

ORDINANCE NO. 23-09

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(AMENDING TREE CANOPY HEIGHT REQUIREMENTS;
AND AMENDING CITY CODE SECTIONS 13-13-10 AND 13-18-10)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“Council” or “City Council”) desires to amend certain sections of the City Code, regarding and related to Tree Canopy Height Requirements (“**proposed City Code amendments**”); and

WHEREAS, the Planning Commission of the City (“**Planning Commission**”) held a public hearing and provided a recommendation on March 7, 2023, regarding the proposed City Code amendments, which are all land use regulations, including City Code Sections 13-13-10 and 13-18-10; and

WHEREAS, the City Council held a work session (“Committee of the Whole Meeting”) on December 21, 2022 and a public hearing on March 22, 2023, regarding the proposed City Code amendments, and now determines the following:

1. The proposed City Code amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein;
2. The proposed City Code amendments are appropriate given the context of the request and there is sufficient justification for a modification to this title;
3. The proposed City Code amendments will not create a conflict with any other section or part of this title or the General Plan; and
4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment of Code Provisions. City Code Sections 13-13-10 and 13-18-10 are amended to read as shown on Attachment 2 to this Ordinance.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 22ND DAY OF MARCH 2023.

(Continued on the following pages)

CITY OF WEST JORDAN

By: 
Christopher McConnehey
Council Chair

ATTEST:

 
Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

	"YES"	"NO"
Council Chair Christopher McConnehey	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>



PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON MARCH 27, 2023.

Mayor's Action: X Approve Veto

By: 
Mayor Dirk Burton

 Mar 28, 2023
Date

ATTEST:



 
Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 23-09.



 The Mayor vetoed Ordinance No. 23-09 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

 Ordinance No. 23-09 became effective by operation of law without the Mayor's approval or disapproval.

 
Tangee Sloan, CMC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 29th day of March 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan, CMC
City Recorder

(Attachment 2 on the following pages)

Attachment 2 to Ordinance 23-09

City Council Staff Recommendation:

13-13-10: LANDSCAPE MAINTENANCE:

A. Intent: The developer, **his the developer's** successor, and/or subsequent owners of a site for which landscape plans were required shall be responsible for the maintenance, repair, and replacement of all landscaping elements. Park strips shall be maintained by the owner of property abutting city easements, rights of way and park strips.

B. Irrigation Systems: Irrigation systems shall be maintained in good working condition and adjusted to ensure optimal operation and efficient water use.

C. Malfunctioning systems that are no longer conveying water as specified shall be repaired or replaced.

D. Landscaping: All landscape plants shall be maintained in good condition to present a healthy, neat, and orderly appearance. Plants not in this condition shall be removed and replaced when necessary.

E. Trees: Tree maintenance and pruning on private property shall be the responsibility of the property owner or tenant.

1. For any tree in a park strip or within the landscape setback area where there is no park strip, property owners or tenants are not permitted to remove or conduct major pruning (twenty percent (20%) or more of the crown), without prior approval from the city's urban forester. As a condition of such approval, the permittee may be required to replace the tree.

2. Protect trees against damage caused by maintenance equipment, such as lawn/sod/turf mowers, weed trimmers, snowblowers and snowplows.

F. Grounds Maintenance: Landscaped areas shall be kept free of refuse and debris.

G. Clearance and Visibility. Any portion of a tree that is in the park strip public right of way or that overhangs the public right of way from private property may be removed up to the property line at any time without notice by the City. However, the requirements below are minimums that shall be maintained.

1. Trees adjacent to pedestrian walkways shall have a minimum canopy clearance of eight feet (8') **above grade at all possible perpendiculars between the walkway surface and tree.**

2. Tree canopies that extend over streets shall be pruned to provide canopy clearance of at least **fifteen feet (15') above street pavement in travel lanes and parking lanes fourteen feet (14') at all possible perpendiculars between the street surface and tree.**

3. Plants in the intersection sight triangle shall be pruned to maintain maximum heights specified in this standard. (Ord. 21-10, 6-9-2021)

13-18-10: INJURING TREES:

A. It shall be unlawful to injure or destroy a tree on any City tree planting strip, public park, or other public property, including but not limited to the following:

1. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise covering or filling up the ground area without irrigation and aeration around any tree so as to restrict oxygen, light, or water from tree roots without written consent from the Urban Forester;

2. Piling or storing building material, equipment, or other substance around any tree so as to cause injury;

3. Applying any injurious matter on or around any tree, or on the ground around it, or on any adjacent lawn or sidewalk;

4. Posting a sign on any tree, tree-stake or guard, or by fastening a guy wire, cable or rope to a tree, tree-stake, guard or nails;

5. Injuring a tree, tree-stake, or guard with a vehicle or animal, or in any other manner which causes injury or death to a tree or lawn on public property; and

6. Hanging a swing, hammock, slack lines or other similar object on a City owned tree.

B. Tree stakes or guards may be placed around a public tree by an adjacent property owner, with permission of the Urban Forester, provided the same are placed near a tree for the purpose of protecting or training the tree.

C. A tree located on City property in the immediate vicinity of an excavation, demolition, or construction of a building, structure, street, or utility work shall be protected from unnecessary injury. Tree protection specifications and standards shall be obtained from the Urban Forester and strictly adhered to. Any potential injury or damage shall be guarded against with a tree protection zone as provided in the City arboricultural standards and specifications. Tree protection shall be coordinated with the Urban Forester, throughout the project, in order to mitigate damage to the tree and danger to the public. During the construction phase, the contractor shall ensure regular and adequate irrigation of each public tree as provided in the arboricultural standards and specifications. Such irrigation shall be documented.

D. Any person who destroys or injures a tree belonging to the City may be required to pay to the City the appraised value replacement, or repair cost associated with such action as provided by the ISA and the Council of Tree and Landscape Appraisers.

E. It shall be unlawful to top any public tree without the authorization by the Urban Forester. All pruning procedures shall follow the most recent revisions of ANSI A300 pruning standards, as amended. Trees under utility wires or other obstructions where standard pruning practices are impracticable may be exempted from this section with prior approval of the Urban Forester.

1. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches do not obstruct the access or use of road by emergency vehicles, light from any street lamp, the view of any street intersection, or the ability of pedestrians to use the sidewalk.

2. There shall be a clear space of ~~fifteen feet (15')~~ above the street surface fourteen feet (14') at all possible perpendiculars between the street surface and tree and eight feet (8') ~~above the sidewalk surface~~ at all possible perpendiculars between the sidewalk surface and tree.

3. Said owners shall remove any dead or dangerous tree, or broken or decayed limbs that constitute a hazard to the safety of the public.

4. The City shall have the authority to prune any tree or shrub on private property when it interferes with pedestrian use of a sidewalk, vehicle use of a public street, visibility of any traffic control device or sign, or sight triangle at an intersection, or City owned streetlights. The property owner may be charged with the equipment, vehicle, and crew cost accrued in the pruning or removal of such tree. (Ord. 18-05, 1-24-2018)

Clean Version (City Council Staff Recommendation):

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Ordinance No. 23-09 Tree Canopy Height - 14'

Final Audit Report

2023-03-29


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By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
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