

**ORDINANCE NO. 2006-46**

**AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING SECTIONS 6-2-2 AND 6-2-5 OF THE OGDEN MUNICIPAL CODE BY REVISING THE DEFINITIONS APPLICABLE TO THE CHAPTER AND REVISING THE PROCEDURES FOR ADOPTING THE CITY'S ARBORICULTURAL REGULATIONS; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.**

**The Council of Ogden City hereby ordains:**

**SECTION 1.** Section amended. Section 6-2-2 of the Ogden Municipal Code is hereby amended to read and provide as follows:

**6-2-2: [DEFINITIONS:]** As used in this Chapter, the following definitions shall apply:

**MAINTENANCE:** Those practices and procedures for the normal care of trees and shrubs as set forth in the arboricultural regulations of the City.

**PARK TREES:** Trees, shrubs, bushes and any other woody vegetation located on City parks or other property belonging to the City, other than streets.

**PARKING OR PARKING STRIP:** That part of the public street right of way set aside as a planting strip or open space and located between the sidewalk and curb or edge of the roadway, or where no sidewalk exists, located within the ten feet (10') adjacent to the edge of the roadway.

**PARKS DIVISION:** The Division of the Public Services Department responsible for maintaining the parks of the City Parks.

**PERSON:** Individuals, firms, corporations, partnerships and every type of association.

**STREET:** Includes any street, avenue, highway, alley or other public thoroughfare, including the entire width from property line to property line.

**STREET TREES:** Trees, shrubs, bushes and any other woody vegetation located in any parking or parking strip.

**URBAN FORESTER:** The official designated by the Public Community-Services Director to enforce the provisions of this Chapter.

**SECTION 2.** Section amended. Section 6-2-5 of the Ogden Municipal Code is hereby amended to read and provide as follows:

**6-2-5: [ARBORICULTURAL REGULATIONS:]**

A. **[Implementation:]** The Mayor, upon ~~[the]~~ recommendation of the Ogden Urban Forestry Advisory Committee ~~[and with the approval of the City Council]~~, ~~[may implement new or additional]~~ is authorized to adopt arboricultural regulations for the City, which may be amended from time to time . The arboricultural regulations shall designate the types and kinds of trees or shrubs permitted to be planted hereafter as street trees or park trees; establish the standard methods of tree care for street trees and park trees including guidelines for trimming, spraying, removal, planting and pruning; and implement any existing or future street tree plan as adopted by the City Council as part of the Ogden City General Plan. The purpose of the regulation is to prohibit the planting and growing of the type or kind of trees prone to disease and insects, or injurious to sidewalks and curbs; to provide a plan of proper planting and growth of trees for the beautification of the streets of Ogden; to protect trees from improper care; and to prevent trees from becoming a public nuisance. ~~[The regulations as adopted shall be filed]~~ Such regulations, or any amendments thereto, shall be effective upon filing with the City Recorder's office and copies thereof shall be available to the public through the office of the Parks Division.

B. **[Persons Engaged In Business:]**

1. Any person engaged in the business or occupation of trimming, treating or removing trees or shrubs shall abide by the arboricultural regulations of the City when performing any work on street trees or parks trees in the City.
2. Any public utility or person engaged in the business or occupation of trimming, treating or removing trees or shrubs shall pay a fee of fifteen dollars (\$15.00) for each permit required under subsection 6-2-6A of this Chapter, or, as an alternative, pay an annual fee of seventy five dollars (\$75.00). The above fees shall not be considered to be in lieu of any business license fee or utility revenue tax under [Title 5, Chapter 2, Article B](#) or municipal energy sales and use tax under [Title 5, Chapter 2, Article C](#) of this Code.

**SECTION 3. Effective date.** This ordinance shall be effective immediately upon publication after final passage.

**PASSED, ADOPTED AND ORDERED PUBLISHED** by the Council of Ogden City, Utah this 25th day of July, 2006.

/s/ Amy L. Wicks  
ACTING CHAIR

**ATTEST:**

/s/ Cindi Mansell  
CITY RECORDER

**TRANSMITTED TO THE MAYOR ON:** 07/28/06

**MAYOR'S ACTION:**  Approved  Vetoed

/s/ Matthew R. Godfrey  
MAYOR

**ATTEST:**

/s/ Cindi Mansell  
CITY RECORDER

**PUBLICATION DATE:** 08/03/06

**EFFECTIVE DATE:** 08/03/06

**APPROVED AS TO FORM:** AL 06/30/06  
Legal Date

- \* **The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.**