer more resistance to wind than the limb is likely to support;
 - vii. Undesirable sucker and water sprout growth;
 - viii. Removal of branches which project too far outward beyond an otherwise symmetrical form;
 - ix. Remove no more than twenty-five (25) percent of the live crown during one growing season;
 2. "Thin: Thinning shall consist of selective pruning to reduce density of live branches."
 - a. Removal of dead branches greater than or equal to one and one-half inches in diameter.
 - b. Removal of weak, broken, or detached limbs.
 - c. Emphasis put on all tree limbs covered in subsection (E)(1)(d) of this section.
 3. "Raise: Raising shall consist of selective pruning to provide vertical clearance."

- a. Limbs, branches, or twigs raised above the street and alley to provide a clearance height of fourteen (14) feet.
 - b. Limbs, branches, or twigs raised above the sidewalk to provide a clearance height of eight feet.
 - c. Trunks of trees will be kept free of sprout or sucker growth to a minimum height of eight feet above the ground level; exceptions are allowed for young trees which would be irreparably damaged by such pruning action.
 - d. Sucker growth coming from the root area of trees will be pruned to ground level.
4. "Reduce: Reduction shall consist of selective pruning to decrease height and/or spread. Consideration should be given to the ability of a species to sustain this type of pruning."
- a. This technique of tree pruning will only be applied when larger growing trees endanger overhead utility lines, or where excessive growth of trees interferes with adjacent structures, or otherwise creates a specific hazard to persons or property.
 - b. Extended perimeter branches will be properly cut at a branch union junction with the remaining branch having a basal diameter of at least one-half of the diameter of the pruning cut.
 - c. Reduction by means of "heading back" pruning will not be done if the health and future structural integrity of the tree is weakened.
 - d. Tree removal should be an option if a significant crown reduction is necessary, or, pollarding initiated in young trees by proper crown reduction or heading back and maintained in young trees.
5. "Restoration: Shall consist of selective pruning to improve the structure, form and appearance of trees that have been severely headed, vandalized or damaged."
- F. Tree spacing and type of species to be planted within public rights-of-way.
- 1. At intersecting streets, the corner property will maintain a sight triangle for vehicle and pedestrian traffic which is reasonably free of visibility obscuring vegetation within the public rights-of-way and upon private property (refer to Section 17.116.180 of the city code).
 - a. All plantings of trees, shrubs or other woody vegetation that will exceed thirty (30) inches in height during their life span will be planted beyond the sight triangle distances as described in Section 17.116.180 of the city code.
 - b. Vegetation that will not exceed thirty (30) inches in height during their life span can be planted and maintained within the sight triangle as described in Section 17.116.180 of the city code.
 - c. Large or overgrown vegetation in the sight triangle may require removal if pruning or trimming techniques are unable to create an acceptable level of visibility and/or pruning or trimming will cause an unsafe, unhealthy, or visibly unappealing woody plant.
 - 2. No tree will be planted within the public rights-of-way closer than five feet to the entrance of any driveway.
 - 3. No woody vegetation will be planted within the public rights-of-way resulting in eventual growth that cannot be reasonably controlled to avert interference with, or obstruction to, any improvements installed for public benefit, such as traffic-control signs and lights, street signs, overhead utility lines, street lights, utility poles, sidewalk surface, street and curb surface, alley surface, etc.
 - 4. No woody vegetation, which will grow larger than thirty (30) inches in height at maturity, will be planted within the public rights-of-way closer than ten (10) feet to the entrance of an alley.

5. Woody vegetation will not be planted within ten (10) feet of any fire hydrant. Woody vegetation planted beyond ten (10) feet from a fire hydrant must have branches and foliage maintained to at least ten (10) feet away from the hydrant.
 6. Trees planted under overhead utility lines must be of a species, which at maximum growth height, will not reach the lowest height of the overhead utility lines.
 - a. Public rights-of-way trees under overhead utility lines may require removal if, after pruning or trimming, the tree will be unsafe or unhealthy.
 7. Minimum planting space distances for trees within the public rights-of-way will be as follows:
 - a. Spacing distances between trees, in relation to other public rights-of-way trees and adjacent private property trees, will be at the discretion of the director of forestry and as defined in the tree planting permit.
 - i. The projected mature size of a specific tree species will determine the spacing distances between other trees. A range for spacing distances can be as close as fifteen (15) feet apart and up to thirty-five (35) feet apart depending on tree species.
 - b. On streets where a space of less than four feet in width exists between the curb and sidewalk or the curb and the abutting private property lines, no trees will be planted within the affected public rights-of-way. Some tree exceptions can be made upon approval of the director of forestry.
 - c. Where a combination of sidewalk, curb and gutter have been installed and where the public rights-of-way extend beyond the property side of the sidewalk, no deciduous tree plantings are allowed closer than two and one-half feet from the back edge of the sidewalk. Coniferous trees are not to be planted closer than seven feet from the back of the sidewalk.
 8. Any species in compliance with Section 12.16.020 of this chapter may be planted within the rights-of-way. A recommended tree species guide for planting within the public rights-of-way is maintained by the director of forestry.
- G. Activities and operations involving commercial arborists, pesticide and insecticide applicators, and tree maintenance business licensees.
1. Safety Requirements. Standards of safety required for tree removing and tree pruning: Refer to ANSI Z133.1-2000, or more recent revision date if applicable, American National Standard for Arboricultural Operations - Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements. Publisher: American National Standards Institute, 11 West 42nd St., New York, NY.
 2. Standard practices required for tree trimming, pruning and removing: Refer to ANSI A300-2001, additional parts, or more recent revision date if applicable, American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices. Publisher: American National Standards Institute, 11 West 42nd St., New York, NY.
 - a. Refer to subsection D of this section for standard practices specific to Cheyenne.
 3. Standard practices of operations for tree care and maintenance, specifically for Cheyenne:
 - a. Permitted operations for performing work authorized on street trees neither express nor imply a right to violate any state law or city ordinance;
 - b. All work will be conducted in a manner that provides the least possible interference with, or annoyance to, the public or adjacent property owners;
 - c. Inadequate or improperly trained personnel will not be utilized for work on trees beyond an individual's ability to perform the work properly and safely;
 - d. A qualified supervisor must be present at all times when work is being performed;

- e. Any damage occurring to the street, curb, sidewalk, alley, or other public property, from any tree work must be promptly reported to the director of forestry;
- f. Clean-up of branches, logs or any other debris resulting from any tree service activity or operation must be promptly and properly accomplished. The work area must be kept safe at all times and at no time is the accumulation of brush, limbs, logs or other debris allowed upon public street rights-of-way that constitutes a public safety hazard;
- g. Any use of tools or equipment in unsafe condition, or any application of techniques or methods deemed unsafe to life, limb or property, is prohibited;
- h. Use of climbing spurs or spike shoes in the act of pruning trees is prohibited;
- i. At no time is it allowable to leave any severed or partially cut limbs in a tree being worked upon after workers leave the work site;
- j. Pedestrian and vehicular traffic will be allowed to pass through work areas only under safe conditions and with as little inconvenience and delay as possible;
- k. Adequate barricades and warning devices, as required by the city's traffic division, must be placed where required with flaggers stationed as necessary for the safety of pedestrians and vehicles. Any street closure permits must be obtained from the traffic division prior to tree work activities;
- l. At least one worker must be present and responsible for coordinating safe operating conditions on the ground when tree work activities and operations are in progress;
- m. Whenever larger tree sections are being cut in a tree top, which may endanger the public or property, the materials will be secured by ropes and lowered safely in a controlled manner;
- n. Prior to installing any cabling, bracing, or lightning protection materials to a public right-of-way tree, an inspection will be done by staff of the forestry division and, if approved, a permit will be issued. The temporary installation of staking materials for permitted, newly planted trees is approved without inspection. Affixing any type of placard or advertisement to trees is prohibited pursuant to city code Chapter 8.52
- o. Whenever electric or telephone lines, gas lines, water lines, or any other improvements, public or private, is to be implicated or jeopardized by any tree activity or operation, the proper authorities of the respective utility company and owners of adjacent private property involved must be contacted prior to performing the work. All work must comply with any precautions or conditions requested by utility company representatives. Any person, including tree maintenance business licensees, performing any type of excavation work below existing soil grade must first obtain an underground utility locate prior to commencing work;
- p. Any public rights-of-way trees to be removed must have remaining stumps removed to at least eight inches below the normal ground level unless special authorization by the director of forestry is granted. All surface roots within three feet of the tree trunk will be removed to a depth of eight inches below the existing ground surface. Any person, including tree maintenance business licensees, performing these services must first obtain an underground utility locate prior to commencing work;
- q. Excavations resulting from tree removals must be promptly filled, to normal ground level, with clean soil, free of debris, that is properly compacted;
- r. Public rights-of-way trees or utility, signage poles, etc. will not be used as an anchor for any winching purposes while removing trees, nor otherwise be used for securing anchorage or leverage for any purpose;
- s. When removing a tree, or performing ground work occurring around a tree base, the act of cutting tree roots and leaving the work site with a standing tree having little or no support of its roots is prohibited;

- t. Any American elm or any other large leafed elm determined to have Dutch elm disease, or any other tree suspected of being infested or infected with a mortality causing insect or disease, will be reported immediately to the director of forestry. The tree or shrub will be promptly removed and disposal of the contagious wood must be coordinated with the director of forestry. The stump must be removed to a depth below the ground surface of at least eight inches.
 - i. Under no circumstances is the contagious wood to be stored within the city.
4. Commercial Applications of Pesticides.
- a. All persons applying or supervising the application of pesticides, commercially, must obtain a Wyoming applicator certification and license, issued through the state of Wyoming department of agriculture, and comply with applicable rules and regulations in effect relative to the state license.

(Ord. 3613 § 1 (part), 2004)

12.16.080 - Fee schedule for city abatement services.

- A. The forestry division will assess basic costs and fees, including an administrative fee, for any abatement services that must be performed by city staff pursuant to authority provided the director of forestry set forth within this chapter.
- B. Basic costs and fees to be assessed are for:
 - 1. Pruning or removal of trees, shrubs or vines upon or affecting the safe use of the right-of-way on any public street, sidewalk, or alley;
 - 2. Hazard or height and width clearances or any visibility clearance required for street and alley intersections;
 - 3. An administrative fee to cover staff costs for site visits; recording or monitoring of any violations; notices to property owners; compliance follow-up; final notice letter, which includes estimated cost to correct any problem or concern; any follow-up site visits, and any subsequent billing procedures;
 - 4. Included in the basic cost will be a charge for time and materials for code compliance and emergency clean-up, including round-trip travel time and crew set-up, disposal of tree debris, and a prorated amount for equipment maintenance. Any traffic-control measures requiring the hiring of traffic-control specialists and/or renting traffic-control equipment will be billed at cost.
- C. The schedule of minimum costs and fees to be assessed is as follows:
 - 1. Code Compliance. Level of response is based upon a two-hour minimum and includes the administrative fee:

Staffing level/services	Costs/fees (two-hour minimum)
One person - small chainsaw or hand tools only; loading of debris into a truck by hand.	\$85; additional costs assessed in ¼ hour increments beyond two hours - \$10.
Two persons - chipper and dump truck; chipping of all tree debris.	\$150; additional costs assessed in ¼ hour increments beyond two hours - \$20.
Two persons - chipper, dump truck and aerial bucket truck.	\$310; additional costs assessed in ¼ hour increments beyond two hours - \$40.
Two persons - aerial bucket truck and grapple/dump truck.	\$380; additional costs assessed in ¼ hour increments beyond two hours - \$50.
Three persons - chipper, dump truck, aerial bucket truck and grapple/dump truck.	\$440; additional costs assessed in ¼ hour increments beyond two hours - \$55.

- 2. Emergency Clean-up of Tree Debris. Level of response is based upon a two-hour minimum and includes the administrative fee:

Staffing level/services	Costs/fees (two-hour minimum)
One person - small chainsaw or hand tools only; loading of debris into a truck by hand with emergency personnel on site.	\$75; additional costs assessed in ¼ hour increments beyond two hours - \$10.
One person - small chainsaw or hand tools and grapple/dump truck with emergency personnel on site.	\$155; additional costs assessed in ¼ hour increments beyond two hours - \$20.
Two persons - chainsaw or hand tools and grapple/dump truck.	\$200; additional costs assessed in ¼ hour increments beyond two hours - \$25.

(Ord. 3613 § 1 (part), 2004)

12.16.090 - Violation—Penalty—Compliance.

- A. Any person who violates the provisions of this chapter will be deemed guilty of a misdemeanor, punishable pursuant to the general penalty provision of the city code.
- B. Persons receiving written notice(s) issued by the director of forestry as authorized by this chapter must comply with the requested work contained within the notice(s) by the time frame(s) specified. Failure to do so will result in the director of forestry authorizing any necessary work to be performed, pursuant to the requirements set out in the written notice, with costs for the work involved being assessed to the property owner. If city staff is involved in providing the necessary work, costs and administrative fees as listed in Section 12.16.080 of this chapter shall apply.
 - 1. Any costs and fees assessed will be in addition to any penalty that may be imposed pursuant to subsection A of this section.

(Ord. 3613 § 1 (part), 2004)