Cottonwood Heights City
Trees and Park Strip Landscaping Ordinance

Chapter 14.04 - DEFINITIONS

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14.04.040 Curbline.

"Curbline" means a line on either side of the center of a highway ten feet inside the right-of-way line and running parallel to the right-of-way line. Any individual exceptions to this definition must be approved by the city.

14.04.050 Department.

"Department" means the city's ~~community development~~ public works department or other designee of the city.

14.04.060 Fenceline.

"Fenceline" means a line on either side of the center of a highway coterminous with the outside boundary or limits of the highway.

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14.04.062 Hazardous Tree.

"Hazardous Tree" means a dead or dying tree, dead parts of a live tree, or an unstable live tree (due to structural defects or other factors). Hazardous trees have the potential to cause property damage, personal injury, or fatality in the event of a failure.

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14.04.065 Landscaping

"Landscaping" means any activity that modifies the visible features of an area of land outside any structure, including the following definitions:

"Landscaping, impervious hardscape" means, concrete, stamped-concrete, and pavers systems with less than 1/8 inch minimum joint spacing. Asphalt is prohibited as an impervious hardscape landscaping material.

"Landscaping, permeable hardscape" means natural or crushed rock and stone, flagstone, organic and/or inorganic mulch, and permeable paver systems with 1/8 inch minimum joint spacing that allow water to penetrate the soil.

"Landscaping, softscape" means intentionally planted living plants such as trees, shrubs, vines, ground covers, flowers, turf, or ornamental grass at three-year maturity.

"Landscaping, water efficient" means landscaping that uses a combination of tactics to provide landscaping in a way that reduces typical water usage including, but not limited to, grouping plants according to their water needs, utilizing native drought-tolerant trees and plants, limiting turf areas to those needed for practical uses, adding permeable hardscape landscaping that compliments vegetative softscape landscaping, uses efficient irrigation, ensures that the soil that is supporting plants is healthy, utilizes mulch, and receives regular maintenance.

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14.04.090 Maintenance.

"Maintenance" means the performance of all things necessary to keep a public highway, sidewalk, or park strip in serviceable condition.

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14.04.175 Noxious Weed.

"Noxious Weed" means a plant identified by the State Weed Committee and regulated by the Salt Lake County Department of Health.

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14.04.105 Park Strip

"Park strip" means a landscaped area between the curbline and the sidewalk, or fenceline in a case where no sidewalk exists, in any public or private right-of-way.

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14.04.150 Sidewalk.

"Sidewalk" means ~~that area~~ a concrete walkway between the ~~curbline~~ park strip and the fenceline, or curbline in a case where no park strips exist, on either side of a highway.

14.04.158 Tree.

"Tree" means any perennial self-supporting woody plant that grows at maturity to an overall height of a minimum of ten feet, has a single trunk or multiple trunks which are four inches in diameter.

"Tree, public" means any tree within a public right-of-way, a private right-of-way, or on public property.

14.04.160 Tree Planting Line.

"Tree Planting Line" means a line equidistant between the sidewalk and curbline.

14.04.170 Weed.

"Weed" means a plant growing on a property that was not intentionally planted and is not native to the local environment as opposed to native and intentionally planted and cultivated plants.

Chapter 14.44 - ~~SHADE~~ TREES AND PARK STRIP LANDSCAPING

Sections:

14.44.010 Care of trees.
14.44.020 ~~Planting line.~~ Park strip design standards
14.44.030 ~~Condemnation and removal of trees.~~ Park strip tree standards.
14.44.040 Condemnation and removal of trees.

14.44.010 Care of trees.

~~In all cases the abutting property owner who receives the beneficial use of and benefit from trees is to care for and water the same. Failure to care for trees may constitute a nuisance.~~

A. **Purpose**: The City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The purpose of this ordinance is to promote the general welfare of the city by establishing and maintaining the maximum possible amount of canopy coverage provided by trees to improve:
   - air quality,
   - water quality,
   - conservation of energy,
   - biodiversity and habitat,
   - roadway longevity, and

   decrease
   - urban heat island effects,
   - consumption of water,
   - light and noise trespass,
   - driving speed, and
   - impact on storm drainage.

B. **City Forester:** The Community and Economic Development Director (CED) shall designate an employee or qualified contract employee or entity as the city's forester who shall:
   1. Be responsible for the long-term management, inventory, planting, and design of public trees under city control in cooperation with the CED Director.
   2. Maintain partnerships between public and private parties for the benefit of trees.

3. Coordinate with the Public Works Department in the training of city crews or contract providers to ensure the best methods of tree care are practiced in the community.
4. Work with engineers, architects, and the Community Development Department during the design phase of development.
5. Inspect trees installed as part of new development, or redevelopment, to ensure they meet city requirements.
6. When requested, assist the Police, Public Works, and City Administration Departments to determine if hazardous trees are present on public or private property and coordinate city measures to abate hazards.
7. Pursue funding opportunities that allow for the maintenance of existing trees or the addition of new trees.

If the CED Director appoints a city employee to fulfill the role of City Forester, the CED Director may also enter into a limited contract with a qualified contract employee, or entity, to execute duties that city staff is unable or unqualified to perform.

C. **City responsibilities:** The city shall assume responsibility for:
1. Tree care in city-owned and operated parks, on the grounds of city buildings and properties, and in park strips that the city administration has determined will be maintained by the city.
2. Pruning of trees in the public right-of-way and public utility easements when necessary for proper operation of city services or utilities.
3. Removal of diseased or dying trees and/or limbs in the public-right-of-way or city owned and operated parks that are beyond reclamation that the City Forester determines to be a hazard.
4. Per Utah Code 4-17-112, the city shall develop, implement, and pursue an effective program for the control and containment of weeds and noxious weeds on all lands under the city's control or jurisdiction, including highways, roadways, rights-of-way, and easements.

D. **Responsibility for correcting hazardous trees on private property:** Where a hazardous tree exists upon private property, the property owner and all other persons having control of the property on which such hazardous tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazardous tree is a public nuisance.
1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazardous tree.
2. If the city determines that a particular tree is a hazardous tree on any lot, building, or premise, the city may give a written notice to the owner, occupant, or agent of that property to remove or correct the hazardous tree.
   a. If a hazardous tree is not removed or corrected within thirty days after the notice is complete, the city may mitigate, abate, correct, or remove the hazardous tree, and

charge associated correction and legal costs to the person(s) or entity that owns the property on which the hazardous tree exists.

b. If the person(s) or entity denies the city's determination that the tree is a hazardous tree or refuses to remove or permit removal, the city may bring an action to abate the hazardous tree as a public nuisance as outlined in Chapter 9.05 Cottonwood Heights City Code.

c. A notice to remove a hazardous tree may be appealed per the provisions of Section 9.05.110 Cottonwood Heights City Code.

3. The city, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazardous tree.

E. **Protection of public trees:**

1. The following actions by any person, firm, or corporation are prohibited and unlawful toward any public tree within a public right-of-way, or upon public property, without authorization from the public agency by which it is owned:

a. Construction of any impervious or pervious landscaping, concrete, or asphalt within three feet of a public tree trunk.

b. Fill the ground area around any public tree that shuts off air or water from a tree's roots.

c. Piling of material or equipment on or within three feet of a tree.

d. Fastening any sign, guywire, cable, or rope to any tree, except for tree straps intended to stabilize a tree.

e. Pouring or spraying injurious matter on or around a tree.

f. Posting any sign, tree stake, or guard in a manner that injures a tree or its root system.

g. Damaging any part of a tree (roots, crown, trunk) as to cause injury or death.

2. Any person performing construction, excavation, or demolition work within 15 feet of a public tree shall protect the tree from injury or damage with a substantial protective barrier. The barrier shall not be less than four feet high and have a three-foot radius around the tree or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured four feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The City Forester must be consulted regarding any deviation to this standard.

3. No person shall use a public tree for any unauthorized purpose.

F. **Trees planted in park strips:** See Section 14.44.030.

G. **Violation and penalty:** Any person who violates any provision of this chapter shall be guilty of a class C misdemeanor. If the violation of any provision of this chapter causes the injury, mutilation, or death of a public tree, the violating party shall pay the cost of repair or replacement of such tree. The replacement value of public trees shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture. The city may pursue criminal or civil actions against

any person or entity who violates this chapter as is deemed appropriate, including abatement or injunctive relief.

~~14.44.020 Planting line.~~

~~The line on which the trees are to be centered within a city highway right-of-way shall be determined by the department.~~

14.44.020 Park Strip Design Standards

A. General provisions: As required by Section 14.12.060, newly constructed park strips shall be a minimum of five feet in width between the sidewalk and the curbline.

1. ***Landscaping standards:*** All park strip shall be landscaped as outlined in sections (B) and (C). Additionally:
    a. Except for trees, landscaping in park strips shall not exceed three feet in height. Vegetation may not extend horizontally beyond the planter strip.
    b. Water-efficient trees and landscaping is highly encouraged in all situations. Organic mulch materials may be used as a water conservation measure for vegetation but shall not be used exclusively as a landscaping material.
        i. Wasting water in park strips by significantly over-watering or over-spraying landscaped areas, or by creating excess runoff, is highly discouraged.
    c. Prohibited materials include impervious hardscape landscaping, asphalt, thorn-bearing vegetation, and other vegetation and materials determined to be a nuisance by the Community and Economic Development Director.
    d. Trash, debris, and weeds are prohibited within park strips.
    e. Owners of property adjacent to a right-of-way without curb and gutter are not required to maintain landscaping within the public right-of-way.
2. ***Timing of required park strip improvements:*** Park strips shall be developed or restored to the park strip landscaping design standards outlined in this chapter whenever new development or redevelopment of a property occurs. Redevelopment is defined to occur when a property has a new primary structure constructed that accommodates an approved principal zoning use.
    a. Existing park strips less than five feet in width do not require upgrading to five feet until the adjacent property develops or redevelops and only if the Public Works Department anticipates a minimum five-foot park strip will be required for the right-of-way in the future.
    b. Required landscaping in park strips shall be installed or upgraded per the standards of this chapter within two-years of the issuance of building permits for any new structures that constitute a primary zoning use for the site.

c. Before any digging or excavation exceeding a depth of one foot is performed in any park strip, Blue Stakes of Utah shall inspect the property and identify the location of utility lines. All persons conducting work in a park strip shall follow any instructions provided by Blue Stakes of Utah.

B. Landscaping for park strips four feet or greater in width:

1. One hundred percent of the park strip may be developed in softscape landscaping. Water-efficient landscaping is highly encouraged.
2. No more than fifty percent of the park strip shall be developed in permeable hardscape landscaping. Permeable hardscape sections shall be no more than ten feet in length and shall alternate with softscape landscaped sections.

C. Park strips less than four feet in width*:*

1. One hundred percent of the park strip may be developed in softscape landscaping, although water-efficient landscaping and permeable hardscape landscaping is highly encouraged.
2. Except for areas reserved for trees and tree buffers, up to one hundred percent of the park strip area may be developed in permeable hardscape landscaping.

D. Double Frontage Lots: With the exception of the required planting bed of three feet on either side of the tree trunk, any park strip adjacent to the rear property line may be landscaped with a stamped concrete as selected by the city. The Public Works department shall select a uniform standard for city-wide implementation for double frontage lots. Irrigation is required for any tree within the double frontage planter strip.

14.44.030 Park Strip Tree Standards.

A. Private property owner responsibilities: Property owners, and their occupants and agents, shall have the following responsibilities for the protection of trees in park strips abutting their real property:

1. Appropriate watering and fertilization to maintain good health of public trees in park strips.
2. Trees that overhang the street pavement shall be trimmed to a minimum height of 13.5 feet above the street pavement.
3. The species of trees planted in the park strip shall be limited to those approved within the city street tree guide or otherwise approved by the City Forester.
   a. Trees that help develop a street canopy and shade at maturity are encouraged and preferred over other tree species.
   b. Tree diversity is encouraged throughout the city. However, the City Forester may require a limited list of tree species for key city streets, including, Fort Union Boulevard, Highland Drive, Wasatch Boulevard, Union Park Avenue, and Canyon Centre Parkway, as identified in the city tree selection guide.

   c. Tree species selected for planting under power poles shall be those that grow no greater than 20 feet in height at maturity.
4. Removal of limbs that have fallen upon a city street, property, or sidewalk.
5. Notify the city of any hazardous tree in the right-of-way.
6. Raking, cleanup, and properly disposing of debris leaves so leaf fall does not impede the stormwater system.
7. The city shall have no liability for the failure of any tree or landscaping installed by private parties other than city-maintained property.

B. Park strips four feet or greater in width: Park strips four feet or greater in width shall be planted with trees.

1. Trees shall be:
   a. spaced not more than 25 feet apart, exclusive of driveway approaches;
   b. planted along the tree planting line;
   c. a minimum two-inch caliper trunk size or twenty-gallon root ball container at the time of planting;
   d. planted and centered within a six-foot wide planting bed. The tree planting bed shall entirely exclude any hardscape, and shall be primarily covered with bark or mulch;
   e. selected from the city tree selection guide maintained by the City Forester relative to the park strip width; and
   f. shall be installed with proper irrigation and an 18-inch-deep by six-foot root barrier on the sidewalk side of the park strip.

C. Park strips less than four feet in width: Park strips with four feet or less between the back of curb and the front of sidewalk shall only include trees as identified on the city street tree guide as being suitable for spaces less than four feet in width, or otherwise as approved by the City Forester. Existing trees may remain, but if the tree root system is in danger of damaging the adjacent sidewalk through cracking or uplift, then the tree is highly encouraged to be replaced.

1. Property owners next to this situation are highly encouraged to plant large trees four feet back from the sidewalk in the front yard as a substitute for trees planted in the park strip.
2. Existing trees identified on [aerial image dataset] dated [date] are legal nonconforming. Any non-permitted tree determined to be planted after [insert adoption day] shall be removed at the expense of the adjacent property owner.

D. Bonding: Required trees shall be bonded for prior to the issuance of a building permit or final site plan approval.

~~14.44.030~~ 14.44.040 Condemnation and removal of trees.

The Community and Economic Development Department ~~department~~, upon giving proper notice to abutting property owner, shall have the authority to condemn and remove, or order the removal by the abutting property owner of, any tree or tree stump upon any city roads, avenues, or ways where the tree, tree stump, shrub or vine is dead, diseased or for any other reason undesirable. The department shall have authority to trim or prune any road tree or remove any tree that is in violation of any city ordinance, without serving notice upon the abutting property owner.

Chapter 19.87 - SITE PLAN REVIEW PROCESS

19.87.040 ~~ARC~~ Architectural Review Commission (ARC) requirements.

A. **Gateway design guidelines.** All developments within the gateway overlay zones, or those areas and developments which are specifically listed as being subject to the gateway design guidelines, shall adhere to the requirements of the gateway design guidelines and standards.

B. **Mechanical equipment.** All mechanical equipment shall be located or screened (and/or other measures taken) so as not to be visible from any public or private street. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the planning commission.

C. **Trash enclosures, storage areas, and external structures.** Landscaping, fencing, berms, or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be compatible with the proposed or existing building and surrounding structures. These areas shall be well-maintained and oriented away from public view. The consolidation of trash areas between businesses and the use of modern disposal and recycling techniques are encouraged. Chain-link fences and fencing with vinyl slats are prohibited. Acceptable gates will be painted metal.

D. **Exterior materials.** The city's architecture review commission ("ARC") shall ensure that all buildings are aesthetically pleasing and conform to an overall master design theme or plan for the project or overlay area of the city. Building elevations shall be submitted that indicate all colors, styles, materials, and other proposed building treatments.

E. **Landscape guidelines.** All site plans shall conform to the city's landscaping guidelines.

F. **Saving existing vegetation.** Developments shall be designed to incorporate existing trees, clusters of trees, or clusters of significant vegetation unless the City Forester finds (or a certified arborist in the absence of a finding from the City Forester) that such preservation is impractical or unwise.

1. The City Forester may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into the design of a development versus the problems such vegetation may create for the development, including general construction techniques, the impact removal may have on the character of the area, the topography of the site, minimum development standards, and harmful conditions the vegetation may create.

2. If existing trees, clusters of trees, or existing vegetation deemed beneficial to the property are removed without city authorization prior to approval of a development, then the City Forester may impose a fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

3. Trees and other vegetation required for preservation shall be clearly marked to ensure protection against removal or damage. Snow fencing or other acceptable barriers shall be used to protect existing vegetation designated to be saved. The City Forester shall approve the location of such barriers.

G. **Appeal of City Forester Determination.** A site plan review determination by the City Forester on the preservation of trees and vegetation may be appealed to the city's architecture review commission ("ARC").

~~F.~~ H. **Building lighting.** Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be shielded and full cut-off so that the light source does not penetrate beyond the property where the structure is located. To prevent light pollution, to the greatest extent possible lighting shall not project above or beyond the property line.

~~G.~~ I. **Parking lot and street lighting.** All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Lighting of all pedestrian pathways is required.

1. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings.
2. Intensities shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the ~~City's~~ city's lighting design standards.

Chapter 12.04 - DEFINITIONS

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12.04.335 Park Strip

"Park strip" means a landscaped area between the curbline and the sidewalk, or fenceline in a case where no sidewalk exists, in any public or private rights-of-way.

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Chapter 12.24 - REQUIRED IMPROVEMENTS

12.24.070 Curbs, gutters, sidewalks, and park strips.

A. Curbs and gutters on all streets shall be concrete of the standard high back-type unit, not less than 30 inches, inches in overall width, and not less than six inches thick where the curb abuts the street pavement. Low back curb may be installed in cul-de-sacs and wherever approved by the city engineer.

B. All curb corners shall have a radius of not less than 25 feet.

C. The subdivider shall install curbs, gutters, and sidewalks on existing and proposed streets in all subdivisions.

D. The subdivider ~~may~~ shall be required ~~by the city~~ to install a park strip per Section 14.12.060 and property owners shall provide landscaping per Chapter 14.44. ~~in the area between the curb and sidewalks. The type and amount of landscaping required shall be at the discretion of the community and economic development director and may vary within the development.~~
E. Waterways shall meet APWA standards.
~~F. The plants and other landscaping material that best serve the intended functions shall be used. Landscaping material shall be appropriate for local environment, soil conditions and availability of water.~~

Chapter 14.12 - STANDARDS FOR ROADWAYS, SIDEWALKS AND OTHER INFRASTRUCTURE

14.12.040 Clear view of intersecting streets.

A. Corner sight distance for local streets as defined in the AASHTO guidelines shall be a minimum of 300 feet. All other locations shall be provided with sight distance in accordance with AASHTO guidelines.

B. No constructed or planted obstruction to view, in excess of two feet in height above the level of the adjacent street pavement (measured at the edge of the pavement) shall be allowed within the clear view of intersecting streets. Exception to this are signs that conform to the applicable zoning code; a reasonable number of trees pruned to ~~ten feet~~ 13.5 feet above the street pavement~~;~~ and pumps at gasoline service stations. In the event the provisions of this subsection conflict with zoning codes, the most restrictive shall apply.

C. Landscaping material or other obstructions which infringes the clear view of intersecting streets that creates a safety hazard, after 20 days' notice to property owner by certified mail has been given, may be trimmed or removed by city employees or by any other person or entity designated by the city.

D. The city shall be entitled to reimbursement of the costs incurred by it in trimming or removing landscaping or obstructions under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereto at the statutory rate, and the city's attorney's fees and costs of suit.

14.12.050 Landscaping overhanging street pavement.

Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of ~~thirteen and one-half~~ 13.5 feet above the street pavement. Trees and landscaping which violate the requirements of this section may be trimmed or removed by city employees or by any other person or entity designated by the city after 20 days' notice by certified mail to the property owner has been given. The city shall be entitled to reimbursement of the costs incurred by it in trimming trees and landscaping under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last

known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereon at the statutory rate, and the city's attorney's fees and costs of suit.

14.12.060 Sidewalks and Park Strips.

A. Sidewalks shall be located as far as practical from travel lanes. As the minimum standard, concrete sidewalks shall be ~~four~~ five feet in width with a five-foot wide ~~utility~~ park strip between the ~~roadway~~ edge of sidewalk and back of curb.

B. A five-foot wide sidewalk will be allowed integral with the back of curb where exceptional topographic conditions exist or where specifically approved by the city. Where integral sidewalk is permitted, the right-of-way may be reduced accordingly.

~~C. When properties are adjacent, but do not access or front on public right-of-way, a stamped brick pavement in the utility strip or other suitable approved finishing material shall be required to reduce maintenance in these areas unless an exception is granted by the city.~~

~~D.~~ C. In developments which have a minimum lot area of ~~one acre~~ one-acre, aesthetic alternatives may be approved in lieu of standard concrete, except areas along collectors and arterials. The department or its designee shall review and approve all design and geometric standards for such requests.

~~E.~~ D. Sidewalks shall remain unobstructed from vegetation and other obstructions to a minimum height of seven feet. Landscaping or other obstructions which violate the requirements of this section may be trimmed or removed by city employees or by any other person or entity designated by the city after 20 days' notice by certified mail to the property owner has been given. The city shall be entitled to reimbursement of the costs incurred by it in trimming or removing landscaping or obstructions under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereon at the statutory rate, and the city's attorney's fees and costs of suit.

14.12.070 Horizontal clearance to obstructions.

On all streets a minimum clearance of 24 inches shall be provided between the curb face or shoulder edge and obstructions such as utility poles, fire hydrants, trees, landscaping exceeding three feet in height, etc., except standard mailboxes approved by the U.S. Postal Service.

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Consolidated Fee Schedule

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UNAUTHORIZED REMOVAL OF A TREE FEE ……$XXX