

ORDINANCE 2011- 1
STREET TREE ORDINANCE

AN ORDINANCE RELATING TO THE PLANNING, PLANTING, MAINTENANCE, RESTORATION, PROTECTION AND SURVIVAL OF DESIRABLE TREES LOCATED IN AND UPON PUBLIC AREAS AND RIGHTS-OF-WAY WITHIN TORREY TOWN, IN WAYNE COUNTY, UTAH.

WHEREAS, the Town Council of the Town of Torrey, Utah, recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community; and

WHEREAS, the Town Council determines it is in the best interests of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the Town; and

NOW, THEREFORE, the Town Council of the Town of Torrey, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED by the Town Council of Torrey, Utah, as follows:

PURPOSE AND INTENT:

Purpose Torrey Town recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community. It is in the best interest of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the Town.

Intent It is the intent of Torrey Town Council that the terms of this ordinance shall be construed as to promote:

- (a) The planning, maintenance, restoration, protection and survival of desirable trees within the town; and,
- (b) The protection of community residents from personal injury and property damage and the protection of Torrey Town from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within Torrey Town.

DEFINITIONS:

Other plants or plantings Other plants or plantings shall mean any shrubs, grass, or ground cover planted within street rights-of-way or easements or in proximity thereto.

Park Director shall mean the Council member or person or designee responsible for maintenance of street trees.

Street Trees Street trees shall mean any tree planted within the town rights-of-way on either side of all streets, lanes, trails within the town.

Park Tree Park tree shall mean any tree or woody vegetation in public parks

having individual names, and all areas owned by the town or areas to which the public has free access as a park.

Hazard Tree Tree which threatens the public health, safety or welfare by nature of being dead, structurally unsound, or a host to communicable, destructive disease.

Historic Tree A tree that is significant to the community forest (sum of all trees within the town) by nature of its unique botanically characteristics, by being planted by a pioneer or at a site of an historic event or location.

Top or Topping Top or Topping shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Tree Trimming Tree Trimming shall mean the removal of plant parts to control growth and enhance performance of function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth, and hanging limbs is not considered tree trimming.

TREE ADVISORY BOARD:

Tree Advisory Board shall be designated by the Mayor in consultation with the Town Council. The board shall consist of members of the community who are interested in promoting the protection, health and well being of Torrey's community trees. It shall be the responsibility of the board to work with the Town Council to plan for the care, preservation, pruning, planting, replanting, removal and nurturing of all community trees on public areas and rights-of-way.

ORDINANCE AND ADMINISTRATION:

The Mayor, Town Council, Park Council Member shall be responsible for administrating and enforcing the said tree ordinance. He or she shall:

- a. Have supervision of all trees planted in town rights-of-way or town owned public places.
- b. Supervise the planting, trimming, spraying, preservation, and removal of town trees and other plants in public streets, town cemetery and park to promote public safety and preserve the beauty of public places.
- c. Review all new planting and development of street trees, park trees and other plants within the town and rights-of-way.

STREET TREE MAINTENANCE AND CARE BY THE TOWN:

- a. **Care and Maintenance;** The Tree Advisory Board under the direction of The Torrey Maintenance person and Park Council Member shall administer a program for maintenance and care of town trees and rights-of-way.
- b. **Tree and Planting Maintenance;** the town shall have the right to plant, prune, maintain and remove trees within the town and public rights-of-way.
- c. **Tree Replacement;** The town may replace street trees or other plantings that have died or been removed for any reason and plant additional street trees deemed appropriate withing the town and public rights-of way.

d. **Debris Removal;** the person working on trees on a street, highway, or public area shall remove all debris from the rights-of-way within 24 hours of completion unless authorized otherwise by the Town Council.

ABUSE OF TREES ON PUBLIC AND TOWN PROPERTIES:

No person shall: Injure, deface, disfigure, or destroy any tree; Damage, cut, carve or injure the bark of any tree with any device; Attach wire, device or structure to, or on any street or park tree; Cause or permit any fire or heat to injure any portion of a public tree or shrub. Allow any harmful gaseous, liquid or solid substance to come into contact with, be applied to, seep, drain, or emptied on or around any public tree or plant. Damage the roots of a public tree by compacting of filling on or around the base of the tree within 5 feet of the trunk so as to shut off air, light, or water from the roots. Make or cause excavations in the soil near the roots of public trees unless appropriate measures are taken to prevent exposed soil and roots from drying out.

PROTECTION OF PUBLIC TREES NEAR CONSTRUCTION:

Proper care shall be taken during the construction phase to protect the critical root zone from compaction and excessive excavation. Any tree located on town property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work, which has the potential for injury, shall be protected from such injury, as directed by the town. Should a tree become injured beyond the point of recovery as a result of construction activities the responsible party shall replace the injured tree.

ADMENDMENTS/ADDITIONS

Amendments to this ordinance and/or additional rules and regulations may be recommended to the Town Council by the Tree Advisory Board as it deems appropriate or necessary. They will be effective upon approval by the Town Council.

ADOPTED AND PASSED by the Town Council of the Town of Torrey within the County of Wayne on this ____ day of ____ 2011.

Torrey Town Council

ATTEST:
file _____

BY: _____ signed copy on

Adus F. Dorsey II, Mayor

Paula Pace, Town Clerk

