

ORDINANCE NO. 08-22

AN ORDINANCE OF BRIGHAM CITY AMENDING TITLE 24 OF THE BRIGHAM CITY CODE TO IMPLEMENT PUNISHMENT FOR TREE NEGLECT

A request has been made to amend Title 24 of the Brigham City Code to bring into compliance with Brigham City Policy and Procedures; and

WHEREAS, Brigham City is known for its tree lined streets; and

WHEREAS, Brigham City is desirous to enforce penalty to those who would willfully neglect and destroy trees in the parking strips; and

WHEREAS, trees increase the value of property and beauty in our city and is in the best interests of the citizens of Brigham City that the proposed amendment be adapted by Brigham City;

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF BRIGHAM CITY, UTAH as follows:

SECTION 1. Title 24 of the Brigham City Code is hereby amended to read in its entirety as show in Exhibit A.

SECTION 2. This Ordinance shall take effect immediately upon its adaption and first publication.

PASSED, ADOPTED AND ORDERED PUBLISHED this 18th day of December 2008.

BRIGHAM CITY CORPORATION



LouAnn Christensen, Mayor

ATTEST:



Mary Christensen
City Recorder

ATTACHMENT A

24.01.050. Interference with City Employees and Willful Injury to Trees. Penalty.

A. No person shall prevent, delay or interfere with the City Forester or his assistants in the execution or enforcement of this section; provided, however, that nothing herein shall be construed as an attempt to prevent a public hearing on the permit or any remedy legal or equitable in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

B. No person shall willfully injure or destroy any tree on the City tree planting strips, public parks or other public property of the City by any means, including, but not limited to, the following:

1. *Knowingly withholding water*
2. *Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to shut off air, light or water from the roots, except under written authority from the City Council.*
3. *Piling building material, equipment or other substance around any tree so as to cause injury.*
4. *Pouring any injurious matter on or around any tree, or on the ground around it or on any lawn or sidewalk.*
5. *Injuring any tree, tree-stake or guard with any vehicle or animal, or in any other manner causing injury to any tree or lawn on public property.*

C. Tree-stakes or guards may be placed around trees by property owners; provided, the same are placed near a tree for the purpose of protecting or training such trees.

D. The City Forester shall determine when any tree roots or limbs originating on private property are interfering with the City sidewalks or property and serve notice by mailing to the owners or party occupying such premises to either remove such tree or trim the roots of any tree in order to protect the City sidewalks from damage.

~~Penalty. A violation of any provision of this section shall be punished by fine in any sum not to exceed two hundred ninety nine dollars or by imprisonment for a period of no longer than six months or by both such fine and imprisonment.~~

A violation of any provision of the above subsection B shall be a Class B Misdemeanor, punishable by fine and/or by imprisonment for a period of time no longer than six months or by both such fine and imprisonment. Any person found violating subsection B shall also provide restitution for any and all costs associating with repairing any injured or destroyed tree, including the cost of maintenance, removal, replacement and/or other related services.

The City reserves the right to pursue a civil action against any person for any violation of the above section. In the event a person violated any of the above section, after being notified, fails to perform the actions being requested by the City, the same person shall be indebted to the City for the cost of maintenance, removal, replacement, and/or other related services associated with the remedying the violation. The City reserves the right to place a lien against any real property owed by the person for failure to reimburse for stated costs. In the event legal action is commenced to obtain reimbursement for said costs the person found violating this section shall also pay all legal expenses incurred by the City in obtaining judgment for such costs.