

## **Part 3 Heritage Trees**

### **65A-8-301 Legislative finding and purpose.**

- (1) The Legislature finds the health and welfare of the people of the state require the preservation of certain rare, or threatened, or vanishing species of trees to preserve the state's scenic beauty and preserve its historic past as it relates to such trees.
- (2) It is the intent of this part to retain as many heritage trees as possible consistent with the reasonable and economic enjoyment of private property.

Renumbered and Amended by Chapter 136, 2007 General Session

### **65A-8-302 Definitions.**

As used in this part:

- (1) "Alter" means to change the configuration of a heritage tree by pruning, trimming, topping, cutting, or by any other means.
- (2) "Division" means the Division of Forestry, Fire, and State Lands.
- (3) "Heritage tree" means any tree or group of trees designated as such by the division, in accordance with the following criteria:
  - (a) any live tree or group of trees indigenous to the state, or which has adapted exceptionally well to the climatic conditions of the state, or is one of a kind;
  - (b) any tree or group of trees that has exceptional national, state, or local historic significance;
  - (c) any tree or group of trees which has an exceptional size or exceptional form for its species;
  - (d) any tree or group of trees which has an exceptional age for its species; or
  - (e) any tree or group of trees in the state which is the sole representative of its species.
- (4) "Person" means any individual, partnership, corporation, or association.

Amended by Chapter 507, 2024 General Session

### **65A-8-303 Application to alter or remove trees.**

- (1) Any person that desires to alter or remove one or more heritage trees from any public property within this state shall before altering or removing any such tree make application to the division on forms prescribed by it.
- (2) An application for alteration or removal shall be filed with the division at least 60 days before the actual alteration or removal of any such trees.
- (3) The application shall state:
  - (a) the name of the applicant;
  - (b) the number, location, and species of the trees proposed to be altered or removed;
  - (c) the reason for alteration or removal; and
  - (d) other information as the division may reasonably require.

Renumbered and Amended by Chapter 136, 2007 General Session

### **65A-8-304 Guidelines and standards for granting or denying applications to alter or remove trees.**

The division shall consider the following criteria in granting or denying an application:

- (1) the physical condition of the heritage tree or trees with respect to:

- (a) insect infestation;
  - (b) disease;
  - (c) danger of falling;
  - (d) proximity to existing or proposed structures; and
  - (e) interference with utility services;
- (2) the necessity of alteration or removal of the heritage tree or trees in order to construct proposed improvements and allow economic enjoyment of property;
- (3) the topography of the land and the effect of removal of the heritage tree or trees on:
- (a) erosion;
  - (b) soil retention; and
  - (c) the diversion or increased flow of surface waters resultant upon alteration or removal;
- (4) the number of heritage trees existing in the neighborhood on improved property;
- (5) the effect alteration or removal would have on established standards and property values in the area; and
- (6) the number of heritage trees the particular parcel can support according to good forestry practices.

Amended by Chapter 507, 2024 General Session

**65A-8-305 Powers of division.**

The division may:

- (1) grant or deny applications for designation of heritage trees from individuals, local shade tree commissions, or local governments;
- (2) grant or deny applications for alteration or removal of heritage trees;
- (3) acquire land if one or more heritage trees are located on the land;
- (4) accept gifts, bequests, or donations; and
- (5) determine policies necessary to carry out this part.

Renumbered and Amended by Chapter 136, 2007 General Session

**65A-8-307 Exemption for emergency or permit.**

This part shall not apply to any emergency when heritage trees constitute a danger to life or property, or to any person whose application for alteration or removal of a heritage tree has been granted by the division.

Renumbered and Amended by Chapter 136, 2007 General Session

***Superseded 1/1/2025***

**65A-8-308 Enforcement -- Prosecution of violations.**

- (1) County sheriffs, police, and other law enforcement officers within their respective jurisdictions are responsible for the enforcement of this part.
- (2) The county attorney or district attorney shall prosecute any violation of this part.

Renumbered and Amended by Chapter 136, 2007 General Session

***Effective 1/1/2025***

**65A-8-308 Enforcement -- Prosecution of violations.**

- (1) The Division of Law Enforcement, county sheriffs, police, and other law enforcement officers within their respective jurisdictions are responsible for the enforcement of this part.
- (2) The county attorney or district attorney shall prosecute any violation of this part.

Amended by Chapter 80, 2024 General Session

**65A-8-309 Injury -- Violation of part -- Misdemeanor.**

Any person who intentionally or knowingly alters, injures, damages, or causes death of a heritage tree or who otherwise violates this part is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 136, 2007 General Session

Amended by Chapter 229, 2007 General Session