

**NOTICE OF WORK MEETING OF THE CITY COUNCIL
OF THE CITY OF ST. GEORGE,
WASHINGTON COUNTY, UTAH**

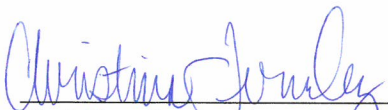
Public Notice

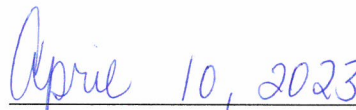
Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a work meeting in the Administrative Conference Room in the City Offices located at 175 East 200 North, St. George, Utah, on Thursday, April 13, 2023, commencing at 4:00 p.m.

The agenda for the meeting is as follows:

Call to Order
Invocation
Flag Salute

- 1. Read a proclamation proclaiming the week of May 1 – 7, 2023 as Youth Week.**
- 2. Discussion regarding reclaiming cemetery lots and burial of cremains.**
- 3. Discussion regarding proposed changes to the street tree ordinance.**
- 4. Discussion regarding appeals to an Administrative Law Judge.**
- 5. Reports and updates from the Mayor, Councilmembers, and City Manager.**
- 6. Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.**


Christina Fernandez, City Recorder


Date

REASONABLE ACCOMMODATION: The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the Human Resources office at 627-4674, at least 24 hours in advance if you have special needs.

PROCLAMATION

WHEREAS, the Benevolent and Protective Order of Elks has May 1 - 7 as Youth Week to honor America's Junior Citizens for their accomplishments and to give fitting recognition of their service to Community, State, and Nation; and

WHEREAS, St. George Elks Lodge#1743 will sponsor an observance during that week in tribute to the junior citizens of this community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership and go forth to service America; and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW, THEREFORE, I, Michele Randall, Mayor, along with the City Council of the City of St. George, Utah, do hereby proclaim May 1 - 7, 2023 as

YOUTH WEEK

in the City of St. George, and urge all departments of government, civic, fraternal, and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of St. George, Utah this 13th day of April, 2023.



Michele Randall, Mayor

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. GEORGE, UTAH
TO ADDRESS CEMETERY LOT, SITE OR PARCEL THAT HAS BEEN UNUSED FOR
MORE THAN 60 YEARS AND PROVIDE NOTICE TO OWNER OR INTEREST
HOLDER**

WHEREAS the City of St. George has since 1862 owed and maintained a cemetery and has conveyed cemetery lot, site, or parcel by deed with or without restrictions; and

WHEREAS certain individuals have purchased lot, site, or portion of the cemetery that has been unused for more than 60 years; and

WHEREAS pursuant to Utah Code Annotated § 8-5-6 *et seq.* the City is authorized to terminate the rights of those owners who appear to have abandoned their desire to use the cemetery lot, site, or parcel for burial purposes; and

WHEREAS the City Clerk has diligently researched those individuals who own lot, site or parcel that has been unused for more than 60 years. A copy of said list is attached hereto as Exhibit A and is incorporated by reference; and

WHEREAS the City Council believes that ownership of abandoned lot, site, or parcel should revert to the City for the orderly administration of the cemetery;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. George that it demands that the owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than 60 years, shall file with the City Recorder a notice of any claim to the lot, site, or portion of the cemetery.

BE IT FURTHER RESOLVED that a copy of this resolution be personally served on the owner in the same manner as personal service of process in a civil action.

BE IT FURTHER RESOLVED that notice is given to owner that owner shall, within 60 days after service of this resolution on the owner, express interest in maintaining the cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to use the lot, site, or portion of the cemetery for a burial.

BE IT FURTHER RESOLVED that if the owner cannot be personally served with this resolution that this resolution be published on the Utah Public Notice Website for three weeks and shall be published for three weeks in a newspaper of general circulation in Washington County, Utah, and a copy of this resolution be mailed within 14 days after the publication to the owner's last known address, if available.

BE IT FURTHER RESOLVED that if for 30 days after the last date of service of publication of this resolution, the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of the cemetery for burial purposes, the owner's rights are terminated, and that portion of the cemetery shall be vested in the City.

DATED THIS __ DAY OF SETEMBER 2022

CITY OF ST. GEORGE:

ATTEST:

Michele Randall, Mayor

Christina Fernandez, City Recorder

APPROVED AS TO FORM:
City Attorney's Office

VOTING OF CITY COUNCIL:

Ryan N. Dooley, Assistant City Attorney

Councilmember Hughes _____
Councilmember McArthur _____
Councilmember Larkin _____
Councilmember Larsen _____
Councilmember Tanner _____

CHAPTER 5 CEMETERIES

- 7-5-1: Definitions**
- 7-5-2: Sexton Powers And Duties**
- 7-5-3: Location Of Cemeteries**
- 7-5-4: Burial Rights**
- 7-5-5: Perpetual Care Fee**
- 7-5-6: Burial Permit**
- 7-5-7: Fees For Burial**
- 7-5-8: Burial Hours – Sundays And Holidays**
- 7-5-9: Restrictions On Burial**
- 7-5-10: Vaults**
- 7-5-11: Headstones**
- 7-5-12: Regulations And Prohibited Uses**
- 7-5-13: Disinterments – Disinurnments – Exhumations**
- 7-5-14: Memorials**

7-5-1: DEFINITIONS:

As used in this chapter the following terms are defined as follows:

BURIAL: The interment of human remains, including cremated remains.

BURIAL LOT: The location, by section and block, identified in a city cemetery for the future exercise of a burial right, or the memorial to a deceased person, including historically created half burial lots.

BURIAL RIGHT: The nontransferable, limited right of a specific individual to be buried in a specific burial lot in any land designated by the city as a cemetery or a cremation garden.

BURIAL VAULT: A structure used to hold a casket or container of cremated remains.

CERTIFICATE OF BURIAL RIGHT: A document issued by the city identifying the individual who may be buried in a burial lot.

CREMATED REMAINS: The remains of a deceased human that have been reduced to ashes.

DISINTERMENT: The permanent removal of a casket or cremated remains from a burial lot.

EXHUMATION: The temporary removal of human remains from a burial lot.

GRAVE: A burial lot in which human remains, including cremated remains, have been buried or which has been excavated in anticipation of burial.

HEADSTONE: A marker or monument used to identify the person interred in a burial lot.

MARKER: A headstone that is flat, flush to the natural grade of a grave identifying the person whose remains are buried in the grave.

MEMORIALS: Items placed on a burial lot as a remembrance.

MONUMENT: A headstone that is upright located on a grave identifying the person whose remains are buried interred in the grave. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-2: SEXTON POWERS AND DUTIES:

The sexton, subject to the direction of the city council and any department head placed over the sexton by the city manager, has entire charge of the cemetery and is authorized to enforce the rules and regulations pertaining thereto. The sexton may take such action as may be necessary, though not expressly set forth herein, in order to protect the property of grave and lot owners, and the cemetery, from injury, and to preserve the peace, economy and good order of the cemetery. The sexton shall keep the cemetery plat and related records up to date and cooperate with the city treasurer in maintaining records of charges and payments made pursuant to this chapter. The sexton or a competent deputy shall attend every interment in a cemetery and shall register the names and ages of all persons interred therein and the place of their interment. The sexton shall open and close graves, maintain the cemetery, and perform such other duties as may be required elsewhere in this chapter or directed by the city council. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-3: LOCATION OF CEMETERIES:

The city may maintain a cemetery in any location owned by the city and designated as a cemetery by the city council. Any designation by the city council of a cemetery shall be permanent. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-4: BURIAL RIGHTS:

A. *Sale of Burial Rights:* The city is authorized to sell burial rights only to individuals. Upon a sale of a burial right, the city shall issue a certificate of burial right, which certificate shall grant to the individual named therein the nontransferable right to be buried in the burial lot identified therein. The certificate of burial grants only a license to be buried and is not a conveyance of any title, fee, or other ownership or possessory interest in burial lot. An individual may purchase more than one (1) burial right so long as each issued certificate of burial right identifies

the individual who is entitled to be buried in the burial lot identified therein. One (1) individual may be named in no more than two (2) certificates. Any certificate of burial right that does not name the individual who may be buried in the burial lot identified therein is invalid. The cost of a burial right shall be established by the city council as part of the city's duly enacted fee schedule. If the individual named in the certificate is not a resident of the city, the cost of the burial right shall be the nonresident fee.

B. *Limitation On Transferability Of Burial Rights:* Burial rights may not be transferred in any manner, except the individual named in a certificate of burial right may (1) subdivide a burial right as provided in subsection [C](#) of this section and (2) conditionally surrender the burial right covered in the certificate of burial right as provided in subsection [D](#) of this section.

C. *Subdivision Of Burial Rights:* A burial right includes the nontransferable right to allow the burial of additional human remains in a burial lot in the following combinations:

1. One (1) casket buried at normal depth, with up to two (2) containers of cremated remains buried above the casket – one (1) buried under the headstone for the casket and one (1) buried with a separate headstone halfway between the headstone for the casket and the end of the casket.
2. Up to four (4) containers of cremated remains, with one (1) buried in each quadrant.

While alive, the individual named in the certificate of burial right must consent in writing to the burial of any other remains in the burial lot identified therein. Once the individual named in the certificate of burial right has passed away, the burial of any other remains in the burial lot identified therein may be allowed by (1) the surviving spouse of the individual named in the certificate of burial right or (2) if no spouse survives, a descendant of the individual named in the certificate of burial right. Before the city will allow a descendant to consent to the burial of any other remains in the burial lot, the descendant must either obtain the written consent of all of the surviving descendants of the individual named in the certificate of burial right, by representation, or must notify in writing all descendants, by representation, of an intent to allow other remains in the burial lot, which writing must explicitly state that the city must receive any objection in writing within thirty (30) days. If the city does not receive any objection within thirty (30) days from the date the last notice was mailed, the descendant may consent to the burial of other remains in the burial lot. If the city receives an objection within thirty (30) days from the date the last notice was mailed, the descendant may not consent to the burial of other remains in the burial lot. Before notifying descendants of an intent to consent to the burial of other remains in the burial lot, the descendant must notify the city of such intent, identify for the city the name and last known address of all known surviving descendants of the individual named in the certificate of burial right, and deliver a copy of the notices to the city, with proof of mailing. The legally recognized guardian of any minor or incapacitated descendant may act on behalf of the minor or incapacitated descendant.

D. *Voluntary Surrender Of Burial Rights:* At any time prior to sixty (60) years from the date of issuance of a certificate of burial right, the individual named in a certificate of burial right, or the legally recognized guardian of the individual named in a certificate of burial right, may surrender the burial right to the city by delivering to the city a signed and notarized document indicating an intent to surrender. Upon surrender, the city shall refund the original purchase price of the burial right to the surrendering individual. The surrendering individual may elect to

condition the surrender of the burial right on the sale of the burial right to an individual identified by the surrendering individual by identifying the successor individual in the notarized surrender document. The identified individual shall have thirty (30) days from the date of surrender to pay the then current fee for a burial right. If the surrendering individual fails to identify a successor in the surrender document, or the individual identified to purchase the burial right fails to pay the fee within thirty (30) days from the date of surrender, the surrender shall be deemed unconditional and the city may immediately thereafter sell the burial right as the city deems fit in the city's sole discretion.

E. *Abandonment Through Nonuse – Reclamation:* If a burial right, including any subdivided burial right, remains unexercised for more than sixty (60) years from the date of issuance, the burial right shall be deemed abandoned and the city may reclaim the associated burial lot in any manner authorized by the laws of the state of Utah. The city may sell a burial right for any reclaimed burial lot. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-5: PERPETUAL CARE FEE:

At the time a burial right is sold by the city, the city shall charge a reasonable fee, as established by the city council on the city's duly enacted fee schedule, to cover perpetual care of the burial lot, which is nonrefundable. The fee shall not exceed the amount anticipated by the city to cover the projected cost of maintenance necessitated by natural growth and ordinary wear and tear. (Ord. 2000-05-002, 5-4-2000; amd. Ord. 2002-07-003, 7-11-2002; 2003 Code; Ord. 2021-08-001, 8-5-2021)

7-5-6: BURIAL PERMIT:

No remains shall be interred, or remains received, unless a statistics report is received from a licensed mortician and signed by the funeral director, which shall be an acknowledgment of the mortuary's obligation to pay for the burial, or unless the burial charges have been paid in advance to the city treasurer and receipt therefor is presented to the sexton as a permit for the burial. The burial report or receipt shall reflect the full name of the deceased, the date and place of birth, the date and place of death, and the name and address of the person responsible for disposal. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-7: FEES FOR BURIAL:

A. *Burial Fee:* Upon the exercise of a burial right, the city shall charge a reasonable fee, as established by the city council on the city's duly enacted fee schedule, to cover the cost of burial.

B. *Disinterment Fee:* Upon a request for disinterment authorized by the laws of the state of Utah, the city shall charge a reasonable fee, as established by the city council on the city's duly enacted fee schedule, to cover the cost of disinterment. If the request includes that a disinterment shall include the vault, the city shall charge an

additional reasonable fee, as established by the city council on the city's duly enacted fee schedule. Notwithstanding such surcharge, the city does not guarantee in such event that the vault will be intact or undamaged.

C. *Other Services:* The city may charge reasonable fees, as established by the city council on the city's duly enacted fee schedule, for other services rendered by the sexton or the city related to a cemetery or a burial right. (Ord. 2000-02-002, 2-3-2000; amd. 2003 Code; Ord. 2021-08-001, 8-5-2021)

7-5-8: BURIAL HOURS – SUNDAYS AND HOLIDAYS:

No graveside service or interment will be allowed in the cemetery on Sunday or on any of the holidays officially observed by the city. On all other days, graveside services or interments will be allowed between the hours of nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. All graveside services and interments must be arranged through the sexton forty-eight (48) hours in advance of the time set, and, if there is an intervening holiday or Sunday, arrangements must be made seventy-two (72) hours in advance. The sexton may approve exceptions to the times designated herein and shall charge a reasonable fee, as established by the city council on the city's duly enacted fee schedule, to cover expenses related to off-hours graveside services or interments. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-9: RESTRICTIONS ON BURIAL:

It shall be unlawful for any person to bury the body of a deceased person within the city limits, except in a cemetery as described in section [7-5-3](#) of this chapter. No grave in the cemetery shall be opened or filled, refilled or sodded, except by employees of the cemetery under the direction of the sexton. All parts of a burial or cremation vault shall be at least two feet (2') below the surface of the ground. One (1) interment only shall be allowed in a casket except for a parent with their infant child, two (2) children who are buried at the same time, or one (1) cremated remains placed in the casket at the time of burial. No double depth burials shall be allowed. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-10: VAULTS:

Before a casket is accepted for burial, it must be housed within a concrete vault having fixed top and side panel edge restraints incorporated into the construction and having a strength capable of uniformly withstanding a stress of seven and one-half (7-1/2) pounds per square inch. If a particular type or construction of a vault is rejected by the sexton, the mortician or party utilizing the vault shall bear the burden of proving compliance with the strength requirements of this section. Cremated remains must be placed in a cremation vault made of fiberglass, concrete, or metal with a strength deemed adequate by the sexton. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021)

7-5-11: HEADSTONES:

- A. All graves shall be identified by a headstone placed at the head of the grave. A burial lot containing multiple graves must have a headstone for each grave, which may be a joint combined marker or monument, if otherwise allowed, or small individual markers. No more than one (1) headstone shall be permitted for each grave, except where a traditional military marker is appropriate in addition to another monument. Monuments shall be allowed only in designated areas; all other areas of a cemetery are limited to markers.
- B. All headstones must comply with the cemetery standards.
- C. In the event a headstone is not placed on the grave within ninety (90) days after interment, the sexton may, but is not required to, install a headstone in a form and size selected by the sexton at the sexton's sole discretion. (Ord. 2013-03-005, 3-7-2013; amd. Ord. 2021-08-001, 8-5-2021)

7-5-12: REGULATIONS AND PROHIBITED USES:

- A. *Park Regulations Govern:* Insofar as they may be applicable, those regulations adopted by the city to govern operation of its parks shall apply to the cemetery. However, it shall be unlawful for any person to be in a cemetery during hours of darkness. A person will be considered to be "in a cemetery" if he or she is upon any portion of the property set aside as present or future cemetery property as designated in the appropriate records of the city and county.
- B. *Policies Adopted – Conflicting Provisions:* The city council may also adopt policies, rules and regulations to govern operation of a cemetery. If adopted, such policies, rules and regulations will control over a less specific or conflicting provision of the park rules and regulations.
- C. *Patrons – Children:* Cemetery patrons only are allowed in a cemetery. Children under twelve (12) years of age must be accompanied at all times on cemetery property by a parent or some supervising adult eighteen (18) years of age or older.
- D. *Recreational Activities – Animals:* It shall be unlawful to engage in any active recreational activity such as, but not limited to, soccer, baseball and football, or to bring or allow any animal on cemetery property.
- E. *Burial Of Animals Or Nonhuman Items:* It shall be unlawful to bury animals or other nonhuman items in a cemetery, unless the sexton is directed otherwise by the city council in a particular instance.
- F. *Motor Vehicles:* No motor vehicle shall travel off clearly designated roadways in a cemetery for any reason without consent of the sexton, and where such consent is given, the owner or operator of the vehicle shall either repair any and all damage, including tire marks, which the sexton determines to have been caused by such vehicle, or they shall reimburse the city for the cost of such repair.
- G. *Sod Disturbance:* In no event shall the sod of a cemetery be disturbed without prior approval of the sexton.

H. *Penalty:* Violation of this section shall constitute a class B misdemeanor and, upon conviction, subject to penalty as provided in section [1-4-1](#) of this code. (Ord. 2000-02-002, 2-3-2000; amd. 2003 Code; Ord. 2021-08-001, 8-5-2021. Formerly 7-5-13)

7-5-13: DISINTERMENTS – DISINURNMENTS – EXHUMATIONS:

The scheduling of disinterments, disinurnments, or exhumations shall be at the discretion of the sexton. The sexton may refuse to disinter any remains that would endanger the health and safety of cemetery employees or the public. Disinterments may be postponed without notice if the sexton deems it necessary in order to maintain the regular operations of a cemetery. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021. Formerly 7-5-14)

7-5-14: MEMORIALS:

A. *Semipermanent Memorials:* No person shall have the right to place or plant semipermanent memorials, including but not limited to trees, shrubs, and flowers, on a burial lot without the approval of the sexton. In considering whether to approve semipermanent memorials, the sexton may consider plant maintenance requirements, landscape value and hardiness, interference with other burial lots, plants and mowing operations, and consistency with landscape design.

B. *Temporary Memorials:* Temporary memorials, including but not limited to potted plants, flags, floral wreaths and flowers in vases, will be removed without notice by cemetery employees when they become withered, discolored, torn, broken or vandalized. Funeral flowers will be allowed to remain for three (3) business days, after which cemetery employees may remove them based on the above criteria. Other temporary memorial items such as glass containers, wires, sticks, iron rods, pegs, ceramic pots or other containers that may pose safety hazards will be removed by cemetery employees.

C. *Tonaquint Cemetery:* At the Tonaquint Cemetery, all temporary memorials must be placed in a raised adjustable receptacle that is either in the monument or in the concrete border that surrounds the monument. The adjustable receptacles must be of a type approved by the sexton. (Ord. 2000-02-002, 2-3-2000; amd. Ord. 2021-08-001, 8-5-2021. Formerly 7-5-15)

The St. George City Code is current through Ordinance 2023-01-008, passed January 5, 2023.

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

[City Website: www.sgcity.org](http://www.sgcity.org)

[City Telephone: \(435\) 627-4000](tel:(435)627-4000)

[Code Publishing Company, A General Code Company](#)

CHAPTER 4

TREES

- 7-4-1: Definitions**
- 7-4-2: Shade Tree And Beautification Board**
- 7-4-3: City Forester**
- 7-4-4: Tree Pruners; License Required**
- 7-4-5: Planting**
- 7-4-6: Pruning For Visibility**
- 7-4-7: Hazardous Trees Removed**
- 7-4-8: Removal Or Abuse Of Trees On Public Property**
- 7-4-9: Natural Forest Protection**
- 7-4-10: Review By City Council; Appeal**
- 7-4-11: Interference Prohibited**
- 7-4-12: Violations; Remedies**
- 7-4-13: Penalty**

7-4-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

PARK TREES: Trees, shrubs, bushes and all other woody vegetation in public parks and areas owned by the city to which the public has free access as a park.

STREET TREES: Includes all trees on public lands lying within the right-of-way of all streets, avenues or ways within the city. (Ord. 7-1-1993, 7-1-1993; amd. 2003 Code; Ord. 2017-06-011, 6-15-2017)

7-4-2: SHADE TREE AND BEAUTIFICATION BOARD:

A. *Created; Organization:* There is hereby created a shade tree and beautification board consisting of five (5) members, one (1) being a council member, and a minimum of four (4) members being residents of the city, appointed by the mayor with the approval of the city Council. They shall serve staggered terms of three (3) years each, commencing on January 1 and terminating December 31 of the appropriate years. Appointments to fill unscheduled vacancies shall be for the balance of the unexpired term. Members of the board shall serve without compensation. The board shall elect such officers, as it may deem necessary, from among its own members, for terms of one (1) year, with eligibility for reelection. It shall adopt rules and regulations for the conduct of its business, subject to approval by the city council.

- B. *Powers And Duties:* The duties of the shade tree and beautification board shall include the following:
1. Recommend changes in city ordinances, policies and practices, including the subdivision ordinance, the zoning ordinance and other city ordinances, that will encourage and enhance beautification of the city area;
 2. Adopt and periodically review rules, regulations and specifications of the city forester which designate the type, size, number and kind of street trees and park trees to be planted in the city. The policies shall describe the scope and type of landscaping that may be required under certain conditions and develop a review process to aid in implementation of the policies.
 3. Assist the city manager in pertinent public relations matters, including, but not limited to, recommendations for programs such as Arbor Day, cleanup, or home and business beautification contests; recognize those residents and/or businesses which have made a significant contribution to the beautification of the neighborhood or surrounding area.
 4. Promote community support of city parks and tree planting.
 5. Encourage the protection of trees in the city area which are rare, endangered or of historical significance by seeking such designation under the Heritage Trees Act, Utah Code Annotated section [63-11-57](#) et seq., as amended, or the historical preservation ordinance, title [10](#), chapter [13](#), article [E](#) of this code.
 6. Meet biannually, and as needed, to perform its duties. Hold biannual public meetings at which trees, landscaping and related subjects may be discussed by members of the shade tree and beautification board, officers and personnel of the city, and all others interested in the city tree programs; and keep official minutes of all such meetings.
 7. Have the authority to receive gifts or bequests from any person or any source, on behalf of and with the consent of the city council, for building and maintaining a civic arboretum, or for other programs sponsored by the shade tree and beautification board. Such gifts or bequests shall be received by the city treasurer and shall be earmarked for the purposes set out above.
 8. Assist the city forester in his various duties, as outlined in section [7-4-3](#) of this chapter; review, endorse, or modify rules, regulations and specifications developed by the city forester, together with rules for the regulation of shade trees and other matters related to the administration of this chapter.
 9. Make recommendations to the city manager regarding budget needs.
 10. Perform such other duties or responsibilities, consistent with the terms of this chapter, as may be assigned by the city council or city manager. (Ord. 2017-06-011, 6-15-2017)

7-4-3: CITY FORESTER:

- A. *Duties And Responsibilities:* There is hereby created the position of a city forester with the following duties and responsibilities:

1. The city forester shall be in charge of the community forestry program of the city. He shall have the responsibility for implementation of forestry operations and work priorities in the carrying out of such operations. He shall be directly responsible to the superintendent of parks within the leisure services department. All departments of the city shall confirm through the city forester that there has been compliance with the community forestry program whenever such department takes or authorizes any type of action which may involve a forestry operation, as defined in this chapter. A copy of the current community forestry program of the city shall be available to the public at the office of the city recorder.
2. The city forester shall promulgate rules, regulations and specifications governing the planting, maintenance, fertilization, spraying, pruning and bracing of trees on city property to ensure proper planting, care and maintenance of said trees, together with the process to be followed before a tree may be removed. Such rules, regulations and specifications shall first be reviewed and endorsed by the shade tree and beautification board, then submitted to the city council with recommendation for adoption as the arboricultural regulations of the city. These arboricultural regulations may be modified, amended or extended from time to time upon recommendation of the shade tree and beautification board and approval of the city council. The city forester shall supervise the execution and enforcement of said rules, regulations and specifications as they pertain to street trees and park trees located on public property.
3. The city forester or his designee shall authorize and inspect all work required in accordance with the provisions hereof. Work authorized and decisions made hereunder by the city forester shall be submitted to and reviewed by the shade tree and beautification board whenever a request is made for such review by either a member of the shade tree and beautification board or by the occupant or owner of the property affected by such work or decision.

B. *Authority:* The city forester shall have the authority and jurisdiction to regulate the planting, maintenance and removal of street and park trees and shrubs to ensure public safety; to alleviate interference by trees and shrubs with the provision of essential services; and to preserve the aesthetics of public places. Abutting property owners shall be contacted at least seventy-two (72) hours prior to the commencement of any work by the forester. Such contact shall be effected either by personal contact with the property owner or delivery of a notice to the residence in the manner provided by the rules and regulations prepared pursuant to subsection [A2](#) of this section. This contact shall be achieved by the placement of a notice at the residence. If the property owner is advised by written notice instead of personal contact, the notice shall contain the nature of work intended by the forester and the time it will be carried out. (Ord. 2017-06-011, 6-15-2017)

7-4-4: TREE PRUNERS; LICENSE REQUIRED¹:

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a tree pruner's license. The license fee shall be in such amount as established by resolution of the city council annually in advance and in addition to the requisite city business license; provided, however, that no such license shall be required of any public service company or city employee working in the pursuit of their public service endeavors. Before any

license shall be issued, an applicant shall first pass a written examination and an in-the-field practical exercise administered by the city forester. The applicant shall also file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for property damage and five hundred thousand dollars (\$500,000.00) for bodily injury, indemnifying the city or any person injured or damaged as the result of any endeavors herein described. A tree pruner's license shall be condition precedent to the issuance of a city business license as required by title [3](#), chapter [1](#) of this code.

1 See also title [3](#), chapter [1](#) of this code for general licensing provisions.

(Ord. 7-1-1993, 7-1-1993; amd. 2003 Code)

7-4-5: PLANTING:

A. *Conformance:* Street tree planting must conform to all guidelines contained in the community forestry program. No species other than those included in the community forestry program may be planted as street trees or park trees without written permission of the shade tree and beautification board, and trees may only be selected from the tree list that correspond with the specific proposed tree location as designated in the community forestry program.

B. *Developments:* In the case of all commercial development and/or commercial planned unit developments (of any size or type) within the city limits, industrial or residential development on selected streets (see "community forestry program"), or any development along or adjacent to any existing or master planned eighty foot (80') wide streets within the city, the developer shall be responsible for new street tree plantings prior to receipt of a certificate of occupancy, unless the shade tree and beautification board grants an exception based on unusual circumstances. Street trees so planted shall be no smaller than one and one-half inches (1 1/2") in diameter of trunk, one foot (1') above the ground, and shall conform to the community forestry program in species, size and spacing, and shall be growing in a twenty-four inch (24") box (or larger), or be balled and burlapped (B&B). The species of tree to be planted as a street tree under any overhead power line or other obstruction shall be approved by the parks superintendent and city forester prior to the planting of such trees. Persons planting trees shall abide by the arboricultural specifications adopted by the city forester. Existing residential, industrial and commercial developments will be encouraged to conform to the community forestry program. (Ord. 2017-06-011, 6-15-2017)

7-4-6: PRUNING FOR VISIBILITY:

Every owner of a tree located on private property but which overhangs any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, dangerous, broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to enter upon private property to

prune any tree or shrub on that property when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign after giving the property owner that notice referred to in subsection [7-4-3B](#) of this chapter. (Ord. 7-1-1993, 7-1-1993)

7-4-7: HAZARDOUS TREES REMOVED:

The city shall have the right to cause removal of any dead or diseased tree on private property within the city, when such tree constitutes a hazard to life and property, or harbors insects or diseases that constitute a potential threat to other trees. The city forester will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to enter upon said property to remove a hazardous tree and charge the cost of such removal to the owner. Prior to removal of a hazardous tree by the city, notice shall be given the property owner in the manner provided in subsection [7-4-3B](#) of this chapter. (Ord. 2017-06-011, 6-15-2017)

7-4-8: REMOVAL OR ABUSE OF TREES ON PUBLIC PROPERTY:

No person shall remove, prune or otherwise seriously disturb a street tree or park tree without first receiving authorization from the city forester. Applications for such authority must be submitted in writing and shall be acted upon within ten (10) days after their receipt with an obligation of the city forester to advise the applicant of the grant or denial of a permit. A person receiving authorization shall abide by the arboricultural specifications. Permits may be conditional with any reasonable conditions affixed thereto. Where a street tree adjoins property occupied by a dwelling unit and forms a part of the landscaping for such residence, the private property owner may effect cosmetic pruning without the permit required by this section, provided the forester is notified in advance and given opportunity to acquaint the party who will do the pruning with the arboricultural specifications which must be fully complied with in all situations. No person shall: (A) damage, cut, carve or injure the bark of any tree; (B) attach any rope, wire or other contrivance to any street or park tree or plant; or (C) cause or permit any fire, heat, wire charged with electricity, or any harmful gaseous, liquid or solid substance to come into contact with any street or park tree or plant. (Ord. 2017-06-011, 6-15-2017)

7-4-9: NATURAL FOREST PROTECTION:

A. *Intent:* It is the intent of the city to protect, preserve and enhance the existing vegetation within any public greenbelt areas that are or may be established in floodways or along waterways in the city, by title [10](#), chapter [13](#), article [B](#) of this code, and the board shall extend its concerns to include all plant life indigenous to such greenbelt or otherwise occurring naturally without cultivation, to the extent it may reflect the goals and objectives of this chapter.

B. *Landscape and Vegetation Plan*: The landscape and vegetation plan required by subsection [10-13A-3A1g](#) of this code, or that may be required under any other chapter of the zoning ordinance, shall be part of the permit process of other boards and shall show existing and proposed vegetation as it relates to proposed development. Such plans may be referred to the shade tree and beautification board for review and recommendation at the request of such other boards.

C. *Undesirable Vegetation*: Undesirable vegetation such as tamarisk, noxious weeds, briars and certain underbrush shall be discouraged in the preservation of natural vegetation areas. (Ord. 7-1-1993, 7-1-1993)

7-4-10: REVIEW BY CITY COUNCIL; APPEAL:

The function of the shade tree and beautification board is advisory only, and the city council shall have the right to review all of its conduct, acts and decisions. Any person may appeal a ruling or order of the shade tree and beautification board or city forester to the city council. The city council will conduct a hearing, and make a final decision in writing. Appeals from decisions of the shade tree and beautification board, or the city forester, must be made in writing within five (5) days of the ruling or order in question. The party appealing shall be notified of the appeal hearing at least forty-eight (48) hours in advance to enable their attendance. Following such notice of intent to appeal, no action on the problem shall be taken by the city forester pending the outcome of the appeal. The city council shall hear all parties wishing to be heard on the matter during the appeal proceedings, and shall make a decision. The city council shall notify in writing all parties concerned of decisions, and shall order the city forester to take such actions as are necessary to execute the decision. (Ord. 2017-06-011, 6-15-2017)

7-4-11: INTERFERENCE PROHIBITED:

It shall be unlawful for any person to prevent, delay or interfere with city personnel, the shade tree and beautification board or any of its agents while engaging in the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or trees on private grounds as authorized in this chapter. (Ord. 2017-06-011, 6-15-2017)

7-4-12: VIOLATIONS; REMEDIES:

A. *Notice Of Violation*: Upon a determination that a violation of the provisions of this chapter exists, the city forester, or his authorized representative, shall ascertain the name of the owner of property abutting the planting strip where the violation has occurred or exists, and he shall serve notice in writing upon the owner or occupant of such property, either personally or by mailing notice, registered mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to correct or remedy the violation within such time as the city forester, or

his authorized representative, may designate, but in any event no less than ten (10) days from the date of service of such notice.

B. *Licensed Companies; Revocation:* In the event removal of a street, park or heritage tree is effected by a licensed tree care company, knowingly and without written permission as required by the arboricultural regulations of the city the city business license officer shall consider revocation of the company's business license pursuant to section [3-1-19](#), if the violation is admitted or proven in a court of law. (Ord. 2017-06-011, 6-15-2017)

7-4-13: PENALTY:

Violations shall be prosecuted as a Class B misdemeanor and, upon conviction, subject to penalty as provided in section [1-4-1](#). The violator may not only be subject to a fine but shall make restitution to the city. Restitution shall be a payment to the city in an amount commensurate with the value of damage to the tree as measured by the International Society of Arboriculture Tree and Shrub Valuation Guidelines. The city shall then proceed to replace the tree or take such other remedial steps as may be best calculated to offset the loss occasioned by the violation. A current copy of the International Society of Arboriculture Tree and Shrub Valuation Guidelines, as amended from time to time, shall be retained for public use at all times in the office of the city recorder. (Ord. 7-1-1993, 7-1-1993; amd. 2003 Code)

The St. George City Code is current through Ordinance 2023-01-008, passed January 5, 2023.

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

[City Website: www.sgcity.org](http://www.sgcity.org)

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