

CHAPTER 4
PUBLIC TREES

SECTION:

6-4- 1:	Purpose
6-4- 2:	Authority
6-4- 3:	Applicability
6-4- 4:	Licensing
6-4- 5:	Permits
6-4- 6:	Insurance
6-4- 7:	Care Of Trees Within The City Of Victor Idaho
6-4- 8:	Public Nuisances
6-4- 9:	Right To Inspect Suspected Nuisance Trees And Shrubs
6-4-10:	Landscaping
6-4-11:	Tree Planting, Maintenance, And Removal
6-4-12:	Adjacent Landowner Responsibility
6-4-13:	Tree Protection
6-4-14:	Private Trees
6-4-15:	Appeals
6-4-16:	Enforcement
6-4-17:	Compensatory Payments
6-4-18 :	Penalties

6-4-1: **Purpose:** It is the purpose of the ordinance 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 Victor, Idaho.

6-4-2: **Authority:** There is hereby created and established a City Tree Board for the City of Victor, Idaho, which shall consist of three members, that do not have to be residents of Victor, who shall be appointed by the mayor with the approval of the city council. Members of the board shall serve without compensation.

6-4-3: **Applicability:** This ordinance provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks, and public places of the city; and to trees, plants, and shrubs located on private property that constitute a hazard or threat as described herein.

6-4-4: **Licensing:** It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs or vines, for a fee, within the City of Victor without first producing evidence of certification/license issued by the City. Provided that no permit shall first be required 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.

6-4-5: **Permits:**

- A. Any person desiring a permit to plant, remove, cut, or in any way damage a publicly owned tree on or within the City properties shall file with the Tree and Landscape Board or City Administrator an application to be provided by the City Administrator, or his/her official designee, setting forth therein the detail the work that is contemplated and the location and address of the same.
- B. Upon filing of such application, the City Administrator shall investigate the contemplated work and if in his judgment it is desirable and should be done, shall issue a written permit therefore; provided that the work authorized in such permit shall be done under the supervision of the City Administrator or his/her official designee.
- C. City employees are not required to obtain permits.

6-4-6: **Insurance:** Before any license shall be issued each applicant shall first file evidence of possession of worker compensation and liability insurance in the minimum amounts of \$1,000,000.00 for bodily injury or death and \$500,000.00 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

6-4-7: **Care of Trees Within the City of Victor:** The City of Victor shall be responsible for the following:

- A. Care and maintenance of publicly owned trees and shrubs;
- B. Removal of dead, diseased, or hazardous City trees and shrubs:
- C. Controlling insects and diseases of City trees and shrubs:
- D. Care and maintenance of all public trees in the downtown area.

6-4-8: **Public Nuisances:** The following are hereby declared public nuisances under this ordinance:

- A. Any tree or shrub which harbors pathogens or injurious insects which reasonably may be expected to harm other trees or shrubs.

- B. Any tree or shrub which obstructs the free passage of pedestrians or vehicular traffic or which obstructs a street light or traffic control device.
- C. Any tree or shrub or portion thereof which obstructs the view in the “visibility triangle” as defined by Idaho Code.
- D. Any tree or shrub which, by reason of location or condition, constitutes an imminent danger to the health, safety, or welfare of the general public.

6-4-9: Right to Inspect Suspected Nuisance Trees and Shrubs:

- A. The City of Victor reserves the right to inspect suspected nuisance trees and shrubs.
- B. Officers, agents, servants and employees of the City shall have the authority to enter onto private property whereon there is reasonable cause to believe that there is located a tree or shrub that is suspected to be a public nuisance as defined herein.
- C. It is unlawful and shall be a misdemeanor to take action to
 - a. prevent, delay or otherwise interfere with the Administrator’s or his/her official designee, performance of supervisory or inspection responsibilities. The City shall make notice to the property owner of the needed inspection.

6-4-10: Landscaping:

- A. In new subdivisions or when the development of commercial property occurs, the City Planning and Zoning committee shall review landscaping plans, and if needed ask the Tree Board for comments.
- B. Landscaping plans may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.

6-4-11: Tree Planting, Maintenance, and Removal:

- A. Tree Species :The Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes: Small (15-25 feet), Medium (25-45 feet), and Tall (45 feet and taller). They also maintain a list of trees and shrubs that will not be planted on right-of-ways.
- B. Spacing : The spacing of street trees will be in accordance with the three species size classes listed in this ordinance. Trees will not be planted closer than this: Small Trees, 30 feet; Medium Trees, 40 feet; Tall Trees,

50 feet; except in plantings designed or approved by a landscape architect and approved by the City Administrator.

- C. Utilities : No street trees other than those species listed herein as small trees may be planted under or within 20 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.
- D. Distance from Curb and Sidewalk : The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three size classes listed in Section XIII A of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; large trees, 4 feet.
- E. Topping : It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Tree Board.

6-4-12: **Adjacent Landowner Responsibility:** No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the City Administrator. The person receiving the permit shall abide by the standards set forth in this ordinance.

6-4-13: **Tree Protection:** The Tree Board will have as one of their duties the location, selection and identification of any trees which qualify as "Landmark Trees". A tree may qualify as a Landmark Tree if it meets one or more of the following criteria:

- A. Species rarity, documented association with a historical event or person, abnormality, scenic enhancement, old age if the tree is healthy and in good condition.
- B. Riparian zones in subdivisions or business areas may not be damaged without a permit from the Tree and Landscape Board or City Administrator.
- C. Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations, the Tree Board shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within reasonable time to be specified in such notice.

6-4-14: **Private Trees:** The City Administrator or his/her official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance and to order its removal if necessary.

- A. The City Administrator shall cause a written notice to be personally served or sent by mail to the owner of the particular property.
- B. In the event the nuisance is not abated by the date specified in the notice, the City Administrator is authorized to cause the abatement of said nuisance.
- C. The reasonable cost of such abatement may be charged to the subject property owner. Monies which have not been recovered through the City bill collection procedures may result in a lien against the property or assessed on taxes as provided for in Idaho Code Title 50. In addition, the owner of the property upon which the nuisance is located may be subject to prosecution under this Chapter for maintaining a public nuisance.

6-4-15: **Appeals:** Any person affected by an order, denial, or revocation of a license or permit by the City Administrator or Tree Board may appeal such order, denial or revocation to the Victor City Council. Such appeal shall be filed in writing and submitted to the City Clerk within 10 days of the date of the notification of the decision of the City Administrator, or his/her official designee. The appeal shall be heard by the City Council. Action by the City Administrator or Tree Board shall be delayed until the decision of the City Council is rendered. The City Council may in conformity with the provisions of this Chapter reverse or affirm or modify wholly or partly, the order, denial, or revocation of any permit and the decision of the City Administrator or Tree Board. The decision of the City Council shall be final.

6-4-16: **Enforcement:** The City Administrator, or his/her official designee, shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the City.

6-4-17: **Compensatory Payments:**

- A. In the event any person removes, destroys or damages any public tree except as otherwise required by law, that person shall be required to replace such tree with a tree(s) of equivalent dollar value on public property, unless otherwise determined by the City Administrator.
- B. The value of a tree shall be determined by the City Tree Board in accordance with accepted plant appraisal methods as set forth in the 9th edition of The Guide for Plant Appraisal, published by the International Society of Arboriculture or the same as amended from time to time.

- C. If no suitable location exists in the vicinity of the tree removed or if the replacement tree(s) is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City of Victor equal to the difference in value between the tree removed and any replacement tree(s).
- D. Any public tree that is determined by the City Tree Board to be damaged, but not sufficiently to justify its removal, shall be considered to be devalued. The amount of devaluation shall be paid to the City by the person causing the damage. Compensatory payments shall be paid into a fund established for that purpose and restricted to use for community forestry programs.

6-4-18: **Penalties:** Any person who violates any provision of this Ordinance or who fails to comply with a lawful order of the City Administrator or City Tree Board shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance may be punished by a fine or be imprisoned for a period not to exceed 6 months or by both such fine and imprisonment for each separate offense. (Ord. 05-0505, May 5, 2005)

CITY OF VICTOR TREE GUIDE

DECIDUOUS TREES

Mountain Alder

Alnus incana tenuifolia

Mature Size: 20' x 15'

Description: Small, multi-stemmed tree native to riparian areas.

European Mtn Ash

Sorbus aucuparia

Mature Size: 30' x 25'

Description: Graceful tree with orange fruit and deep green foliage.

Quaking Aspen

Populus tremuloides

Mature Size: 45' x 30'

Description: Attractive, native tree with white bark and leaves that 'quake' in the wind. Yellow or orange fall color.

Swedish Aspen

Populus tremula 'Erecta'

Mature Size: 40' x 6'

Description: Very upright and columnar form with bronze spring and fall color.

Cutleaf Birch

Betula pendula 'Dalecarlica'

Mature Size: 35' x 25'

Description: Large, graceful tree with weeping branches and white bark

River Western Birch

Betula occidentalis

Mature Size: 25' x 20'

Description: Attractive reddish brown bark and glossy green leaves. Native to the intermountain region.

Chokecherry

Prunus virginiana

Mature Size: 20' x 20'

Description: Very adaptable, native, multi-stemmed tree with white spring flowers. Fruit is used in jellies and syrup.

Red Leaf Chokecherry

Prunus virginiana 'Schubert'

Mature Size: 20' x 18'

Description: Foliage emerges green and turns purplish red. White fragrant flowers.

Crabapple

Malus species

Mature Size: 15'-25' x 10'-20'

Description: Beautiful flowering landscape tree with spring blossoms and summer fruit. Varieties differ by the flower colors which range from white to dark pink. The foliage can be green or purple. Some have edible fruit.

Douglas Hawthorn

Crataegus douglassii

Mature Size: 20' x 15'

Description: Small multi-stemmed tree with dark green, shiny leaves. Black berries are enjoyed by birds. Red fall color.

- Amur Maple** *Acer ginnala*
 Mature Size: 15' x 15'
 Description: Small multi-stemmed tree with excellent fall color
- Tartarian Maple** *Acer tatarica*
 Mature Size: 20' x 20'
 Description: Small multi-stemmed tree similar to Amur Maple
- Fremont Poplar** *Populus fremontii*
 Mature Size: 50' x 35'
 Description: Large open-crowned tree with massive trunk and branches.
 Bright green leaves with yellow fall color.
- Narrowleaf Poplar** *Populus angustifolia*
 Mature Size: 60' x 20'
 Description: Fast growing tree native to mountainous riparian areas.
 Useful for bank stabilization, habitat restoration and windbreaks.
- Skinner Broadleaf Poplar** *Populus sargentii 'Skinner'*
 Mature Size: 80' x 40'
 Description: Fast growing tree found near rivers.
- Gold Willow** *Salix alba vitellina*
 Mature Size: 40' x 30'
 Description: Large tree with bright yellow branches.

EVERGREENS

- Bristlecone Pine** *Pinus aristata*
 Mature Size:
 Description:
- Limber Pine** *Pinus flexilis*
 Mature Size:
 Description:
- Lodgepole Pine** *Pinus contorta*
 Mature Size:
 Description:
- Tree Form Mugo Pine** *Pinus mugo rostrata*
 Mature Size:
 Description:
- Scotch Pine** *Pinus sylvestris*
 Mature Size:
 Description:
- Black Hills Spruce** *Picea glauca densata*
 Mature Size:
 Description:
- Colorado Spruce** *Picea pungens*
 Mature Size:
 Description: