

Ordinance 6-2022

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS, UTAH

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, June 14, 2022, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

5-2-4:A.

2. Any person wishing to maintain a “kennel,” as defined in section 5-2-1 of this chapter and section 10-2-1 of this code, must first obtain a kennel conditional use permit from the city. ~~The kennel conditional use permit shall be issued upon proof of compliance with the kennel conditional use permit, as defined in the zoning ordinance.~~

7-1-4: REMOVAL OF SNOW

- A. Failure to Remove Unlawful: It shall be unlawful for the owner, occupant, lesser, or agent of any property, abutting on a paved sidewalk, to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet hereon within ~~a reasonable time~~ forty-eight (48) hours after such snow, hail, or sleet has fallen.

7-2-3: SIDEWALKS AT EXISTING CONSTRUCTION

- A. Damage: When any citizen, contractor or person damages the sidewalks, curbs, or gutters of the City, that individual or person shall repair and/or replace the same within ~~a reasonable time~~ thirty (30) days, or as negotiated with the city, at their own cost pursuant to specification set forth by the city. Any expenses incurred by the City in providing specifications or inspecting the same shall also be paid by said citizen, contractor, or person. If the City damages any sidewalks, curbs, or gutters, the same shall be repaired and/or replaced by the City within a reasonable amount of time at no cost to the property owners.

10-4-1: ZONES ESTABLISHED

RPUD Residential Planned Unit Development

10-12-1:A

Institutional and Special Service Uses

42. River Heights City Facilities Use – “C”(conditional) in Parks and Recreation. Left blank (not allowed) in the other zones.

10-13-22: RECREATIONAL VEHICLES AND MOBILE HOMES PROHIBITED; EXCEPTIONS

C. All sewage from any recreational vehicle shall be disposed of in an approved septic or sanitary sewer system or legally disposed of outside city limits.

10-13-23: RECREATIONAL VEHICLE AND TRAILER STORAGE

It shall be unlawful . . . within a thirty (30) day period. All sewage from any recreational vehicle shall be disposed of in an approved septic or sanitary sewer system or legally disposed of outside city limits.

10-14-4

- A. Onsite parking in commercial and residential planned unit developments shall be . . .
- B. Within the commercial and residential planned unit development zones, the city . . .
- D. All parking for commercial and residential planned unit developments must be . . .

10-15-5:

A. For Commercial and Residential Planned Unit Developments:

10-15-6: LANDSCAPING RIGHTS-OF-WAY

A. Street trees shall be planted by the adjacent property owner within the park strip along both sides of all streets every thirty (30) feet on center. If no park strip exists, trees shall be planted adjacent to the roadway edge, where a park strip would exist, if possible. Tree size and species shall be approved by the city. (1-2015, 6-23-15)

10-15-7: STREET TREES

F. Parking Strip Tree Remediation or Removal for Public Safety or Interference of Storm Water Drainage:

~~1. Remediation efforts that preserve street trees will always be considered before removal. As an addendum to the Application to Remediate or Remove a Parking Strip Tree, the City or the property owner may submit, at their expense, a design or plan of action for remediation to be considered by the City Engineer. Remediation efforts may include but are not limited by the following:~~

1. Damages to pavement, curb, and gutter, or sidewalk, or interference with storm water drains or sanitary sewer mains by park strip trees will result in remediation or, if remediation is insufficient, removal of said tree. The city and/or property owner will first submit a remediation design proposal to the city tree board and city engineer. Remediation may include but is not limited to the following:

- a. The ~~cutting away~~ removal of damaging tree roots and the placement of a root barrier adjacent to the replaced or repaired sidewalk, curb, or road structure.
- b. The raising of the adjacent sidewalk grade over the damaging tree roots.

- c. ~~The reinforcement~~ Reinforcing of the sidewalk new concrete with rebar or welded wire mesh, so roots must lift several concrete slabs at once to not cause damage adjacent to the damaging tree roots.
 - d. Shave or grind the concrete to correlate with a contiguous slab.
 - e. The pruning or removal of hazardous tree branches.
2. Remediation efforts must always ~~take into account~~ consider tree health and maturity. Remediation efforts that will potentially weaken a tree such that the health of the tree will be compromised, or the tree becomes a risk for falling will not be considered.
 3. To obtain assistance from the City, property owners must submit an ~~application~~ request to the City Office to remediate or remove a parking strip tree ~~at the City Office~~. On a case-by-case basis, the City will consider the following factors in reviewing and prioritizing applications:
 - a. Effects on public safety
 - b. Effects on storm water drainage
 - ~~c. Order of request~~
 - d. City budget ability
 4. If remediation efforts have been exhausted or failed, The City reserves the right to remediate or remove trees from city parking strips at any time to preserve public safety or proper storm water drainage. (302008, 9-23-08)

10-20-1:

G. River Heights City Facilities Use: When a person, entity, or organization rents, leases, or uses a River Heights City-owned public facility continuously for 30 days or more within a year's time, a conditional use permit is required. The planning commission will assure that the permitted use does not adversely affect or damage the facility, does not interfere with the use by the general public and is harmonious with the surrounding area.

Add New Chapter 22 to Title 10

TITLE 10
Chapter 22
TREE CITY USA

SECTION:

- 10-22-1: Purpose
- 10-22-2: Definitions
- 10-22-3: Tree Advisory Board
- 10-22-4: Authority
- 10-22-5: Tree Planting and Care Standards
- 10-22-6: Prohibition Against Harming Public Trees

10-22-7: Adjacent Owner Responsibility

10-22-8: Certain Trees Declared a Nuisance

10-22-9: Appeals

10-22-1: PURPOSE

Establish practices governing the proper planting and care of trees on public property. To enhance the quality of life and future health, safety, and welfare of all citizens; to enhance property values. Make provision for the emergency removal of trees on private property under certain conditions. Accept the authority and responsibility given to the Tree Advisory Board as created by the City Council.

10-22-2: DEFINITIONS

As used in this ~~Article~~ Chapter, the following words and phrases shall have the meanings indicated:

DAMAGE: Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

NUISANCE: Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

PARK STRIP: The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

PUBLIC PROPERTY: All grounds and rights-of-way (ROWs) owned or maintained by the City.

PUBLIC TREE: Any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

TOP or TOPPING: The non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree to remove the normal canopy and disfigure the tree.

10-22-3: TREE ADVISORY BOARD

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

A. Duties: The Board shall act in an advisory capacity:

1. Coordinate and promote Arbor Day activities;
2. Review and update a five-year plan to plant and maintain trees on city property;
3. Support public awareness and education programs relating to trees;
4. Review city department concerns relating to tree care;
5. Submit an annual report of its activities to the city council;

6. Assist with the annual application to renew the Tree City USA designation;
 7. Develop of a list of recommended trees for planting on city property, and a list of prohibited species; and
 8. Other duties that may be assigned by City Council.
- B. Membership: The Board shall consist of three (3) members approved by City Council. Members of the Board will serve without compensation. One member of the Board shall be a City Council member, one member of the Board shall be a Public Works Director, and one member a person with verifiable experience in ~~the area of~~ care and maintenance of trees.
- C. Term of office: Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.
- D. Officers: The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- E. Meetings: The Board shall meet annually. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

10-22-4: AUTHORITY

- A. The Tree Advisory Board, hereinafter referred to as the "Board", shall have the responsibility to advise on planting, pruning, maintaining, and removing trees and woody plants growing in or upon all municipal streets, rights-of ways, city parks, and other public property. This shall include the removal or pruning of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. Coordination among city departments: All city departments will coordinate as necessary with the Board and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- C. Interference: No person shall hinder, prevent, delay, or interfere with the City while engaged in carrying out the execution or enforcement of this Ordinance.

10-22-5: TREE PLANTING AND CARE STANDARDS

- A. Standards: All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- B. Requirements of franchise utility companies: The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

- C. Preferred species list: The Board shall maintain and update as needed, a list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in heights at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission, other species may be planted with written approval from the Board.
- D. Planting distances: The Board shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection (see 10-13-15) of or within fifteen (15) feet of a fire hydrant.
- E. Planting trees under electric utility lines Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.

NOTE: The River Heights Tree Selection and Planting Guide brochure can be found in the code appendix and contains a list of trees within each class that are (1) acceptable and appropriate for the climate, and (2) a list of trees that are prohibited for planting along streets or within park strips. ~~This brochure is at the city office.~~

10-22-6: PROHIBITION AGAINST HARMING PUBLIC TREES

- A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Board.
- B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, signs, hammock, slackline, or any other object to any street, park, or public tree.
- C. It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Board.
- D. Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Board and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.
- E. Each violation of this section as determined and notified by the Board shall constitute a separate violation, punishable by fines and penalties under Section 9, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

10-22-7: ADJACENT OWNER RESPONSIBILITY

- A. All streets either public or private shall provide a planted landscaped strip to city specifications and be perpetually maintained by the adjacent property owner. (see 10-15-6)

- B. No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent park strip to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the City shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

10-22-8: CERTAIN TREES DECLARED A NUISANCE

- A. Any tree, or limb thereof, on private property determined by Board to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.
- B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The city may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the City within 90 calendar days of notification (see 10-15-7:F). Potential hazardous situations may be addressed as needed.
- C. The City may elect to assist property owners mitigate the unforeseen immediate cost of tree removal by implementing a repayment plan. Such mitigation would be a reimbursement to the City for expenses expended on behalf of the property owner. (see 10-15-7)

10-22-9: APPEALS

Appeals to decisions by the Board shall be heard by City Council.

Adopted and effective this 21st day of June 2020.

Jason Thompson, Mayor

Attest:

Sheila Lind, Recorder