

ORDINANCE NO. 17-19

AN ORDINANCE OF SOUTH OGDEN CITY AMENDING PRIOR ORDINANCE 99-17; AMENDING THE MAKE UP OF THE URBAN FORESTRY COMMISSION; AND RATIFYING THE ROLES AND RESPONSIBILITIES OF SAID COMMISSION; AND PROVIDING AN EFFECTIVE DATE FOR THESE ACTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH:

Section 1 - Recitals

WHEREAS, the City of SOUTH OGDEN (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) § 10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds that in conformance with UC § 10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that, by way of Ordinance 99-17, the City has created an Urban Forestry Commission for the management of trees on city property; and,

WHEREAS, the City Council finds it is in the best interest of the City to amend Ordinance 99-17 by amending the number of members of the Urban Forestry Commission and to otherwise ratify the roles and responsibilities of the Commission; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires administrative action to be taken by the City; now,

THEREFORE, BE IT ORDAINED by the City of SOUTH OGDEN that Ordinance 99-17 be amended as follows:

Section 2 - Amendment of Ordinance 99-17 – Urban Forestry Commission

Under UC §10-3-717, UC §10-1-203, and based upon the recommendation of responsible city staff and the City Manager, Ordinance 99-17 of South Ogden City, and their progeny, are amended as follows:

Section 1. **Urban Forestry Commission Composition:**

- The Commission shall comprise residents from various geographic locations in the City.
- The Commission Members shall select the Chairman of the Commission.
- The Board shall have (5) five Commission Members.
- Commission Members will be appointed for (4) four year terms.
- No elected officials shall serve on the Commission.
- The Mayor shall make appointments to the Forestry Commission with the advice and consent of the City Council.
- The City's Public Works Director shall designate a staff member as the City's Urban Forester.
- The authority of the Forestry Commission shall be to oversee trees on City property only.

Section 2. **Urban Forestry Commissions Role and Responsibilities:**

- The Commission shall make recommendations for:
 1. Periodic review of the Tree Ordinance and recommending changes, if any.
 2. Develop policies and guidelines for tree preservation and removal.
 3. Review and update tree planting list.
 4. Make recommendations on planting and removing trees, shrubs etc.
 5. Develop a (5) year management plan and estimated funding requirements.
 6. Oversee inventory of City trees.
 7. Recommend and implement public relations strategies, hear resident grievances and make advisory rulings on tree removal, planting violations, etc.
 8. Applying for grants.
 9. Oversee Arbor Day celebration.
 10. Estimate funding for City involvement in tree programs.

Section 3 - Prior Ordinances and Resolutions

The body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Repealer of Conflicting Enactments

All orders, ordinances and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5 - Savings Clause

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of South Ogden City.

Section 6 - Date of Effect

BE IT FURTHER ORDAINED this Ordinance will become effective on the 5th day of September, 2017, and after publication or posting as required by law.

DATED this 5th day of September, 2017

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder