

ORDINANCE NO. 458

AN ORDINANCE ESTABLISHING A TREE BOARD FOR THE TOWN OF MILLS, NATRONA COUNTY, WYOMING, PROVIDING REGULATIONS FOR THE PLANTING, CARE, AND MAINTENANCE OF TREES WITHIN THE TOWN OF MILLS, THE LICENSING OF ARBORISTS, AND PROVIDING PENALITIES FOR VIOLATIONS THEREOF

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING.

WHEREAS, the Town of Mills wishes to establish provisions for the care of trees and shrubs on public rights-of-way, provisions for certification of arborists to ensure the proper pruning and care of trees within the Town and establish requirements for maintaining trees in a safe manner within the Town; and

WHEREAS, the Town wishes to establish a Tree Board comprised of individuals with an interest in protecting and enhancing trees within the Town;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Mills, Wyoming.

SECTION 1 – Definitions.

- a.) "Small trees" – trees which attain a height of less than 30 feet at maturity.
- b.) "Large trees" – trees which attain a height of 30 feet or more at maturity.
- c.) "Arborist" – any person, firm or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals or removing trees for compensation.
- d.) "Town property" – all Town owned property, including parks, rights-of-way, and other real property.
- e.) "Tree topping" – the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- f.) "Property owner" – any person owning property within the Town of Mills, as shown by the records of the Assessor of Natrona County, Wyoming.

SECTION 2 – Establishment of Town of Mills Tree Board.

There is hereby created and established a Tree Board for the Town of Mills, Wyoming. The Tree Board shall consist of the Board of Directors of the Mills Area Community and Economic Development Association. The Tree Board shall be appointed by the Mills Town Council. Up to two ex-officio members will serve as technical advisors to the Tree Board. All members of the Tree Board shall serve without compensation.

SECTION 3 – Duties of the Tree Board.

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a plan for the care, preservation, pruning, planting, or removal

of trees on any town property. Such plan will be presented to the Town Council annually and, upon their acceptance, shall constitute the comprehensive tree plan for the Town of Mills.

SECTION 4 – Review by the Town Council.

The Town Council shall have the right to review the conduct, acts, and decisions of the Tree Board. Any person can appeal any decision, ruling, or order of the Tree Board to the Town Council who may hear the matter and make a final decision. The appeal must be submitted to the Town Clerk within 30 days of the Tree Board decision.

SECTION 5 – Arborist License.

It shall be unlawful for any person or firm to engage in the business or occupation of cutting, trimming, pruning, spraying, injecting chemicals or removing trees or shrubs for compensation within the Town of Mills without obtaining an arborist license in advance. Before an arborist license will be granted, the applicant must meet the following criteria:

- 1.) The arborist must maintain general liability and property damage insurance with a minimum of \$50,000 bodily injury coverage, and \$100,000 property damage coverage.
- 2.) The arborist must successfully complete a competency test administered by the Natrona County Extension Office.
- 3.) At least one representative from each business shall secure certification from the International Society of Arboriculture (ISA).
- 4.) An arborist is required to pay a fee at the time of licensing. The amount of this fee will be established by the Town.

Failure of an arborist to comply with these conditions will be grounds to revoke such license in addition to the imposition of any other penalty provided by Section 17 of this Ordinance.

SECTION 6 – Property Owner Exemption.

A property owner or a member of his immediate family who trims, prunes, or cuts any tree or shrub within any public right-of-way which abuts his property, shall not be required to obtain an arborist license.

SECTION 7 – Public Tree Care.

The Town shall have the right to plant, prune, preserve and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public property, as may be necessary to insure safety when servicing Town utilities or to preserve the symmetry and beauty of such public grounds. The Town may, at its option when advised by the Town Tree Board, remove or cause or order to be removed any tree or part thereof which is an unsafe condition or which by its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.

SECTION 8 – Property Owner Responsibilities.

It is the responsibility of the owner of any tree which overhangs any street, right-of-way, or other Town property to prune the tree to remove hazardous conditions such as dead, diseased, damaged, or dangerous trees or limbs which constitute a menace to public safety. Trees may not obstruct the light from any streetlight or the view of any intersection, or the visibility of any traffic control device or sign. Any tree which causes menace to the general public or in any way endangers the security and usefulness of any public street, highway, alley, sewer or sidewalk, or is so determined following an inspection, the same is declared to be a public nuisance. The Town shall have the right to order the removal of any tree, branch, or other vegetation, which constitutes a menace. The property owner will be notified in writing to remove the hazard. Removal will be done at the expense of the property owner within reasonable time after the notice has been given. If the property owner fails to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the property owner.

SECTION 9 – Injuring of Trees on Town Property.

It shall be unlawful for any person to intentionally cause harm to any tree on Town property including but not limited to carving, debarking, cutting, breaking limbs, nailing, stapling, or otherwise affixing any sign, or notice to a tree.

SECTION 10 – Tree Topping.

It shall be unlawful for any person to top any tree on Town property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter 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.

SECTION 11 – Removal of Stumps.

All stumps on Town property shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION 12 – Obstruction of View.

No tree, shrub, or other vegetation, on Town property or private property, shall obstruct the view at any intersection of streets. On corner lots, no tree, shrub, or other vegetation shall interfere with the unobstructed view over 36 inches above the nearest street in a restricted triangular area formed by the three points established by the intersection of property lines at the corner, and by measuring 30 feet back from this intersection on each property line.

SECTION 13 – Fire Hydrants.

No tree will be planted within 10 feet of any fire hydrant.

SECTION 14 – Utilities.

No large trees will be planted under or within 10 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.

SECTION 15 – Prohibition of Nuisance Trees.

The Town Tree Board has the authority to prohibit any tree, bush, or other vegetation which is deemed a nuisance, from being planted within the limits of the Town of Mills, including cotton bearing species, female boxelder or any willow species.

SECTION 16 – Clearance.

Trees must be trimmed so that any branch, which overhangs any road, alley, or right-of-way, is at a minimum height of 14 feet so as to provide safe clearance for vehicles. Any branch which overhangs any sidewalk or pedestrian walkway must be trimmed so that it is a minimum height of 8 feet to provide safe clearance for pedestrians.

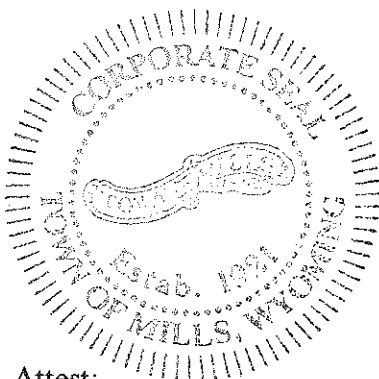
SECTION 17 – Penalty.

Any person violating any provision of this Ordinance shall be, upon conviction thereof or plea of guilty, subject to a fine not to exceed \$750 per offense.

PASSED ON FIRST READING the 6th day of January, 1999.

PASSED ON SECOND READING the 3rd day of February, 1999.

PASSED, APPROVED, AND ADOPTED ON THIRD AND FINAL READING the 8th day of September, 1999.



TOWN OF MILLS, a Municipal Corporation

By Robert L. Goff
Robert L. Goff, Mayor

Attest:

Sue Regennas
Sue Regennas, Clerk
Town of Mills

I, Sue Regennas, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 458, entitled, "AN ORDINANCE ESTABLISHING A TREE BOARD FOR THE TOWN OF MILLS, NATRONA COUNTY, WYOMING, PROVIDING REGULATIONS FOR THE PLANTING, CARE, AND MAINTENANCE OF TREES WITHIN THE TOWN OF MILLS, THE LICENSING OF ARBORISTS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" passed on third and final reading by the Governing Body of the Town of Mills, Wyoming, at a regular meeting held in the Council Chambers at 704 4th Street, Mills, Wyoming, on the 8th day of September, 1999.

Signed: Sue Regennas
Sue Regennas, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed attested, sealed and certified copies of this Ordinance No. 458, approved and passed as certified above, were, following its passage by the Governing Body, posted in the Mills Post Office and the Town Clerk's Office for a period of ten days as required by law, that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 27th day of September, 1999.

Signed: Sue Regennas
Sue Regennas, Town Clerk