

October 2019

CHAPTER 137: TREES

Section 137-01 Purpose.

- (A) This Chapter is enacted to further the following public purposes:
- (1) To plant and maintain Municipal Trees in support of increasing the citywide tree canopy, pursuant to the City's most current Tree & Shade Master Plan;
 - (2) To promote efficient and cost-effective management of the City's urban forest;
 - (3) To foster community support for the City's urban forestry programs and encourage good tree management on privately-owned properties by conducting an ongoing program of public outreach and education in order to promote public understanding of the City's urban forest;
 - (4) To maintain status as a "Tree City, USA", by the National Arbor Day Foundation, a designation that will increase opportunities for the City to pursue and successfully obtain grant funding specific to the establishment, promotion, and management of our urban forest.

Section 137-02 Definitions.

- (A) "Municipal Tree" shall mean any tree owned or maintained by the City of Yuma, including those growing in City rights-of-way, parks, retention basins, and other facilities.
- (B) "Street Tree" shall refer to, for the purpose of this article, any tree that grows to an average mature height of 30 feet or more, generally has a high branching pattern, and upright or rounded crown form. Street trees are planted near the sidewalk or street to provide shade to pedestrians and visual enclosure to the street. The best species for street trees are low maintenance and produce low litter.
- (C) "Removal" shall mean any intentional or negligent moving, carrying away, elimination or taking away of part or all of a tree.

Section 137-03 Applicability.

- (A) This Chapter is applicable to all Municipal Trees, shrubs, and cacti on property owned or maintained by the City of Yuma, including public rights-of-way, parks, retention basins, and other facilities.
- (B) Responsibility for the care and management of Municipal Trees is shared between the following: the Parks Maintenance Division of the Parks and Recreation Department;

the Streets Maintenance Division and Basin Maintenance Division of the Public Works Department; and the adjacent property owners who are responsible for perpetual maintenance of all landscaped areas in the public right-of-way adjacent to their lot in accordance with Section 154-20.05 of this Code. All officers and investigators of the City Police and Fire Departments, the Parks and Recreation Department, the Community Development Department, and the Public Works Department are authorized to issue notices to comply and citations for violations of this Chapter within City jurisdiction.

- (C) The responsible entities shall use their best efforts to ensure their activities are guided by the Tree & Shade Master Plan, or any superseding management plans. The City shall update and improve this Plan as necessary.
- (D) The City may authorize an exception or partial exception to the restrictions in this Chapter under any one of the following conditions:
 - (1) A verifiable emergency exists that endangers life or property;
 - (2) There is an interruption of essential Public service;
 - (3) Public or other service for transportation is required where no other feasible means of providing such service exists;
 - (4) Public Works or maintenance work performed by or on behalf of the City; or
 - (5) Work is required by City, County, State or Federal regulation.

Section 137-04 Maintenance.

- (A) All Municipal Trees, shrubs, and cacti shall be planted, managed, and cared for through adherence to the American National Standards Institute (ANSI), ANSI A300 Standards for Tree Care Operations - Tree, Shrub, and Other Woody Plant Management (most current revisions).
- (B) With the exception of required maintenance, no person shall damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any Municipal Tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to Municipal Trees to come in contact with them; or set fire or permit fire to burn when such fire or the heat will injure any portion of any Municipal Trees.
- (C) Tree-topping shall not be allowed on Municipal Trees.
- (D) Street trees shall be pruned and maintained to allow for minimum of 12 feet of clearance over any roadway and seven feet of clearance over any sidewalk.

Section 137-05 Tree Removal & Replacement.

- (A) Municipal Trees shall not be removed without a permit issued by the City and assessment by a certified arborist.
- (B) Permit Required. It shall be unlawful for any person or corporation to remove any Municipal Tree without a valid encroachment permit for such work issued by the City Engineer, pursuant to Title 21: Streets and Traffic Code, Chapter 210 of this code.
- (C) An abutting property owner who desires to remove a Municipal Tree shall apply to the City Engineer for an encroachment permit on forms provided for such purpose by the City. The City Engineer, or his or her designated representative, may grant or deny the permit in accordance with the following procedures and requirements.
 - (1) Replacement. If a permit to allow tree removal is issued, it shall require a tree or trees be planted on the site and within the right-of-way to replace the removed tree or the permit shall impose an in-lieu fee unless it makes written findings detailing the basis for waiving or modifying this requirement.
 - (a) Replacement tree(s) shall be chosen from the City of Yuma Recommended Plants List.
 - (b) If the tree to be removed has a diameter at breast height (DBH) of less than 6 inches or it is a non-desirable species as determined by the City Arborist, it shall be replaced with one (1) 15-gallon or larger tree.
 - (c) If the tree to be removed has a diameter at breast height (DBH) of 6 inches to 12 inches, it shall be replaced with two (2) 15-gallon or larger trees.
 - (d) If the tree to be removed has a diameter at breast height (DBH) greater than 12 inches, it shall be replaced with (3) 15-gallon or larger trees.
 - (2) In-Lieu Fees. If an encroachment permit is granted for tree removal and an in-lieu fee required, the in-lieu fee shall be determined by the City Arborist based on the estimated replacement value of the tree to be removed. In-lieu fees may be required if the lot in question is inadequate in size to accommodate the required replacement tree.
 - (3) Municipal Tree Fund. Monies collected from in-lieu fees shall be credited to the Municipal Tree Fund to be used for care and maintenance of Municipal Trees and to offset the loss of Municipal Trees due to removal, destruction, or death. Persons may donate money for the purpose of tree planting and maintenance and said donations shall be credited to the Municipal Tree Fund.

Section 137-06 Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Chapter or

any part of the Code adopted herein by reference are hereby repealed.

Section 137-07 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 137-99 Penalty.

- (A) Unless otherwise specifically provided for in this Chapter, any person or corporation who shall violate any provision of this Chapter shall be deemed guilty of a class 3 misdemeanor, and shall be punished as provided in § 10-99 of this Code.
- (B) Any and all amounts paid or collected pursuant to this subsection, with the exception of enforcement and administrative costs, shall be deposited into the Municipal Tree Fund.