

CHAPTER 4

COMMUNITY FORESTRY

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8-4-1: **PURPOSE:** The purpose of this chapter is to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs and other plants within the City of Iona.(Ord. 89, 6-11-03)

8-4-2: **DEFINITIONS:** Terms used in this chapter shall have the meanings ascribed below:

ANSI A300: That certain standard tree, shrub and other woody plant maintenance standard practice as set forth in ANSI A300 (Part I)—2001, as published by the American National Standards Institute, Inc. and approved on May 22, 2001.

ANSI Z133.1 That certain safety standard regarding the planting and maintenance of trees in proximity to utility lines as published by the American National Standards Institute, Inc. May 22, 2001 Edition.

COMMUNITY FOREST: The sum of all trees and shrubs within the City.

CRITICAL ROOT ZONE: The area under a tree extending from the base of a tree in all

directions to a line 10 feet outside of the drip-line.

PARK TREES: Public trees, shrubs, bushes and all woody vegetation located in or upon any public park owned by the City, but excluding those trees in the public right-of-way.

PERSON: Any individual, firm, partnership, corporation, association, company, or other governmental entity or organization of any kind.

PRIVATE TREES: Any tree that is not a public tree.

PUBLIC RIGHT-OF-WAY: Improved or unimproved public property owned by, dedicated to, or deeded to, the public or the public's use for the purpose of providing vehicular, pedestrian and other public use. Such public property includes, but is not limited to, streets, alleys, sidewalks, public utility.

PUBLIC TREES: Trees located upon public property owned by the City, including street trees.

SHRUB: A woody perennial plant, branched at or near the base and which at maturity is expected to grow less than fifteen (15) feet in height.

STREET TREES: Trees, shrubs, bushes and all other woody vegetation whose critical root zone is located on or encroaches into any public right-of-way or whose branches overhang any public right-of-way owned or managed by the City of Iona.

TOPPING: The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown or the removal of the top part (trunk and limbs) of a coniferous tree, thereby removing the normal canopy and disfiguring the tree.

TREE: A woody perennial plant, usually having one main stem or trunk and many branches and which, at maturity is expected to exceed fifteen (15) feet in height and two (2) inches in diameter. The failure to achieve such height at maturity shall not preclude its consideration as a tree. (Ord. 89, 6-11-03)

8-4-3: COMMUNITY FORESTER: The City Council may appoint a person to serve as Community Forester. The Community Forester shall have such duties and perform such functions as shall be prescribed herein and as required by the City Council. The Community Forester is hereby authorized to:

- (A) Direct, manage, supervise and control the City street tree and park tree program for the planting, removal, maintenance and protection of all public trees and shrubs on all public areas.
- (B) To guard all public and private trees and shrubs within the City so as to prevent the spread of disease or pest and to eliminate dangerous conditions which may affect the life, health or safety of person or property. (Ord. 89, 6-11-03)

8-4-4: ESTABLISHMENT OF A SHADE TREE COMMITTEE: There is hereby created and established a Shade Tree Committee for the City of Iona, which shall consist of a minimum of five members who reside within the City, one of whom shall be a member of the City Council. Each member shall be nominated by the Mayor and confirmed by the Council. (Ord. 89, 6-11-03)

8-4-5: TERM OF OFFICE: The terms of the members of the Committee shall be three years, except that the initial term of two of the at-large members shall be only two years. In the event that a vacancy occurs during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Vacancies shall be filled in the same manner as original appointments. (Ord. 89, 6-11-03)

8-4-6: OPERATION: The committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall constitute a quorum for the transaction of business. (Ord. 89, 6-11-03)

8-4-7: DUTIES AND RESPONSIBILITIES: The Iona Shade Tree Committee shall provide advice to the City Council, Mayor, Community Forester and City Council as to the preservation, protection and management of the community forest of Iona, in accordance with the intent and purpose of this chapter. The committee shall have the following duties and responsibilities:

- (A) Assist the Community Forester in encouraging landscaping installation and maintenance on private property by providing information on the value of landscaping and the proper planting and care of trees and other vegetation;
- (B) Recommend policies and procedures to identify, mark, publicize and preserve historic and notable trees on both public and private property;
- (C) Assist the Community Forester in promoting appreciation of trees and the Community Forest through annual Arbor Day observances and other activities;
- (D) Encourage improvement of the community forest through planning and policy development;
- (E) Assist City departments in every way possible to enhance the community forest in the City;
- (F) Enhance opportunities for obtaining monetary funds for tree purchases, related supplies and community forestry activities through local and federal assistantship grants and donations;
- (G) Serve as an advocate of the City's community forest. (Ord. 89, 6-11-03)

8-4-8: SPECIES OF TREES PERMITTED: It shall be unlawful for any person to plant any public tree except the following species of trees:

Small Trees

Cherry, Canada Red
Crabapple, (persistent or fruitless varieties)
Elm, Camperdown
Honeylocust, Imperial

Lilac, Japanese Tree
Maple, Amur
Mayday
Mountain Ash, European
Plum, Newport
Serviceberry, Saskatoon
Sumac Staghorn

Prunus virginiana 'Shubert'
Malus spp.

Ulmus glabra 'Camperdownii'
Gleditsia triacanthos var. inermis 'Imperial'
Syringa reticulata
Acer ginnala
Prunus padus
Sorbus aucuparia
Prunus cerasifera 'Newport'
Amelanchier alnifolia
Rhus typhina

Medium Trees

Ash, Green (seedless varieties)
Ash, White (seedless varieties)
Birch, Cutleaf Weeping
Ginkgo (male sex only)
Hackberry
Honeylocust, (thornless varieties)
Linden, American (varieties)
Linden, Littleleaf
Maple, Norway (varieties)
Maple, Silver Queen

Fraxinus pennsylvanica
Fraxinus americana
Betula pendula laciniata
Ginkgo biloba
Celtis occidentalis
Gleditsia triacanthos var. inermis
Tilia americana
Tilia cordata
Acer platanoides
Acer saccharinum 'Silver Queen'

Large Trees

Ash, Green (native species)
Ash, White (native species)
Coffeetree, Kentucky
Honeylocust, Thornless (native species)
Horsechestnut
Linden, American (native species)
Maple, Norway (native species)
Oak, Bur
Oak, Northern Red

Fraxinus pennsylvanica
Fraxinus americana
Gymnocladus dioicus
Gleditsia triacanthos var. inermis

Aesculus hippocastanum
Tilia americana
Acer platanoides
Quercus macrocarpa
Quercus rubra

No species other than those included in the above list may be planted as street trees or in the public right-of-way without written permission from the Shade Tree Committee. (Ord. 89, 6-11-03)

8-4-9: UTILITIES:

(A) It shall be unlawful for any person to plant any public or private tree under or within

twenty (20) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, electric transmission or distribution line or other utility except the following species of trees:

Cherry, Canada Red	<i>Prunus virginiana</i> 'Shubert'
Crabapple, (persistent or fruitless varieties)	<i>Malus</i> spp.
Elm, Camperdown	<i>Ulmus blabra</i> 'Camperdownii'
Honeylocust, Imperia	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Imperial'
Lilac, Japanese Tree	<i>Syringa reticulata</i>
Maple, Amur	<i>Acer ginnala</i>
Mayday	<i>Prunus padus</i>
Mountain Ash, European	<i>Sorbus aucuparia</i>
Plum, Newport	<i>Prunus cerasifera</i> 'Newport'
Serviceberry, Saskatoon	<i>Amelanchier alnifolia</i>
Sumac, Staghorn	<i>Rhus typhina</i>

- (B) It shall be unlawful to plant any public or private tree at any location in any manner which does not comply with the safety standards for planting and maintenance of trees in proximity to public utilities, as set forth in ANSI Z133.1.
- (C) The City of Iona will not be responsible for damage to any tree or shrub located within a utility easement as a result of the operation or maintenance of public utility lines. Damage to any public utility system caused by trees improperly located within the public right-of-way or easement will be repaired at the owner's expense. (Ord. 89, 6-11-03)

8-4-10: REGULATIONS FOR PLANTING STREET TREES: Street trees shall be classified in accordance with the three species size classes listed in section 8-9-8 of this chapter. Street trees shall not be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; large trees, 40 feet. No trees may be planted closer to the backside of any curb or the nearest edge of any sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet. All distances shall be measured from the center of the tree trunk at ground level. (Ord. 89, 6-11-03)

8-4-11: TREES AND SHRUBS OVERHANGING PUBLIC PROPERTY: All owners, or persons in control of private real property upon which a street tree or shrub is growing, shall remove or trim, at his or her expense, all limbs or foliage which overhang or project into any public street, sidewalk, alley or easement and which interfere with public travel or use of such public way or easement or which do not satisfy the clear view and corner clearance requirements of the City Zoning Ordinance. Street trees and shrubs shall be trimmed from the ground level to at least twelve feet (12') above any public street, public easement or alley, and to at least eight feet (8') above the curb and sidewalk. (Ord. 89, 6-11-03)

8-4-12: ABUSE OF PUBLIC TREES AND SHRUBS:

- (A) Unless authorized by an appropriate public officer, it shall be unlawful for any person to:
- (1) injure, deface, disfigure or destroy any public tree;
 - (2) permit any animal under his control to injure any public tree or shrub;
 - (3) permit any fire to injure any portion of any public tree or shrub;
 - (4) cause any toxic chemical to be applied to, seep, drain or be emptied on or about any public tree or shrub;
 - (5) attach any device or structure to or on public trees, in a manner which harms or which may potentially harm a public tree;
 - (6) injure, destroy, cut or pick any flower or ornamental plant growing, standing or being on public property;
 - (7) make or cause excavations in the soil near roots of public trees unless appropriate measures are taken to prevent exposed soil from drying out;
 - (8) damage the roots of a public tree by compacting or filling on or around the base of the tree;
 - (9) to top, prune or trim any public tree, except in accordance with the provisions of ANSI A300.
- (B) Nothing herein shall prevent or prohibit the pruning, removal, treatment, care or maintenance of any public tree or shrub, provided such work complies with the provisions of ANSI A300. (Ord. 89, 6-11-03)

8-4-13: STREET TREE CARE: The City Council shall have the right to remove, trim, destroy and control all street trees which are planted, grown or maintained in violation of the provisions of this Chapter. The City Council shall have the right to plant, prune, maintain and remove street trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. (Ord. 89, 6-11-03)

8-4-14: TREE TOPPING: It shall be unlawful for any person to prune or top any public tree or other public tree, except in accordance with ANSI A300. (Ord. 89, 6-11-03)

8-4-15: ABATEMENT OF NUISANCES.

- (A) The City hereby declares the following actions, practices or objects to be a public

nuisance:

- (1) Any living or standing private or public elm tree or part thereof infected with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) or which harbors any of the elm bark beetles *Scolytus multistriatus* (Marsham) or *Hylurgopinus rufipes* (Eichhoff).
 - (2) Any public or private dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material not buried, burned, sprayed with an effective elm bark beetle-destroying insecticide, or from which the bark has not been removed.
 - (3) The cultivation, maintenance or allowing to grow of any private or public tree which harbors any insect, disease or infestation by any living creature which poses a threat to the health or safety of any other public or private tree within the City or which poses a health or safety threat to any person or property.
 - (4) Any public or private tree infested by any insect, pest or disease which is determined by the City Forester to pose a threat to the health of any other public or private tree.
 - (5) Any public or private tree, the roots of which are growing beneath a public sidewalk and which cause a public hazard to the safe and efficient pedestrian travel upon such sidewalk.
 - (6) Any public tree planted, growing or maintained in violation of the provisions of this Chapter.
- (B) Any person who fails to commence the abatement of any nuisance within ten (10) days after receiving written notice from the City, or who fails to diligently prosecute and complete the abatement of such nuisance within a reasonable time after the delivery of such notice, shall be guilty of a misdemeanor. Such notice shall be delivered to the owner or person in control of any property upon which such nuisance shall exist. Notice shall be deemed complete upon its deposit in the United States mail, postage prepaid, certified mail, return receipt request, addressed to the last known address of such owner or person.
- (C) In the event any owner or person in control of private real property fails to abate such nuisance in accordance with the time frame set forth above, then the City may prevent, remove or abate such nuisance at the expense of such owner or person and may levy a special assessment against the property upon which such nuisance is located, in accordance with the provisions of Idaho Code § 50-334. (Ord. 89, 6-11-03)

8-4-16: INTERFERENCE WITH CITY SHADE TREE COMMITTEE: It shall be unlawful for any person to prevent, delay or interfere with the City Forester, or his or her agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on public property, as authorized in this chapter. (Ord. 89, 6-11-03)

8-4-17: ADOPTION OF ANSI A300 and ANSI Z133.1: There is hereby adopted as an official code for the maintenance of trees, shrubs and other woody plants that certain standard maintenance practice as published in ANSI Standard A300 (Part I)—2001, as published by the American National Standards Institute, Inc. and approved on May 22, 2001. There is also hereby adopted as an official code, that certain safety standard for planting and maintenance of trees in proximity to utility lines, known as ANSI Z133.1 as published by the American National Standards Institute, Inc., May 22, 2001 Edition. One copy of such codes shall be filed with and maintained in the office of the City Clerk, for use and examination by the public. (Ord. 89, 6-11-03)