



ORDINANCE

NUMBER 14-263

AN ORDINANCE ADDING SECTION 10-600 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, (“DELTA CITY ORDINANCES”) PERTAINING TO THE PLANNING, PLANTING, MAINTENANCE, RESTORATION, PROTECTION AND SURVIVAL OF DESIRABLE TREES LOCATED IN AND UPON PUBLIC AREAS AND RIGHTS-OF-WAY WITHIN DELTA CITY, MILLARD COUNTY, UTAH.

The City Council of the City of Delta, Utah (referred to herein as the “City Council”), recites the following as the basis for enacting this Ordinance:

- A. The City Council recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community; and
- B. The City Council has determined it is in the best interests of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the City; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Adoption of 10-600. Title 10-600 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted in its entirety as shown in **Exhibit A** which is attached to and incorporated in this ordinance.

Section 2. Effective Date. This ordinance shall become effective upon publication.

Section 3. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle-Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 4. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 5. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 4th day of December, 2014 by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	_____	_____	_____	_____
Kiley J. Chase	_____	_____	_____	_____
John W. Niles	_____	_____	_____	_____
Steven R. Pratt	_____	_____	_____	_____
Betty J. Western	_____	_____	_____	_____



 GAYLE K. BUNKER
 MAYOR

 GREGORY JAY SCHAFFER, MMC
 CITY RECORDER

Exhibit A

10-600. STREET TREES

10-610. PURPOSE AND INTENT

1. **PURPOSE.** Delta City recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community. It is in the best interests of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the City.
2. **INTENT.** It is the intent of the Delta City Council that the terms of this ordinance shall be construed as to promote:
 - a. The planning, planting, maintenance, restoration, protection and survival of desirable trees within the City; and,
 - b. The protection of community residents from personal injury and property damage, and the protection of Delta City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within Delta City.

10-611. DEFINITIONS

1. “Other Plants or Plantings” shall mean any shrubs, grass or ground cover planted within street rights-of-way or easements or in proximity thereto.
2. “Code Enforcement Officer” shall mean the person or designee responsible for maintenance of Street Trees.
3. “Responsible Developer” shall mean a Developer who has chosen to install Street Trees in a residential, commercial, industrial or multi-family development.
4. “Street Tree” shall mean any tree planted within the [City](#) right-of-way on either side of all streets, lanes, trails or ways within the [City](#).
5. “Park Tree” shall mean any trees or other woody vegetation in public parks having individual names, and all areas owned by the City, or areas to which the public has free access as a park.

6. "Tree Trimming" shall mean the removal of plant parts to control growth and enhance performance or function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth, and hanging limbs is not considered tree trimming according to the provisions of this Chapter.

10-612. ORDINANCE ADMINISTRATION

1. **AUTHORITY.** The Code Enforcement Officer, or designee shall be responsible for administering and enforcing the Street Tree Ordinance. He or she shall:
 - a. Have supervision of all trees planted or growing in public rights-of-way or City-owned places within the City.
 - b. Supervise the planting, trimming, spraying, preservation and removal of Street Trees and other plants in public streets, in City parks to promote safety, protect City utilities and preserve the beauty of such public places.

Supervise the maintenance of Street Trees, Park Trees and Other Plants or Plantings consistent with the language of this Section.

10-613. Street Tree Maintenance and Care by the City

1. **CARE AND MAINTENANCE.** The Code Enforcement Officer, or designee shall initiate and administer a program to encourage the planting, maintenance, care, removal and replacement of Street Trees, consistent with resources available.
2. **CITY TREE PLANTING AND MAINTENANCE.** The City shall have the right to plant, prune, maintain and remove Street Trees located within the public rights-of-way and without prior notice of adjoining or surrounding property owners.
3. **TREE REPLACEMENT.** The City may replace Street Trees or Other Plantings which have died or been removed for any reason, or plant additional Street Trees deemed appropriate and consistent with available resources.
4. **CITY AUTHORITY.** The City may condemn and remove, or order to be removed any tree, tree stump, shrub, or plant upon any of the public owned property within this City where the same is dead, diseased or for any reason whatsoever deemed undesirable or unsafe by the Code Enforcement Officer, or designee.

10-614. STREET TREE MAINTENANCE AND CARE BY CITIZENS

1. **TRIMMING.** Any person, firm, partnership, corporation or organization of any kind,

must obtain approval from the Code Enforcement Officer, or designee prior to trimming any designated street tree. Approval is not required for removing sucker growth, waterspouts, minor limbs causing obstructions, or for removal of less than ten percent (10%) of the tree canopy.

2. **ADJACENT PROPERTY OWNERS TO MAINTAIN TREES ON THEIR PROPERTY.** Trees and other plantings on adjacent property shall not inappropriately overhang or encroach upon sidewalks, streets, public rights-of-way or other designated pedestrian ways, nor obstruct the view of traffic signs or any street intersection. Trees and other plantings that project over any street or access road that may be used for emergency purposes shall be trimmed to a safe height and shape. Adjacent property owners shall be encouraged to remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety, at their expense; or prune to eliminate encroachment on sidewalks and streets.
3. **REMOVING STUMPS.** Any tree that shall be removed from any of the public streets or places within the City shall be removed below the surface of the ground so that the top of the stump shall not project above the level of the ground, unless permission to leave a projecting stump is granted by the Public Works Director, or designee.