

Title 10 – Tree Commission

Chapter 1

BRIAN HEAD TOWN TREE COMMISSION

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10-1-1: PURPOSE:

Brian Head Town prides itself on its natural landscape and recognizes the importance of trees within the community. Besides adding to the beauty of the community trees stabilize surface drainage, help with soil erosions, and mitigate siltation of streams. Trees can also reduce air and sound pollution, regulate solar radiation, and help with wind control.

10-1-2: COMMISSION ESTABLISHED:

There is hereby created a Brian Head Town Tree Commission consisting of five members. One designated Public Works employee, one Public Safety Officer, and one Town Councilman shall be members of the Brian Head Town Tree Commission. The remaining two members shall be appointed by the Town Manager with the advice and consent of the Town Council and consultation with the Brian Head Town Tree Commission.

10-1-3: TERM OF OFFICE:

The five appointed members of the Brian Head Town Tree Commission shall serve for a term of four years and until their successors are appointed; provided that the members first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. The term of office of each appointed member shall commence on the first day of January in the year in which such member is appointed. The term of office of the other members of the Brian Head Town Tree Commission shall correspond to their tenure as Public Works employee, Public Safety Officer, or Councilman respectively. The Town Manager, with the advice and consent of the Town Council, may remove any member of the Brian Head Town Tree Commission for cause and after a public hearing, if such hearing is requested. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

10-1-4: ORGANIZATION:

In January of each year, the Brian Head Town Tree Commission shall designate one member of the Brian Head Town Tree Commission as Chairman for the ensuing year. A member of the Commission may, at the pleasure of the Commission, serve as Chairman in successive years. Following the appointment of the Chairman by the Commission, the Brian Head Town Tree Commission may select from their own members such other officers and adopt such rules and regulations for their own proceedings as they may deem expedient. Meetings of the Commission shall comply with the Utah open meeting laws and shall be held at the call of the Chairman and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings and its official actions which shall be immediately filed in the office of the Town Clerk and shall be a public record.

10-1-5 GIFTS AND BEQUESTS:

The Brian Head Town Tree Commission shall, on behalf of the Town and with the consent of the Town Council, have authority to receive gifts or bequests from any person or organization for the building, improvement or maintenance of a civic arboretum, for tree planting, or tree planting maintenance on any street or public property. All such gifts shall be received by the Town Treasurer and paid over to a special fund for such purposes. Said funds shall not be used for any other purpose.

10-1-6: AUTHORITY OF COMMISSION:

The Town, through its Brian Head Tree Commission, shall exercise full control over and regulate the planting, maintenance, and care of shade or ornamental trees and shrubbery now growing or which may hereafter be planted on any street (right-of-way) or on any public property within the Town. It shall be the duty of the Brian Head Town Tree Commission to make recommendations to the Town Council relating to the planting, pruning, spraying, removing, and irrigating of trees and shrubs on public streets and places; to make recommendations to the Town Council relating to the regulation and control of the grounds surrounding trees, shrubs, and plants on public streets and places insofar as the same may be necessary for the proper growth, care, and protection of the same; to recommend to the Town Council the removal of any trees or parts thereof growing on public or private land as outlined in this Ordinance which have become a nuisance or may be dangerous to the public safety; and to recommend to the Town Council the marking, maintenance and preservation of historic or notable trees.

10-1-7: TOWN MANAGER:

The Town Manager will administer the provisions of this Tree Commission Ordinance and such policies, recommendations, rules and regulations of the Brian Head Tree Commission as approved by the Town Council.

- A. Until otherwise provided, the Town Manager shall have the following duties and authority (or may delegate said duties as deemed necessary):
 - 1. He shall have supervision of all trees and plants planted or growing in public streets or places within the Town.
 - 2. He shall supervise planting, trimming, spraying, preserving and removing trees and other plants in public streets which front on property owned by the Town and in Town parks to promote safety and preserve the beauty of such public places.
 - 3. He shall care for all trees in the Town which have been designated by the Town Council or Brian Head Town Tree Commission as historic or notable trees.
- B. All owners and occupants of each parcel of real property within the Town shall be responsible for the care of trees located in public streets which front on that parcel of real property. All pruning of such trees must be done pursuant to proper maintenance and in no event will pruning be allowed which will be detrimental to the healthy growth of said trees.

10-1-8: PLANTING REGULATIONS:

The Brian Head Town Tree Commission shall coordinate with overhead utility companies and prepare a list designating the species of trees and shrubs which may be planted under overhead Town utility lines and on public streets within the Town; and, upon approval of such list by the Town Council, no trees or shrubs, other than the kind designated, shall be planted under any overhead Town utility lines and on any public street or public place without the consent of the Brian Head Town Tree Commission. The Brian Head Town Tree Commission shall also prepare and submit to the Town Council rules and regulations establishing standards for the planting of trees and shrubs under overhead utility lines and upon the public streets and on public property, and, after approval of said rules and regulations by the Town Council, no trees or shrubs shall be planted other than in accordance with the standards so established, unless the written consent of the Brian Head Town Tree Commission is obtained. The utility companies will construct, own, operate and maintain existing overhead utility lines only along public streets, roads, and other rights-of-ways which the Town has the legal right to occupy, and cross other public and private property across which the utility company has a utility easement. In no event shall any tree be planted over the underground utility easements.

10-1-9: REMOVAL OF TREES BY COMMISSION:

The Town, through its Brian Head Town Tree Commission, shall condemn and remove, or order the removal of any tree, tree stump, shrub, or plant upon any of the public streets or on public property within this Town where the same is dead, diseased or for any reason whatsoever is deemed undesirable by the Brian Head Town Tree Commission. The Town, through its Brian Head Town Tree Commission, shall have authority to condemn and remove, or order to be removed any tree, tree limbs, tree stump, shrub, or plant upon private property which encroaches and inhibits over a public way or, when the Brian Head Town Tree Commission shall find such action necessary to the public safety or to prevent the spread of disease or insects to public trees and places. However, the affected private property owner shall have after reasonable notice and after thirty (30) days thereof an opportunity to remedy any condition deemed undesirable by the Brian Head Tree Commission. The Brian Head Town Tree Commission shall have authority, with reasonable notice to the abutting property owner, to remove or order the removal of any tree, shrub, or plant which has been planted upon any public street or on any public property in violation of this Ordinance, or any other Ordinance pertaining to the trees in Brian Head. Utility companies that have overhead utility lines within the Town's limits have the authority to maintain and trim trees located in their utility lines.

10-1-10: FIRE MITIGATION:

Since Brian Head Town is a mountain resort and most trees are naturally grown in the Town, the Town will conduct a fire mitigation process each year, as needed. Said fire mitigation duties will be conducted by the Town's volunteer fire department, under the direction of the Public Safety Director. The Public Safety Director shall work closely with all entities (i.e. Utah Department of Transportation, Bureau of Land Management, and Forest Service) involved with tree removals, etc. as it pertains to them. All funds for the fire mitigation projects will be budgeted under the General Fund – Fire Department. Grants may also be obtained to help with fire mitigation projects.

10-1-11: REVIEW BY TOWN COUNCIL:

The Town Council shall have the right to review the acts and decisions of the Brian Head Town Tree Commission and the Town Manager. Any person may appeal any ruling or order from the Brian Head Town Tree Commission or the Town Manager to the Town Council and the Town Council shall hear the matter and make a final decision.