

ORDINANCE 2004-18

AN ORDINANCE ENACTING THREE SECTIONS IN THE TOOELE COUNTY CODE, TITLE 15, ADDING PROVISIONS PERTAINING TO LANDSCAPING, IN PARKING STRIPS, STREET TREES, AND A PROHIBITION ON OBSTRUCTIONS IN PUBLIC RIGHT-OF-WAYS

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - ENACTMENT. Tooele County Code Section 15-5-3 is enacted to read:

15-5-3. Public parkstrip and right-of-way with curb and gutter.

(1) All landscaping on public property including parkstrips and right-of-ways shall be made in accordance with this Section.

(2) It is unlawful for the owner, occupant, lessor or agent of any property abutting a public parkstrip or right-of-way with curb and gutter to violate this Section.

(3) The following shall be prohibited in parkstrips and public property in right-of-ways with curb and gutter:

(a) asphalt or concrete, other than drive approaches;

(b) thorn-bearing plants;

(c) ground cover and shrubs, which exceed 18 inches in height at maturity; and

(d) any material that is hazardous to pedestrians and bicyclists, is difficult to walk across, can be removed when kicked or washed into the street or sidewalk, may clog storm drains, prevents percolation of water into the soil, or cause a visual barrier to pedestrians, bicyclists, motorists or for the commission of a crime.

(4) The department of engineering shall remove vegetation and structures that violate this Section at the expense of the adjacent landowners. Such removal shall not preclude or be a determination as to criminal charges filed by the county attorney.

(5) Adjacent property owners are responsible to adequately water and maintain the landscaping and street trees in the parkstrip.

SECTION II - ENACTMENT. Tooele County Code Section 15-5-4 is enacted to read:

15-5-4. Street trees.

(1) In all park strips and right-of-ways, street trees shall be planted of a species and at a spacing as approved by the zoning administrator. The species selected shall be resistive to road salts, solvents and debris, as well as be drought tolerant. Street trees shall have a minimum trunk size of 2½ inches in caliper. Root systems in the species shall be downward rather than shallow to prevent damage to infrastructure.

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(2) It shall constitute a violation of this Section for any person to remove or cause a compliant street tree to be removed unless it is replaced with a tree of the same species.

(3) Spacing of street trees shall be no closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings designed or approved by a landscape architect and the zoning administrator.

(4) Street trees shall be planted no closer than three feet from curbs or curblines and sidewalks.

(5) No street tree shall be planted within 40 feet of any street corner, measured from the point nearest intersecting the curbs or curblines.

(6) No street tree shall be planted within ten feet of any fire hydrant.

(7) No street trees may be planted under or within ten feet of any overhead utility wire.

(8) The county shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, roads and right-of-ways as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Department of Engineering may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

(9) It shall be unlawful for any person, firm, or county 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. Crown reduction by a qualified arborist may be substituted, where appropriate. 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 at the determination of the zoning administrator.

(10) All pruning of protected trees shall conform to the current ANSI A-300 standards. There shall be no flush cuts, stub cuts, or lions tailing of the tree's crown.

(11) In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered. Trees removed shall be replaced within one year. The location and species of any replacement tree shall be determined by the zoning administrator. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

(12) Any person aggrieved by the administration or interpretation of any of the terms or provisions of this section by the zoning administrator may appeal to the board of adjustment which, after a hearing with notice to the aggrieved person, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning administrator or official from whom the appeal is taken. Any action pursuant to this section shall not stay any enforcement proceedings.

SECTION III - ENACTMENT. Tooele County Code Section 15-5-5 is enacted to read:

15-5-5. Obstructions on public roads and right-of-ways.

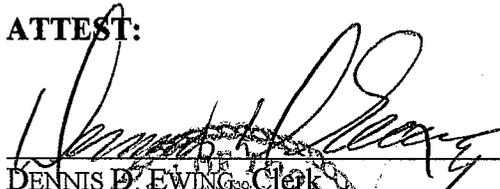
- (1) No plant, tree or structure shall obscure the view of street signs or traffic control devices to vehicular, pedestrian, bicyclist or equestrian movement.
- (2) No plant, tree or structure shall make an obstruction to designated pedestrian, bicycle, or equestrian sidewalks, paths or trails. The following clearances shall be maintained:
 - (a) all vertical heights for pedestrian paths or trails shall have no less than a seven foot clearance;
 - (b) all vertical heights for equestrian paths or trails shall have no less than a 12 foot clearance; and
 - (c) all horizontal distances shall have no less clearance than one foot beyond the edge of the sidewalk.
- (3) No plant, tree or structure shall make an obstruction to public roads. The following clearances shall be maintained:
 - (a) all vertical heights for roads shall have no less than a 13'6" clearance; and
 - (b) all horizontal distances shall have no less than 20 feet width with a clearance less than three feet beyond the edge of the pavement or travel lane.
- (4) No structure shall be constructed on or over public right-of-ways that is not approved by the department of engineering.

SECTION IV - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date, if more than 15 days after passage.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 13th day of July 2004.

ATTEST:


DENNIS D. EWING, Clerk

TOOELE COUNTY COMMISSION


DENNIS ROCKWELL, Chairman



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Commissioner Rockwell voted aye
Commissioner White voted aye
Commissioner Lawrence voted absent

APPROVED AS TO FORM:



DOUGLAS J. AHLSTROM
Tooele County Attorney