

TOQUERVILLE CITY

ORDINANCE 2025.XX

AN ORDINANCE AMENDING AND RESTATING TITLE 7, CHAPTER 6 OF THE TOQUERVILLE CITY CODE TO CLARIFY REQUIREMENTS FOR THE MAINTENANCE OF TREES, SHRUBS, BUSHES, AND OTHER VEGETATION IN PUBLIC STREETS, SIDEWALKS, AND RIGHTS-OF-WAY

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah; and

WHEREAS, the City Council, as the governing body of the City pursuant to Utah Code Annotated Title 10, Chapter 3, Section 301, is empowered to adopt ordinances to promote the health, safety, and welfare of the City’s residents; and

WHEREAS, the City recognizes the importance of maintaining clear and unobstructed sidewalks, streets, and public rights-of-way for the safety of pedestrians, motorists, and utility workers; and

WHEREAS, the City is authorized under Utah Code Annotated § 10-8-23 to regulate and control sidewalks and to require adjacent property owners to remove vegetation and other obstructions to ensure safe public passage; and

WHEREAS, the City Council desires to clarify that not only trees, but shrubs, bushes, and other vegetation must be appropriately maintained to prevent obstruction of visibility and access within public rights-of-way; and

WHEREAS, the City Council finds it necessary and appropriate to amend Toquerville City Code § 7-6-5(E) to ensure consistency with the City’s intent and public safety goals;

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF TITLE 7, CHAPTER 6. Title 7 (Public Ways and Property), Chapter 6 (Trees), Section 5(E) (Pruning; Corner Clearance) of the Toquerville City Code is hereby amended and restated to clarify vegetation maintenance requirements within public streets, sidewalks, and rights-of-way as follows:

E. Pruning; Corner Clearance:

1. Every owner of any tree, shrub, bush, or other vegetation overhanging or encroaching upon any street, alley, sidewalk, or right of way within the Ceity shall prune and maintain such vegetation~~the branches~~ so that it does ~~such branches shall~~ not obstruct ~~the light from any~~ traffic signals, ~~or obstruct~~ the view of ~~any street~~ intersections, or create hazards. ~~Also, there shall be A~~ a clear space of eight feet (8') shall be maintained above public sidewalks and pedestrian paths, and ~~a clear space of~~ thirteen feet (13') above Ceity streets. Trees, shrubs, bushes, or other vegetation shall not encroach into

travel lanes, sidewalks, pathways or areas around public utility boxes or equipment in a manner that limits visibility, access, or safety.

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 18th day of November 2025, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John ‘Chuck’ Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder