

CERTIFICATE OF PASSAGE AND POSTING

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

CITY OF BLUFFDALE

I, Teddie K. Bell, the duly chosen, qualified and acting Recorder of Bluffdale City, County of Salt Lake, State of Utah, do hereby certify as follows:

1. On the 14th day of October, 2008, the Bluffdale City Council adopted Ordinance No. 2008-15
2. On the 10th day of November, 2008, I caused to be posted in three (3) public and conspicuous places within said City, certified copies of Ordinance No. 2008-15 of said City entitled:

AN ORDINANCE ESTABLISHING A CITY TREE BOARD AND PROVIDING FOR THE POWERS AND DUTIES OF SUCH BOARD AND SETTING FORTH THE TYPE OF TREES ALLOWED IN OR NEAR PUBLIC WAYS OR UTILITIES.

The places in said City where such certified copies of Ordinance No. 2008-15 were posted are as follows:

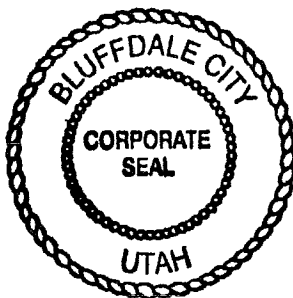
One at Bluffdale City Fire Station – 14350 South 2200 West;

One at Bluffdale City Hall -- 14175 South Redwood Road;

One at The Bluffs Apartments -- 14035 S. Marketview Drive and;

3. Attached hereto is a full, true and correct copy of Ordinance No. 2008-15 so posted.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of the City of Bluffdale, Utah, Salt Lake County, at 1:30 p.m. this 10th day of November, 2008.



Teddie K. Bell

Teddie K. Bell, City Recorder

BLUFFDALE CITY, UTAH

ORDINANCE NUMBER 2008-15

AN ORDINANCE ESTABLISHING A CITY TREE BOARD AND PROVIDING FOR THE POWERS AND DUTIES OF SUCH BOARD AND SETTING FORTH THE TYPE OF TREES ALLOWED IN OR NEAR PUBLIC WAYS OR UTILITIES.

Preamble

WHEREAS, Bluffdale City owns property on which trees will be planted, and has jurisdiction over public right-of-ways and public utilities within the City boundaries; and

WHEREAS, Bluffdale City is authorized under Section 10-8-10 Utah Code (1999) to plant, or direct and regulate the planting of ornamental shade trees in streets, parks and public grounds; and

WHEREAS, Bluffdale City desires to obtain grants for the beautification of streets, parks and public grounds and in order to obtain grants, the City may need to have an Ordinance creating and establishing a City Tree Board; and

WHEREAS, diseased trees and trees causing a nuisance on private property can be a threat to other trees located on property owned by the City or other private landowners; and

WHEREAS, improperly managed trees can threaten the health, safety and welfare of citizens within the City by causing sidewalks to buckle, obstructing site triangles at intersections, obstructing signs, toppling power lines in storms, and falling over among other things,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BLUFFDALE CITY, UTAH AS FOLLOWS:

Section 1. Definitions.

Street Trees: “Street Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

Park Trees: “Park Trees” are herein defined as trees, shrubs bushes and all other woody vegetation in public parks and all areas owned by the City, or to which the public has free access as a park.

Small Trees: “Small Trees” are herein defined as trees which normally do not reach a large height or trunk diameter. Small trees can be planted beneath power lines and in parking strips down to four feet wide.

Medium Trees: “Medium Trees” are herein defined as trees which are normally planted for their shade and aesthetic contribution. These trees are not for planting under power lines or in parking strips less than six feet wide.

Large Trees: “Large Trees” are herein defined as trees which are long-lived and attain large height and trunk diameter. Large trees are not for planting under power lines or for planting under power lines or parking strips less than 10 feet wide.

Section 2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board of Bluffdale City which shall consist of five members, citizens and residents of this City, who shall be appointed by the Mayor with the advice and consent of the City Council.

Section 3. Term of Office.

The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation.

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Planning Commission and City Council and upon acceptance and approval by the City Council of such plan, the plan shall constitute the official comprehensive City tree plan for Bluffdale City. The Board, when requested by the City Planning Commission or City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation.

The Board shall choose its own officers, establish its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Enforcement.

The Bluffdale City Public Works Department is charged with enforcing the Comprehensive City Tree Plan and the care of all City owned trees.

The City Code Enforcement Officer may serve notice to any person in violation of this ordinance or institute legal proceedings as may be required and the City Attorney is hereby authorized to institute appropriate proceedings to that end.

Section 8. Spacing.

No trees may be planted closer together than the following: Small Trees, 20 feet; Medium Trees, 30 feet; and Large Trees, 40 feet; except in special plantings designed or approved by a landscape architect and the City Tree Board.

Section 9. Distance from Curb and Sidewalk.

No trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. Distance from Street corners and Fireplugs.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Trees may 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 12. Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board, Public Works Department or certified arborist representing the City may remove or cause to order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, public improvements or equipment, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location comply with Sections 7 through 11 of this ordinance.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm or city department to top any Street Tree, Park Tree or other tree on public 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 section of the ordinance at the determination of the City Tree Board, Public works department or Certified Arborist represent the city.

Section 14. Pruning, Clearance

Owners of trees overhanging street right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp, obstruct the view of any street intersection and so that there shall be a clear space of twelve feet (12') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 15. Dead or Diseased Tree Removal on Private Property.

The City Shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential treat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the property owners the cost of removal.

Section 16. Removal of Stumps.

All stumps of street and park trees 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 17. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees, Park Trees, or trees on private grounds as authorized in this ordinance.

Section 18. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City of any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. Review by City Planning commission and City Council

The City Planning Commission shall have the right to review the conduct, acts and decisions of the City Tree Board and make recommendations to the City Council. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$1,000.

Section 21. Street Tree Species

The following trees are not allowed in Public Rights-of Way:

Box Elder Maple	Cottonwood, Aspen &	Any fruit tree that is grown for fruit production Evergreens which exceed a height of three or more feet at maturity.
Silver Maple	Poplars	
Tree-of Heaven	Black Locust	
Russian Olive	Willows	
Honeylocust (thorned)	Siberian Elm	

The following trees are allowed in the Public Rights-of-Way:

Small Trees

Hedge Maple
Amur Maple
Bigtooth Maple
Paperbark Maple
Tatarian Maple
Red Buckeye
Eastern Redbud
Washington Hawthorn
English Hawthorn
Cockspur
Hawthorn
Golden Raintree
Flowering Crabapple
Flowering Cherry
Flowering Plum

Medium Trees

Norway Maple
Sycamore Maple

Black Maple
Red Horsechestnut
Yellow Buckeye
Common Hackberry
White Ash
Callery Pear
Green Ash
Maidenhair Tree
Honeylocust
Common Horsechestnut
Kentucky Coffeetree
White Mulberry
American Hophornbeam
Dawn Redwood
Amur Corktree
European Mountain Ash
European Hornbeam
American Hornbeam
Yellowwood

Japanese Pagoda
Ohio Buckeye
European Beech

Large Trees

Northern Catalpa
American Beech
Sweetgum
Tulip Tree
Swamp White Oak
Bur Oak
English Oak
Northern Red Oak
American Linden
Littleleaf Linden
Silver Linden
Cucumbertree
London Planetree
Lacebark or Chinese Elm
Japanese Zelkova

Trees not listed must be approved by the City Tree Board before being planted.

Section 22. Effective Date

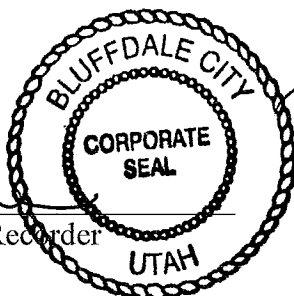
This ordinance shall take effect immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 14th DAY OF OCTOBER, 2008.

Attest:



Teddie Bell, City Recorder





Mayor Claudia Anderson

Voting by the City Council:	Aye	Nay
Councilmember Maxwell	<u> x </u>	_____
Councilmember Lord	<u> x </u>	_____
Councilmember Flanigan	<u>Absent</u>	_____
Councilmember Chisholm	<u> x </u>	_____
Councilmember Kartchner	<u> x </u>	_____