

ORDINANCE NO. 16-98

ROLL CALL

| VOTING | YES | NO |
|--|-----|----|
| MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i> | | |
| SHERMAN E. HUFF <i>Councilmember</i> | X | |
| LILLIAN J. SHEPHERD <i>Councilmember</i> | X | |
| THORA L. SHAW <i>Councilmember</i> | X | |
| CLYDE A. SWENSON <i>Councilmember</i> | X | |
| EVERETT KELEPOLO <i>Councilmember</i> | X | |

I MOVE this ordinance be adopted: Councilmember Kelepolo
I SECOND the foregoing motion: Councilmember Shepherd

ORDINANCE 16-98

SHADE TREE ORDINANCE

WHEREAS, Spanish Fork city has numerous trees, both publicly and privately owned; and,
WHEREAS, Spanish Fork City also has many miles of sidewalk and curb and gutter; and
WHEREAS, Certain types of trees cause damage to the sidewalks and curb and gutter; and
WHEREAS, Damaged sidewalks create a serious safety and liability problem; and
WHEREAS, by regulating the types of trees allowed in planter strips and near sidewalks,
damage to sidewalks and curb and gutter can be minimized; and
WHEREAS, trees which do not damage sidewalks are available and can be planted such that
the shade and atmosphere of numerous trees can be maintained;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

Chapter 8 of Title 12 of the Spanish Fork City Municipal Code is hereby created to read as follows:

Chapter 12.08. Shade Trees.

12.08.010. Permitted Trees In Parkstrips

A. The following trees are permitted in the parkstrips:

Columnar Norway Maple (*Acer Platanoides* 'Columnare'), Japanese Zelkova (*Zelkova Serrata*), Norway Maple (*Acer Platanoides*), Red Maple (*Acer Rubrum*), Bur Oak (*Quercus Macrocarpa*), Columnar English Oak (*Celtis Occidentalis*), Kentucky Coffee Tree (*Cymnocladus Diocius*), Red Oak (*Quercus Rubra*), Sycamore Maple (*Acer Pseudoplatanus*), Thornless Honey Locust (*Glenditsia Triacanthos Inermis*), Crimson King Maple (*Acer Platanoides* 'Crimson King'), Hedge Maple (*Acer Campestre*), Little Leaf Linden (*Tilia Cordata*), Redmond Linden (*Tilia Euchlora* 'Redmond'), Bradford Pear (*Pyrus Calleryana* 'Bradford'), Golden Rain Tree (*Koelreuteria Paniculata*), Japanese Pagoda Tree (*Sophora Japonica*), Marshall Seedless Ash (*Fraxinus Pennsylvanica Lanceolata* 'Marshall Seedless'), Bechtel Crabapple (*Malus Ioensis* 'Klehms Improved'), Eastern Redbud (*Cercis Canadensis*), Flowering Plum (*Prunus Cerasifera*), Kwansan Cherry (*Prunus Serrulata*), Washington Hawthorn (*Crataegus Phaenopyrum*).

B. All other trees, except those identified in paragraph A, are prohibited in the parkstrip.

12.08.020. Distance Restrictions

A. No tree may be planted within thirty feet of intersecting sidewalk corners.

B. No tree may be planted within ten feet of any water meter, electric meter, junction

box, transformer, other electrical facility, or utility pole.

C. Smaller trees should be planted in any area where the potential exists that limbs may grow into power or phone lines. Trees which interfere with public utilities will be trimmed at the owner's expense.

12.08.030. Shade Tree Commission.

A. There is hereby created a City Shade Tree Commission to make recommendations to the City Council concerning the use and planting of trees on public property, together with the recommendation for their care and maintenance.

B. The Shade Tree Commission may also make recommendations concerning urban forestry for the benefit of the residents of the City, which recommendations may be made available in newsletters, pamphlets, or similar media.

C. The Shade Tree Commission shall consist of seven (7) members who are residents of the community. A majority of the Commission constitutes a quorum. If no professionals are available within the City, one non-resident professional may serve on the Commission.

D. The Shade Tree Commission shall be a voluntary body, but may have its expenses reimbursed by the City. The members shall serve staggered terms so no more than three new members assume duties in any given year. Members of the Commission may be reappointed for successive terms.

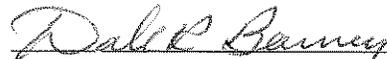
E. The Shade Tree Commission shall be appointed by the mayor, with the consent of the City Council. Once appointed, the members shall appoint one of their body as chairperson and shall adopt rules for the conducting of their business. The Commission shall meet as needed, not less than twice per year.

12.08.040. Violations

Any person violating §12.08.010 or 12.08.020 of this chapter shall be guilty of a Class C Misdemeanor. Removal of the offending tree shall be grounds for dismissal of any charges.

This ordinance will become effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day December, 1998.

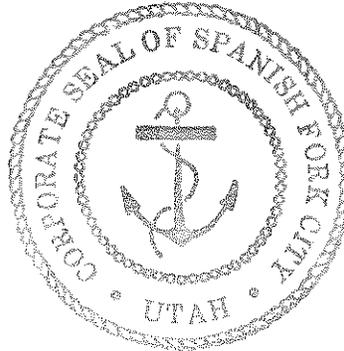


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the Publisher of **THE SPANISH FORK PRESS**, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

ORDINANCE 16-98

SHADE TREE ORDINANCE

A Shade Tree Ordinance has been enacted by the City. A summary containing the headings of the ordinance follows:

Chapter 12.08. Shade Trees.

12.08.010. Permitted Trees In Parkstrips

12.08.020. Distance Restrictions

12.08.030. Shade Tree Commission.

12.08.040. Violations

A full copy of the ordinance is available for inspection at the City Office, 40 South Main, Spanish Fork.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day December, 1998.

Published in the Spanish Fork Press January 7, 1999.

for consecutive One weeks,

the first publication on the 7 day

of January 1999

and the last on the 7 day of

January 1999

Jane Henderson

Subscribed and sworn to before me this 7 day of January 1999

Sara Worthington
Notary Public



Residing at Spanish Fork, Utah - My Commission expires 3-14-99