

## CHAPTER 2

**TREES**

## SECTION:

- 6-2- 1: Title
- 6-2- 2: Purpose
- 6-2- 3: Definitions
- 6-2- 4: City Tree Administrator
- 6-2- 5: Community Urban Forestry Board
- 6-2- 6: Authority And Control Over Trees
- 6-2- 7: Permit Required
- 6-2- 8: Damage Or Destruction Of Public Trees
- 6-2- 9: Appeals
- 6-2-10: Violation; Penalty

6-2-1: **TITLE:** This chapter shall be known as the *CITY OF POTLATCH TREE ORDINANCE*. (Ord. 420, 9-28-2000)

6-2-2: **PURPOSE:** The purpose of this chapter is to protect trees planted and growing within the public rights of way, city parks, the city cemetery and within or on all other property owned or otherwise under the control of the city; to establish and maintain species variety and age diversity of trees on public lands in the city; to maintain city trees in a healthy and nonhazardous condition through good arboricultural practices. (Ord. 420, 9-28-2000)

6-2-3: **DEFINITIONS:** Whenever the following words or terms are used in this chapter, they shall have such meanings as ascribed to them:

ADMINISTRATOR OR CITY TREE ADMINISTRATOR:	The individual as appointed as overseer by the terms of this chapter.
---	---

BOARD:	The community urban forestry board established by this chapter.
DEVELOPMENT:	The alteration, construction or implementation of any building, structure, or use on any piece of property or within any right of way.
OWNER:	The legal owner or owners of real property adjacent to a street in the city of Potlatch.
PARKWAY:	That portion of a street between a roadway and a sidewalk.
PERSON:	Any individual, firm, copartnership, association, corporation, or group of combination acting as a unit; and the plural as the singular number unless the intent to give a more limited meaning is disclosed by the content; and the masculine shall include the feminine and the feminine the masculine.
PUBLIC PROPERTY:	Property owned by the city of Potlatch either in fee simple absolute, or implied, or expressly dedicated to the public for present or future use, for purpose of vehicular or pedestrian traffic, or for public easements.
PUBLIC TREE:	Any tree, shrub, or other woody vegetation on public property.
ROADWAY:	That portion of a street improved, designed or ordinarily used by the public for vehicular travel.
SHRUB:	A multiple stemmed, woody plant whose height at maturity is between two feet (2') and fifteen feet (15').
SIDEWALK:	That portion of a street improved, designed or ordinarily used by the public for pedestrian travel.
STREET:	The entire width between the boundary lines of a public right of way dedicated or deeded to the city for use of the public for purposes of vehicular travel, whether or not maintained by

the city and whether or not open for vehicular traffic.

**STREET TREE:** Any tree, shrub or other woody vegetation on lands within any city right of way.

**TREE:** A woody perennial plant with one main stem or trunk. (Ord. 420, 9-28-2000)

**6-2-4: CITY TREE ADMINISTRATOR:**

- A. Office Created: The office of city tree administrator is hereby established.
- B. Appointment: The administrator shall be appointed to the office of administrator by the mayor and confirmed by the city council.
- C. Administrative Powers; Authority; Duties: The city tree administrator shall administer the provisions of this chapter and have all administrative powers in connection therewith which are not specifically assigned to some other person or body. The administrator shall have the following authority and duties: (Ord. 420, 9-28-2000)
  - 1. Supervision of planting, pruning, spraying, preserving and removal of trees on all public properties and rights of way.
  - 2. Supervision of all work done in accordance with this chapter.
  - 3. Promulgation and distribution of rules and regulations containing guidelines for the pruning of trees located on all city properties and within city rights of way.
  - 4. Promulgation and distribution of a tree list consisting of acceptable varieties of trees, acceptable size of trees, proper planting and spacing instructions for trees located within the rights of way. (Ord. 420, 9-28-2000; amd. 2010 Code)

**6-2-5: COMMUNITY URBAN FORESTRY BOARD:**

- A. Board Created: There is hereby created a community urban forestry board. The board will consist of a minimum of three (3) volunteer

members and a maximum of nine (9) members who are citizens and residents of this community and the administrator.

B. Compensation: Members of the board shall serve without compensation.

C. Duties And Responsibilities:

1. It shall be the responsibility of the community urban forestry board to study, investigate, counsel, develop and update a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the public ways, streets and alleys. Such plan will be presented to the city council and, upon their acceptance and approval, shall constitute the official comprehensive city tree plan for the city.

2. Assist the administrator in providing information to the public through educational campaigns, published materials and other opportunities.

3. Assist the administrator in implementing Arbor Day celebrations and activities.

4. Encourage and solicit donations and other funding for the city tree program.

5. Identify and implement landscaping projects which improve the community forest.

6. Assist the administrator to plan and review the community forest program budget and to make recommendations to the city council.

7. Assist the council in establishing a landscaping ordinance for new development. (Ord. 420, 9-28-2000)

6-2-6: **AUTHORITY AND CONTROL OVER TREES:** The mayor and the city council have complete authority and control over all trees on or within the city properties. The city, with advice from the board and/or administrator, may remove or cause the removal of public or private trees or branches which provide a hazard to the health, safety or welfare, or public trees which should be removed to further community forestry goals. (Ord. 420, 9-28-2000)

**6-2-7: PERMIT REQUIRED:**

- A. Permit Required; Requirements Waived: It shall be unlawful for any person to plant, remove, trim, cut or in any way damage any tree on or within the public properties without first procuring a permit so to do from the administrator. In situations where public inconvenience would result from the delay entailed in obtaining a permit or where such delay would place life, limb or property in jeopardy, the permit requirements may be waived.
- B. Application; Forms: Any person desiring a permit to plant, remove, cut or in any way damage a tree on or within the city properties shall file with the administrator an application to do so on forms to be furnished by the administrator, setting forth therein in detail the work that is contemplated and the location and address of the same. (Ord. 420, 9-28-2000)
- C. Investigation; Issuance: Upon filing of such application, the administrator shall investigate the contemplated work and if, in their judgment, it is desirable and should be done, shall issue a written permit therefor; provided, that the work authorized in such permit shall be done under the supervision of the administrator. (Ord. 420, 9-28-2000; amd. 2010 Code)
- D. Fees: Permits shall be provided at no cost. (Ord. 420, 9-28-2000)

**6-2-8: DAMAGE OR DESTRUCTION OF PUBLIC TREES:** Damage to or destruction of a public tree by any person except as provided lawfully herein may result in the assessment of fees against such person set at a rate not greater than the International Society of Arboriculture's tree replacement or appraisal value formulas. Such fees shall be determined by the administrator. (Ord. 420, 9-28-2000)

**6-2-9: APPEALS:** Any person aggrieved by any act or determination of the board or administrator may appeal such decision within fifteen (15) days to the city council. (Ord. 420, 9-28-2000)

**6-2-10: VIOLATION; PENALTY:** Any violation of the provisions of this chapter shall be an infraction punishable as provided in section 1-4-1 of this code. (Ord. 420, 9-28-2000; amd. 2010 Code)